

Are patients' rights heading for a crisis?

By Oliver Wright

The new look 'patient centered' NHS may not be a better place for patients after all.

Cuts to the NHS and Clinical Commissioning Groups are likely to result in a series of changes and limited options for patients. This will have the knock on effect of more judicial review cases than ever before. It's now more important than ever to protect the rights of people who are very unwell.

The Thomas Condliff case

In my view the changes will mean that a patchy commissioning policy will limit patient services. I have seen this in action after acting in the high profile Thomas Condliff case, where a dying grandfather was refused gastric bypass surgery by his Primary Care Trust because his BMI was too low even though he met the NICE criteria. North Staffordshire Primary Care Trust refused to fund treatment for Thomas but if had he lived one mile down the road he would have been treated in Stoke on Trent Primary Care Trust, which adheres to the NICE guidelines. The situation is likely to get worse with Clinical Commissioning Groups

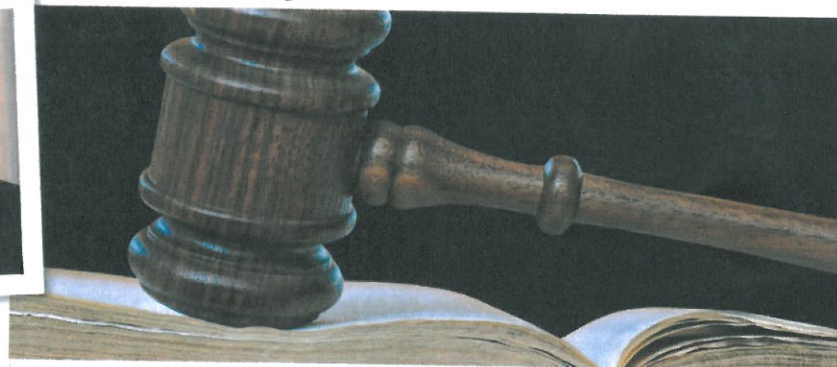


because the decisions will be made on an even more diffuse basis. I am now taking this case to the European Court of Human Rights.

NHS treatments

The differing commissioning policy may well mean that different sets of criteria are used to decide upon treatment in a very local area. There may even be the temptation to ration treatment at the start of a financial year. This is a potentially life threatening policy as fewer drugs and operations will be commissioned. One of my clients is very ill and has been prescribed a weekly injection but due to funding cuts the dose has been cut in half. Her family have now had to supplement this.

These cuts will lead to more inequality for commissioning and greater unfairness for patients, with only the



richest being able to afford essential drugs.

Legal cases

The cuts will spark an increase in litigation made by local authority organisations including old people's homes, libraries and social service cases. Already in Birmingham a case has been called against the Council stopping free legal representation. This litigation is the start of things to come and will be costly but a necessary way to protect individual rights.

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