NEWS

Covid-19: Doctors launch judicial review over PPE failures

Abi Rimmer

The BMJ

Doctors have launched judicial review proceedings after the government decided not to open an inquiry into failures to provide adequate personal protective equipment (PPE) for frontline workers.

On 8 June, the Doctors' Association UK (DAUK), in conjunction with the Good Law Project, a not-for-profit membership organisation, and elder abuse charity Hourglass, instructed solicitors to start the legal challenge.

They believe that, under the Human Rights Act 1998 and article 2 of the European Convention on Human Rights, the government has a legal obligation to launch an independent public inquiry into whether failures to provide adequate PPE may have caused or contributed to the deaths or serious illness of patients and health and social care workers.

A pre-action letter, sent by the group's lawyers to the government legal department on 9 May, set out the rationale behind calling for an independent review.¹ It asked ministers to appoint an independent investigator, and take steps to preserve evidence, identify witnesses, and commit to involving relatives of health and care workers who have died.

In response to the letter, however, the government declined to conduct such a review at this time.

DAUK chair Rinesh Parmar said that this decision was nonsense. "Now is precisely the time to hold a rapid, focused inquiry into the provision of PPE to healthcare workers. There may be a second wave, and it may be soon." He added, "It's our members and colleagues who are working non-stop to save lives—indeed,

the only ones who have stopped are those who are shielding, sick, or have died."

Jolyon Maugham, director of the Good Law Project, said it was important that a review was held soon "because we need to learn lessons before a second or third wave."

Richard Robinson, chief executive of Hourglass, echoed this sentiment, saying, "As lockdown restrictions ease, it's vital that lessons are learnt from our response to the pandemic before we encounter a second wave."

"There can be no excuse for a repeat of the carnage we've seen in our care homes over the past few months," Robinson added. "The government must act now and commit to an urgent public inquiry before more lives are lost."

A Department of Health and Social Care spokesperson said that they were unable to comment on ongoing legal proceedings.

The DAUK and the Good Law Project are crowdfunding their legal actions through Crowdfunder. You find out more about their campaign here: www.crowdfunder.com/case/too-many-nhs-deaths

1 Dyer C. Covid-19: Doctors make bid for public inquiry into lack of PPE for frontline workers. *BMJ* 2020;369:m1905.32398219

This article is made freely available for use in accordance with BMJ's website terms and conditions for the duration of the covid-19 pandemic or until otherwise determined by BMJ. You may use, download and print the article for any lawful, non-commercial purpose (including text and data mining) provided that all copyright notices and trade marks are retained. <https://bmj.com/coronavirus/usage>