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Consultant Newsletter - 16th November 2015

To All Consultants

Competition Law - Compliance Guidance on Fees

Dear Colleagues,

As you may be aware the CMA ("Competition and Markets Authority") has recently levied a large fine on a membership organisation of Consultant Limited Liability Partnerships (CESP - Consultant Eye Surgeons Partnership). This overarching group of ophthalmologists' LLPs admitted breaching UK competition law and agreed to pay a fine of £382,500 (reduced from £500,000). The CMA's decision can be found here: <https://www.gov.uk/government/news/cma-confirms-fine-as-it-completes-eye-surgeons-investigation> and other information can be found on the CMA website <https://www.gov.uk/cma-cases/conduct-in-the-healthcare-sector>.

This case has highlighted the need for general competition law guidance for all consultants in private practice and FIPO was asked to meet with the CMA to discuss these issues.

We are now providing two information documents on aspects of Competition Law.

- Consultant Fee Setting and Information Exchange
- Annex 1 - Competition Law Affecting LLPs, Companies and Sole Traders

It is likely that the CMA will be producing their own explanatory documentation on these matters in the coming weeks.

Please note that these are guidance documents and all consultants should consider their personal practice fee arrangements. If in doubt then you are advised to obtain legal advice from lawyers skilled in competition law. FIPO cannot give advice on these matters but can recommend legal advisers who can help.

We fully understand that independent practice is changing with increasing restrictions being imposed by certain private medical insurers. We will address those issues in a later Newsletter in December.

We hope you find the FIPO compliance documents helpful.

Yours sincerely

(Sent on behalf of the FIPO Board)

Geoffrey Glazer
FIPO Chairman

Richard Packard
FIPO Deputy Chairman

Chris Khoo
FIPO Deputy Chairman