

To: The Board

For meeting on: 24 September 2014

Agenda item: 7

Report by: Catherine Davies, Executive Director of Co-operation and Competition

Report on: Co-operation and Competition Update

Summary:

1. This report provides the Board with information about the significant developments with regard to the work of the Co-operation and Competition directorate since the meeting of the Board on 30 July 2014. The Board is asked to note the report.

Guidance papers

2. Monitor published a tranche of guidance documents on mergers at the end of July 2014 (transactions guide, guidance on merger benefits, and joint short guide to NHS mergers with the Competition Markets Authority (CMA)). The CMA also published guidance on the review of NHS mergers targeted principally at advisers. In early September 2014, Monitor published updated guidance on its co-operation and competition functions after consulting on draft versions of the guidance last year (application of the Competition Act 1998 to the health sector, Monitor's approach to market investigation references, guidance on the choice and competition licence conditions, and associated hypothetical case scenarios).

Catherine Davies
Executive Director of Cooperation and Competition

Making a difference for patients:

Monitor's mission is to make the health sector work better for patients. This report provides an update on the Cooperation and Competition team. The key focus of this team is to ensure that patient choice and competition work in patients' interests.

Public Sector Equality Duty:

Monitor has a duty under the Equality Act 2010 to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations between people from different groups. In relation to the issues set out in this paper, consideration has been given to the impact that the recommendations might have on these requirements and on the nine protected groups identified by the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, gender and sexual orientation).

It is anticipated that the recommendations of this paper are not likely to have any particular impact upon the requirements of or the protected groups identified by the Equality Act.

Exempt information:

Some of this report is exempt under the Freedom of Information Act 2000.

Some of the information in this report (the confidential annex) is exempt from publication as it falls under section 36 of the Freedom of Information Act 2000. The information is exempt because disclosure of that information would, or would be likely to, inhibit the free and frank provision of advice, or exchange of views for the purposes of deliberation. In applying these exemptions, we have considered the public interest test; disclosure of this information will not enhance the accountability or transparency of Monitor as its disclosure would inhibit the free frank disclosure of information.