

Accountability and transparency demand that Freedom of Information requirements should be an essential corollary of receiving public funding, throughout the whole of the NHS

Changing patterns of provision for public services can have serious implications for existing standards of public accountability, converting large swathes of previously open and published information into 'commercially confidential' material kept secret by for-profit companies.

Grahame Morris MP argues that the solution to this creeping decrease in accountability is to require that FOI rules on public disclosure apply even-handedly to all service providers within the NHS, whether they are in the public or private sectors.



In late January 2013 the Department of Health [announced](#) the formation of an expert panel within the Department advising the government on 'Strengthening the NHS Constitution'. Replacing the older NHS Future Forum working group, this panel would "oversee the consultation on strengthening the NHS Constitution" and "develop a set of proposals to give the NHS Constitution greater traction so that patients, staff and the public are clear what to do, and who to turn to, when their expectations under the Constitution are not". The Department also disclosed the Commercial Director of Virgin Care (that Dr Vivienne McVey), has become a member of an expert panel within the Department advising the government on 'Strengthening the NHS Constitution'. Now Virgin Care is actively involved in bidding for lucrative NHS contracts up and down the country, and is now controversially running some NHS services in Southern England. So Dr McVey's company is just one of a number of private companies, from home and abroad, now bidding for an estimated £7 billion of NHS contracts that have in recent months been put out to tender. In common with other private healthcare companies, Virgin Care stated in an [interview to the Financial Times](#) that it intends to make an 8 per cent profit from NHS contracts, which are financed by us, the taxpayer.

The question any reasonable observer might ask is what possible interest could Virgin Care have in 'strengthening' the NHS constitution, when their business model would seem to be premised on public provision performing poorly? So taxpayers and patients may justifiably ask if Virgin Care's Commercial Director is the best person to take up this important advisory position. Most people accept that transparency is a key tenet of a strong NHS. So what might Dr McKay have to say about the current bidding practices for NHS contracts that allow commercial organisations such as Virgin Care to withhold details of those bids under the cloak of 'commercial confidentiality', while NHS Trusts have to reveal all and are subject to the Freedom of Information Act? Does Dr McKay and Virgin Care support the extension of the FOI Act to follow the public pound to include private medical firms running parts of our NHS?

These considerations, together with substantial support from community activists campaigning against the fragmentation and privatisation of our NHS, lead me to table a Parliamentary Early Day Motion calling for private health care companies also to be subject to the Freedom of Information Act. It has attracted the signatures of 85 MPs from 7 different parties and it has received plenty of supportive comment in the media, including in The Guardian. If you, like me believe that our NHS should not be put up for sale through secretive bidding processes, please ask your MP to sign as well. Details of the motion (known as EDM 773) are as follows:

'That this House notes that

- *the most significant development that has followed from the Government's healthcare reforms has been the [7 billion worth of new contracts](#) being made available to the private health sector;*

- *further notes that at least five former advisers to the Prime Minister and the Chancellor of the Exchequer are now working for lobbying firms with private healthcare clients;*
- *recalls the Prime Minister's own reported remarks prior to the general election when he described lobbying as 'the next big scandal waiting to happen';*
- *recognises the growing scandal of the procurement model that favours the private health sector over the NHS, by allowing private companies to hide behind commercial confidentiality and which compromises the best practice aspirations of the public sector;*
- *condemns the practice of revolving doors, whereby Government health advisers move to lucrative contracts in the private healthcare sector, especially at a time when the privatisation of the NHS is proceeding by stealth;*
- *is deeply concerned at the unfair advantages being handed to private healthcare companies; and*
- *demands that in future all private healthcare companies be subject to freedom of information requests under the terms of the Freedom of Information Act 2000 in the same way as existing NHS public sector organisations'.*

Over the years there have been many campaigns launched to save our NHS, but never has there been a more important time as now, to do just that. Achieving a level playing field in bids for NHS contracts is only a start. In my own view, the next Labour Government needs to move to take the 'for profit' sector out of public health and our NHS, once and for all.

Note: This article gives the views of the author, and not the position of the British Politics and Policy blog, nor of the London School of Economics. Please read our [comments policy](#) before posting.

About the author

Grahame Morris MP *is the Labour Member of Parliament for Easington.*

You may also be interested in the following posts (automatically generated):

1. [Transparency is the foundation of accountability. The government is committed to Freedom of Information and to opening up public authorities to greater scrutiny to allow the public to hold them to account. \(67.9\)](#)
2. [Private providers of public services should be subject to the same accountability requirements as public sector providers \(48.9\)](#)
3. [Charging for freedom of information requests for services that are already paid for by taxpayers is utterly wrong \(36.7\)](#)
4. [Freedom of information being difficult, inconvenient or expensive is not a reason to seek to limit its role \(34.2\)](#)