



## **FOR IMMEDIATE RELEASE**

22 December 2009

### **The CCP recommends the proposed merger of West Sussex Health and South Downs Health NHS Trust be allowed to proceed**

The Co-operation and Competition Panel (CCP) has advised the Department of Health and South East Coast Strategic Health Authority that the proposed merger of West Sussex Health and South Downs Health NHS Trust is consistent with the Principles and Rules of Cooperation and Competition and should be allowed to proceed.

The recommendation follows the CCP's review of the proposed transaction under the Principles and Rules and its finding that the proposed merger will not impose any significant costs on patients or taxpayers by reducing the scope for patient choice or competition.

CCP Director Andrew Taylor reported:

“In carrying out our review it became clear that a management contract between West Sussex PCT and South Downs Health was already in place, having come into effect in August 2009. In our view this management contract constituted a reviewable merger under the Principles and Rules and should have been referred to the CCP before it came into effect.”

Reflecting further on the case Mr Taylor commented:

“The CCP remains concerned that NHS organisations are continuing to integrate businesses prior to review by the CCP. The risks to organisations of putting a merger into effect without CCP approval are serious. If a subsequent CCP review was to conclude that such a merger is inconsistent with the Principles and Rules it may recommend the merger parties be separated. This would no doubt have significant consequences for the organisations concerned, their employees and patients.

Where there is any uncertainty as to whether a proposed arrangement constitutes a reviewable merger under the Principles and Rules, parties should seek informal advice from the CCP.”

**ENDS**

**Notes to Editors:**

1. The Cooperation and Competition Panel's (CCP) report and further information on the CCP's approach to mergers is available on the CCP's website at [www.ccp-panel.org.uk](http://www.ccp-panel.org.uk)
2. The Principles and Rules for Co-operation and Competition form the basis of the Department of Health's policy of managing cooperation and competition in the NHS in a fair, consistent and transparent manner. The Principles and Rules aim to ensure the NHS comprises providers and commissioners who deliver the needs of their patients and population, and that both providers and commissioners co-operate to foster patient choice and offer patients an experience of a seamless health service, regardless of organisational boundaries, whilst maintaining service continuity and sustainability. The role of the CCP is to advise on the application of the Principles and Rules.
3. The CCP was formally established following a Written Ministerial Statement in the House of Commons from the Minister of State for Health Services on 29 January 2009. It advises on the application of the Principles and Rules of Co-operation and Competition, and makes independent recommendations to Strategic Health Authorities, the Department of Health and, in relation to NHS Foundation Trusts, Monitor, on how such breaches should be resolved. The Panel is chaired by Lord Carter of Coles and its membership comprises Guy Beringer QC, Laura Carstensen, Professor Dame Janet Husband, Professor Peter Smith, John Swift QC, Andrew Taylor and John Wotton.
4. The Department of Health and South East Coast Strategic Health Authority will now consider the CCP's advice and recommendation.
5. For inquiries about the Co-operation and Competition Panel contact Tom Frusher, Policy and Communications Director, on 0207 270 5442/07825 256 530 or visit [www.ccp-panel.org.uk](http://www.ccp-panel.org.uk)