

**NHS England's new legislation proposals are just "business as usual"  
KONP rejects all of NHSE's proposed changes to NHS laws except one**

**KONP has decided to join with We Own It and call for Section 75 to be scrapped**

- NHS England (NHSE) is proposing an end to enforced competitive tendering of clinical services ie the abolition of Section 75 of the Health and Social Care Act.
- ***But NHS England is NOT proposing an end to all contracting.***
- ***KONP calls for a complete end to competitive tendering in the NHS***
- KONP and [We Own It](#) support the demand for an end to section 75 (s75)
- Write to NHS England [using the letter from We Own It](#) (deadline 25 April) 'Stop private companies suing the NHS'. Over 8000 people have already written! Let's make it 20.000.

**What are Section 75 regulations and why do we support their repeal?**

Section 75 regulations are part of the implementation of the much-hated 2012 Health & Social Care Act (implemented April 2013). KONP campaigned vigorously against both. We correctly argued at the time that serious damage would be done by s75 regulations, enforcing competitive tendering of clinical services. Amidst other related dangers – including the spectre of Integrated Care Providers and the ICP contract – the damage done by s75 regulations is real and present.

**We ask campaigners to engage with this consultation**

We ask individuals and organisations campaigning for the NHS to make their views known so that silence is not interpreted as agreement.

We argue that there is no sensible reason why campaigners, who fought to prevent this Act ever going through, would not support the scrapping of one of the most damaging sections of the act, s75, that has led to the carve-up of the NHS through multiple contracts and a competitive market.

**We do not support the rest of the proposals**

These aim primarily to facilitate the setting up of Integrated Care Systems and new Integrated Care Providers - using the ICP contract we have already campaigned against and explained why we oppose it.

**NHS England is proposing to continue with the contracting and marketing framework.  
Their aims are clear in the Long Term Plan:**

- to deliver a cost-control framework involving rationing of many services and withdrawal of many others from NHS provision
- to get NHS trusts to maximise their privately earned income
- to set up large integrated care systems with the aim that these will evolve into integrated care providers, which will be managed through long-term commercial contracts and will continue to sub-contract

- to impose a highly centralised process of officer-led bodies in NHS, giving more power centrally and without guarantees of local democratic accountability. Supporters of Lansley's 2012 Act thought (wrongly) it was about decentralisation; now NHSE is reverting to centralised control once again.

**KONP calls for:**

- an end to contracting and privatisation altogether, beyond an end to s75
- a return to the NHS being run by wholly public bodies – with no involvement or influence from private company interests in the running of public statutory bodies, committees-in-common or partnership boards
- wholly public bodies meeting in public, with papers and minutes available to the public, proposals for change subject to public consultation and scrutiny by elected councils and subject to Freedom of Information Act requests.
- an end to the 2012 Health and Social Care Act
- the reinstatement of the NHS as a wholly public service.

**We call on NHS England to respond to these demands.**

NHSE states that it wishes to limit the damage done by compulsory tendering.<sup>1</sup> But it is absolutely clear by NHSE's actions that it is seeking fewer, and very big, network contracts for pathology, specialised imaging and indeed – the ultimate aim – Integrated Care Provider organisations managed through commercial contracts.

It is very clear from the NHS in Scotland and Wales that health boards can deliver the NHS without compulsory tendering and with the involvement of the local authorities. We call for the setting up of Health Boards instead of integrated care systems and the return to geographically based responsibility for the health of local populations as set out in the NHS Reinstatement Bill.

**MORE INFORMATION**

[Link to our full response paper – to be added](#)

Link to KONP web post on s75 and related:

<https://keepournhspublic.com/news/responding-to-nhs-englands-legislation-proposals/>

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<sup>1</sup> <https://www.theguardian.com/society/2019/jan/07/nhs-chiefs-tell-theresa-may-time-to-curb-privatisation-automatic-tendering-care-contract>