Government faces Lib-Lab challenge over Health Act regulations

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The government is facing a joint Labour-Liberal Democrat challenge to Health Act regulations that impose restrictions on the membership of clinical commissioning group governing bodies.

HSJ has learned Liberal Democrat peers will support Opposition moves in the House of Lords to block secondary legislation that bans Councillors, local nurses and hospital consultants from the groups.

The move will be an early test of whether the new health ministerial team is willing to compromise on elements of Andrew Lansley's reforms.

The rules on CCG governing bodies were laid before Parliament in July and are one of the first major pieces of regulation proposed under the controversial act.

They set very few restrictions, but Councillors are banned; and nurse and hospital doctor representatives - which are required - must not be from a local provider. The government's justification was that Councillors should sit on health and wellbeing boards instead of CCGs, and that clinicians from local providers would have a conflict of interest as commissioners.

Many CCGs have struggled to find nurse and medical representatives from outside their area and have still not filled the roles. Many have said they would like to appoint local individuals, and some CCGs had planned to appoint Councillors.

Lord Philip Hunt, Labour's health spokesman in the Lords, has called a debate for 16 October and will propose a motion opposing those restrictions. Baroness Judith Jolly, the Lib Dem spokesman in the Lords, told HSJ she and her colleagues would also oppose them.

She said they were particularly opposed to restrictions on Councillors. She said: "[The rule is there because] the government doesn't trust the Councillor body. There is no evidence for that, and they are elected."

Baroness Jolly said nurses and doctors from providers local to a CCG should also be able to sit on its governing body, as long as they declare interests.

Lord Hunt said: "The rules are really depriving CCGs of valuable expertise." He said restricting membership because of conflict of interest was "really taking the ideology of the market too far".

The peers hope to force ministers to change the regulations, but may also be able to win a vote to delay or block them. Labour will also call debates on further Health Act regulations through the autumn.

Academy of Medical Royal Colleges chief executive Alastair Henderson told HSJ: “We have consistently argued that these requirements are overly constrictive.

“Saying that they can’t come from local providers makes no sense. This has clearly been shown in the difficulty many CCGs have had in seeking to fill these posts.

“We would welcome any relaxation of these regulations.’’