

Statement on COVID-19 – April 2020

The Covid-19 pandemic is an unprecedented crisis placing substantial strain on the fabric of government, public services and social cohesion. We recognise that decisions must be taken rapidly to respond to the emergency with little time for consultation. We appreciate the UK Government's focus on frontline responders and those affected by the crisis, and that all of us have a role to play in supporting the nation's effort to respond effectively.

Maintaining trust and confidence in public institutions, government decision-making, business and the rule of law will be crucial to managing the Covid-19 pandemic and ensuring a successful recovery. As ordinary citizens are being asked to make extraordinary sacrifices in response to the public health crisis, transparency, openness and accountability are essential to ensuring this trust is maintained.

As leading UK anti-corruption non-governmental organisations working together as the UK Anti-Corruption Coalition, we urge the UK Government to take the following steps. Doing so will support an emergency response that is effective, helps to maintain public confidence and lays the foundations for an inclusive economic recovery.

Contracting

Public contracting and procurement are a key part of the emergency response to the Covid-19 pandemic, which has created unprecedented demand for medical and personal protective equipment on the frontline as well as testing. Faced with the challenge of procuring quickly, we must ensure that is both effective and transparent.

At this critical time, it is vitally important that the UK does not lose any information over its suppliers and procurements, which will help with coordinating planning and delivery.

We recommend that all Covid-19 related procurement be published openly, tagged specifically as Covid-19 and that this information be collected and shared publicly through Contracts Finder, Public Contracts Scotland, Sell2Wales and eSourcing NI and eTendersNI on specific public pages related to Covid-19. This should apply not only to the competitive tenders but also to direct contracts and framework call-offs and including PPE being purchased through the new NHS Supply Chain PPE Dedicated Supply Channel. By doing this, public confidence can be maintained and it may help to stimulate new sources of supply. This will create a basic dashboard to allow better planning and supplier mapping.

We also recommend that this information is collected and published using the Open Contracting Data Standard and made available to download via an API to enable more targeted analysis. This is something that a number of other countries are already doing, including in UK-funded projects in countries like Colombia and Ukraine.

To its credit, the Government has already reminded its procurement teams that existing legislation makes provisions for emergency procurement, that public tests must be documented in any decision and that the transparency code remains in place. To avoid a scenario where different government departments compete against each other, we now need coordination and planning to meet the unprecedented demands for vital equipment across the UK.

Buyers should coordinate and prioritise the implementation of their contracts with key suppliers using procurement data to identify and profile key contracts and suppliers. This should be accompanied by a risk assessment of the total government spend with a particular supplier.

Speedy publication of data on public procurement that can be linked to the Persons of Significant Control register is essential, so that users and the UK Government can quickly establish who is benefitting from the Covid-19 response and relief efforts. In its rush to procure supplies, authorities should take particular care that contracts are not entered into that could undermine the UK's reputation long-term, such as contracts with companies based in tax havens or with dubious business practices.

The performance of suppliers should be transparent and visible. This will be an incentive in itself to perform. It is also important for public accountability that companies that have engaged in illegal behaviour should face consequences after the crisis, including suspension for a set period of time from public contracting.

Already, we are seeing the private sector and civil society step up to create innovative tools to highlight contracts related to Covid-19 and monitor value for money. We believe that the Government must do the same; investment in better data and reporting to manage procurement will save lives during the crisis.

Conflicts of interest

Opaque lobbying and the abuse of actual or perceived conflicts of interest, whether financial or political, in relation to emergency public spending could dangerously derail confidence in these measures.

We urge the Government to ensure probity and integrity within all public bodies during this time of crisis. This requires full transparency over who are lobbying ministers, senior civil servants and special advisors, and strict compliance with rules on disclosing financial interests. These should be published as soon as is feasibly possible.

Accountability and oversight

We welcome the fact that the National Audit Office will carry out a substantial programme of work looking at the UK Government's Covid-19 response, including spending on the direct health response and to protect businesses and individuals. Given the scale of the support package, it is crucial that information about the amount, purpose, and justification for business support is collected and publicly disclosed to enhance public trust in its dissemination.

Key mechanisms for accountability must be kept fully functional during the crisis including the Freedom of Information Act, Parliamentary Select Committees and the media.

Additionally, Audit Committees and Accounting Officers must be given proper resources, powers and encouraged to take a strong role in reviewing emergency measures. This will ensure that resources are spent as effectively as possible and that corruption or fraudulent activity is properly recorded and documented.

Enforcement bodies, such as Action Fraud, the Competition and Marketing Authority, the Serious Fraud Office and City of London Police should be given the resources to ensure that corruption, bribery and fraud are adequately policed during and in the aftermath of the crisis. Given the potential for a significant increase in fraud and corruption, both domestic and

international, it is imperative that the Government urgently release the funding needed to build multi-skilled regional economic crime teams. We urge the Government to ensure that these teams also have responsibility and expertise for tackling domestic corruption.

International leadership on upholding the rule of law

Globally, the Covid-19 crisis has the potential to undermine the rule of law, freedom of expression, the protection of journalists and whistleblowers, the right to live free from violence and fear of violence, and other human rights, including women's rights.

We encourage the Government to show strong international leadership in how it exercises and lifts emergency measures. It should use its voice in international fora such as the G7 and G20 to ensure that such measures are not used in other countries to deny people basic rights to freedom of expression.

In particular, we urge the Government to ensure that gagging orders and retribution against front line workers who speak out about their experiences are prohibited.

We urge the UK Government to follow the practice adopted in Scotland of appointing an independent legal task force led by human rights lawyers to review the application of powers vested in the police under the Coronavirus Act.

There is an increased risk that measures introduced as a response to Covid-19 could breach human rights and contribute to grand corruption. We recommend that the Government does not permit the introduction of the UK sanctions regime to be derailed by the crisis. Those who use the crisis to abuse human rights and engage in grand corruption should be considered for sanctions post-crisis.

Finally, we urge the UK Government to heed the UN Secretary General's words that the recovery must lead to a better society globally, with the Sustainable Development Goals at its heart. In the same way that the Government has relied on expert scientific evidence during the crisis, we urge the Government to establish an expert task force to develop and consult on an economic and social recovery plan for the country which ensures a fair recovery based on integrity, transparency and accountability.