

# UK parliament approves assault on National Health Service

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In a move heralding a major assault on the National Health Service (NHS), parliament voted through legislation on March 11 allowing the health secretary to close hospitals and cut services, with virtually no challenges allowed. The vote on Clause 119 of the Care Bill was passed by 297 MPs with 239 against.

A trust special administrator can now move to close and downgrade services in just 40 days with virtually no impediments.

The government inserted Clause 119 into the Care Bill, currently going through parliament, in order to prevent legal challenges to its plans to break up and privatise the NHS, which will involve the running down and closure of many hospitals. The clause stipulates that if a health care trust is financially failing and is put into the hands of special administrators, changes to services can be agreed on a regionwide basis.

The government moved to ensure it can carry out its plans with impunity, after its intent to close parts of Lewisham Hospital in London were overturned in the High Court last year. The High Court ruled that Health Secretary Jeremy Hunt had acted outside his powers when he decided to shut down emergency and maternity units at Lewisham Hospital. The passage of Clause 119 means that Hunt or a future health secretary could revive the cuts at Lewisham that were ruled unlawful by the court.

The introduction of Clause 119 underscores that the government is intent on dismantling the NHS. It allows the health secretary to push through the closure of a hospital, even if it is deemed to be performing well. This is based on the irrational ground that hospitals can be closed to remedy a situation where a neighbouring trust is struggling financially.

A rumoured “rebellion” against the passage of the

clause by governing coalition MPs fizzled away, with only six Conservatives and one Liberal Democrat MP voting against.

This followed an announcement by Conservative Dan Poulter, from the Department of Health, that guidance will be changed so that agreement will have to be reached among affected hospitals so as to protect all “essential services.” Poulter stated that “commissioners of other affected trusts will therefore have every opportunity to make their views known”. But making their views known will be essentially all they can do.

This worthless reassurance was sufficient for Liberal Democrat MP Paul Burstow to withdraw his “rebel” amendment, which still accepted the main tenets of Clause 119. Burstow will now chair the committee drafting the new guidance.

Significantly, it is NHS England, not the NHS trusts, that will arbitrate, “in the event of a disagreement” over proposed changes, said Poulter.

NHS England is responsible for the budget, planning, and day-to-day operation of health services in England. It came into being as a result of the Conservative/Liberal Democrat coalition’s Health and Social Care Act 2012, aimed at laying the framework for the wholesale privatisation of the NHS.

In December, outgoing NHS England chief executive Sir Bruce Keogh drew up plans for the health care system to be totally “redesigned.” The plans called for up to 70 A&E units to become Major Emergency Centres, and the remaining 70-100 units to be downgraded to ordinary non-specialist Emergency Centres.

According to a list provided by the Labour Party ahead of the Clause 119 vote, a total of 32 hospitals trusts are now at risk of downgrade or closure as a result of its passage.

Major hospitals are threatened in densely populated urban areas, including London, Greater Manchester, Northampton, Plymouth, Portsmouth, Shrewsbury and Telford, Derby, Peterborough, Cambridge, Kettering and Milton Keynes. According to the NHS regulators Monitor, 20 trusts are expected to end 2013-2014 in debt. Another 12 foundation trusts are already under enforcement action, ordered by Monitor, as they may not be capable of delivering required health services.

Labour voted against Clause 119, the latest episode in its posture as the defender of the NHS. While voting against the specific clause, Labour is not opposed to hospital closures, preferring instead, in the words of Shadow Health Secretary Andy Burnham, that “Hospital closures should be determined by clinical reasons, not financial ones”.

More importantly, it was the previous Labour government that introduced the NHS special administrator regime in the first place in its 2009 Health Act. Putting forward Clause 119, Poulter was able to point out that Burnham had said on June 8, 2009, “The vast majority of trusts perform well, but in the rare instances where that is not the case, there must be transparent processes in place to deal with poor performance.” Poulter continued, “I completely agree with those words.... This is Labour’s regime, which it now tries to disown in opposition.”

Prior to voting against Clause 119, Labour had planned to back Burstow’s amendment, as had Caroline Lucas, the Green Party’s only MP.

In the parliamentary debate, Labour MP Heidi Alexander was forced to acknowledge that Burstow’s amendment “leaves clause 119 in the Bill, so it still allows an administrator appointed to a failing hospital trust to make recommendations about services provided at successful neighbouring hospitals, which are not part of the trust to which the administrator has been appointed.”

The trade unions have once again allowed a grave assault on the NHS with barely a whimper coming from their direction. Unison, the main public sector union, with nearly half a million members employed in the NHS, did not organise a single protest. In fact, the union does not even mention the existence of Clause 119 on the news or campaign areas of its health section web site.

The Unite union has 100,000 members in the health

service. It organised a token one-hour event outside parliament, addressed by Burnham, on the morning of the vote. Just a few dozen people were in attendance. Unite head of health Rachel Maskell spoke and told those attending that everything depended on convincing coalition MPs to vote against Clause 119. She said, “we are going to lose our NHS if people tonight don’t vote against this clause”. This was an appeal to the same MPs who have already imposed billions in NHS cuts and passed the necessary legislation to fully privatise the health service.

Once Clause 119 was voted through, Unite then advised its members only to “email or tweet your MP to demand why they backed” Clause 119.



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