

Charity's brave legal bid to overturn NHS decision on homeopathy fails

A small national charity supporting patients whose health has benefited after receiving homeopathy treatment on the NHS has failed in its legal challenge to get a decision to stop funding the therapy overturned.

Last year, NHS England recommended doctors should no longer prescribe a number of treatments, including homeopathy, that it said provided little value. The British Homeopathic Association (BHA) believed it had identified serious flaws in the way the health commissioning authority consulted the public on this issue and sought a judicial review.

The case was heard by the Honourable Mr Justice Supperstone at the Royal Courts of Justice. The charity's main claims against NHS England were that the consultation misrepresented homeopathy and therefore was unfair; and a report used in the consultation to inform the public was so complicated it would deter rather than encourage people to respond. Although the judge found there were sufficient grounds for a judicial review, after four days of lengthy legal arguments he dismissed the claims.

Margaret Wyllie, BHA Chair, said the case highlighted how health bosses were unfairly manipulating the consultation process and making decisions about healthcare services without genuine patient engagement.

"That NHS England attracted fewer than 3,000 responses from patients to a national consultation that ran for three months highlights its failure to genuinely engage with the public on important decisions about healthcare provision."

Although 18 medicines were under review the only negative statement in NHS England's press release promoting its public consultation was about homeopathy.

"The statement was so prejudicial it was widely reported in the media that the decision to deny patients homeopathic medicines had already been taken. How the judge failed to recognise that this was a deliberate attempt by NHS England to unfairly influence the public is astonishing," said Mrs Wyllie.

"The only information about homeopathy that NHS England provided was an outdated report that was critical of the therapy. And although it did contain the case for homeopathy as put by scientists, doctors and patients, it is preposterous to think the public were going to read a complex report of over 275 pages to help inform their response to the consultation."

She added: "It appears NHS England can fail to engage with patients properly on removing services and get away with it. That is not good enough, for it is important to remember that the real losers in this case are the patients who are now being refused a treatment on which they have come to depend."