Dear MP

Impact of the Health and Social Care Act 2012

The BMA has been closely following the implementation of the Health and Social Care Act and we continue to receive feedback from our members about the impact it is having on the NHS in England. Our latest intelligence supports the case for why we believe there must be renewed focus on the Act and public discussion of the effect it has on the NHS. I would like to take this opportunity to share our findings with you.

It is now a year since the Act fully came into force. Sadly, it has become clear to me from the reports I have received from doctors on the ground that far from improving the delivery of integrated, patient-focused care, it has created serious operational challenges, undermining the ability of commissioners and providers to fully exercise clinical judgement and operate in the best interests of their patient populations.

Our latest survey of doctors captures our concerns starkly:

- One in two doctors (51 per cent) reported changes in how they plan and deliver care under the Act of which almost three quarters (73.6 per cent) believe patient care has become more fragmented as a result of the Act, and six in ten (57 per cent) believe it has made it harder to work collaboratively
- Almost half (45 per cent) of doctors reported that their workload is unmanageable and a similar figure (51 per cent) identified a lack of time or capacity as a key barrier to delivering patient care – this backs the view that the Act has done nothing to curtail rising pressure and excessive workloads
- More than eight in ten (82 per cent) think integration of services should always come before competition in the NHS.

The findings from the survey are an indictment of health policy that has been preoccupied with reorganisation rather than what is best for patients. Improving the quality of services should always be the driving force behind any decision, rather than an administrative action such as promoting competition.

To illustrate vividly some of the perverse effects of the Act, we have seen a recent example in Bedfordshire and Milton Keynes. Local commissioners sought expressions of interest from 500 providers including Mid-Staffordshire Foundation Trust, even though that trust is about to dissolve, 14 other trusts with higher than expected mortality, healthcare conglomerates, and even further afield from small hospital groups in the United States. Surely, this is not the direction of travel we should be following? It is apparent that a bizarre market culture has been created.

As we head towards the next general election, it is reasonable to expect that there will be much attention on the NHS and the challenges it faces in the future. Concerns about the Act are set against a
background of an increasingly tough financial climate for the NHS. The legislation has been a distraction, costly to implement, and has taken vital funding away from frontline services.

The BMA has been one of the voices calling for repeal of the Act, as there are real concerns that aspects of it are not working and must be rethought. Whilst no one wants to see another wholesale reorganisation of the NHS, it is time for a frank debate about how the damaging aspects of the Act can be addressed urgently.

More information about our views on the Health and Social Care Act and findings of our survey are available at bma.org.uk/working-for-change/hsca.

Yours sincerely

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