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Covid-19: MPs launch legal action against government over failure to disclose details of PPE contracts

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Three MPs and the Good Law Project have launched legal action against the UK government over what they allege is a “persistent and unlawful” failure to disclose details of huge sums of money spent on contracts for personal protective equipment.

The government has approved £15bn (€16.6bn; \$19.6bn) for procuring PPE for public sector staff since the start of the covid-19 pandemic.¹ But figures compiled by the data provider Tussell show that details of only £2.68bn of PPE spending have been made public,² while further analysis shows persistent breaches of the requirement to publish information within 30 days.

The claimants argue that the government is in breach of legal regulations requiring it to publish all contract award notices connected to the covid pandemic within 30 days and government policy requiring that all contracts with a value of over £10 000 be published in full within 30 days of being awarded.

The action has been filed by the Green Party MP Caroline Lucas, Labour’s Debbie Abrahams, the Liberal Democrat MP Layla Moran, and the Good Law Project, a not-for-profit company that uses the law to protect the interests of the public.

Jolyon Maugham, a barrister and director of the project, said, “Vast amounts of public money—billions and billions—are being rushed out the door. And yet what we can see is that the government is simply ignoring clear, mandatory, and unconditional legal obligations to publish details of its spending. It is deeply depressing that one needs to resort to the courts to ensure compliance with these obligations.”

In a pre-action protocol letter sent on 23 August to the health secretary and the Cabinet Office minister,³ the claimants refer to data from Tussell showing that the government has published contract award notices in relation to covid-19 contracts on average after some 47 days, which is in breach of the law, whereas for non-covid contracts the average is 29 days. They also argue that publication of the covid-19 contracts themselves, many of which have been awarded without a competitive tendering process, seems not to be happening routinely.

Lucas said, “The lack of transparency and potential misuse of tens of millions of pounds of public money urgently needs investigating, particularly as we have spent far more on PPE than any other European country, and the overwhelming majority of those contracts have been approved without a competitive tender.”

Abrahams said, “The government’s failure to comply with its legal obligation to publish all contracts over £10 000 is due to either incompetence or dishonesty. Ministers may try to argue that the covid-19 emergency meant they could award certain contracts without going through the competitive tender procedure, but this does not exempt them from their duty to publish the contracts, once awarded, within a 30 day period.”

The law firm Deighton Pierce Glynn is acting for the Good Law Project and the three MPs and has instructed Jason Coppel QC and Christopher Knight of the legal firm 11KBW to act in the judicial review proceedings.

1 Iacobucci G. Covid-19: Government is criticised for “scandalous” £10bn spent on test and trace programme. *BMJ* 2020;370:m2805. doi: 10.1136/bmj.m2805 pmid: 32651172

2 0200821 Tussell: PPE awards. Tussell. <https://rebrand.ly/Tussell-report>.

3 Letter to secretary of state for health and social care. Good Law Project. 23 Aug 2020. https://goodlawproject.org/wp-content/uploads/2020/08/2911177-GLP-v-SSHSC-PAP-23-August-2020_Redacted.pdf?utm_source=Press&utm_medium=Referral&utm_campaign=unpublished-contracts.

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