

Where's the legal basis for STPs?

Kieran Walshe, professor at Manchester Business School has a valuable [Comment](#) article behind the paywall in the *Health Service Journal*. He underlines the lack of any legal basis for the STPs, which ignore the 2012 Health & Social Care Act, but have not reversed or replaced the legislation.

He argues that:

“We have legislation for a good reason. If statutory organisations like NHS trusts don't fulfil their legislative responsibilities they can be held to account, through Parliament and its select committees, and through judicial review in the courts.

“Legislation sets out the legal powers and duties of NHS organisations and their constitutional accountabilities

It is getting difficult to work out where accountability lies, who's in charge, and whether organisations are doing their job properly. Due process becomes much harder to define and assure. For NHS boards, there is a potential conflict between their statutory duties as a board and an organisation, and some of these changes which require them to cede autonomy and authority to new organisational forms (like STPs) which have no formal existence.”

The new systems emerging through STPs may not follow the rigid purchaser-provider split of the competitive market structure established by Lansley's laws, but this does not mean they would necessarily be any more acceptable. Instead:

“Decision-making is likely to become less transparent. Public consultations, board meetings and formal, open ways to make decisions and to challenge them are likely to be replaced or subverted by backroom deals and horsetrading.”