

Judicial Review Outcome: London GP Practices to be taken over by Operose Health

The High Court heard a judicial review regarding the takeover of London GP Practices by Operose Health, a subsidiary of US healthcare insurance company Centene Corporation.

04 March 2022

On 1st and 2nd February the High Court heard a judicial review regarding the takeover of London GP Practices by Operose Health, a subsidiary of US healthcare insurance company Centene Corporation.

The judicial review application received financial backing from the public of over £43,424 to cover the cost of the application and an additional £34,284 in the event that the case is dismissed.

A patient of one of the acquired London GP Practices, Anjna Khurana, brought the judicial review on 3 grounds;

1. The North Central Commissioning Board (NCL) excluded important information when they were considering whether to award the contracts;
2. NCL failed to obtain information about the financial stability of Centene Corporation; and
3. NCL failed to consult or involve patients and stakeholders in their decisions.

The High Court reported on 23rd February that the judicial review had been dismissed.

In regard to the first ground, the judge asserted that NCL had taken the due diligence exercise, assurances, and any contract breaches into account before awarding the contracts and therefore NCL did not act unlawfully by excluding relevant information.

Ground 2 was also dismissed on the basis that NCL had obtained all relevant financial information required including due diligence reports, and Companies House material.

Finally, ground 3 was dismissed because the judge held NCL had followed all recommended guidance on involving the patients and stakeholders. The judge noted that the Meeting Papers were not confidential and were available for review by stakeholders so that their thoughts and views could be conveyed at the meeting. The judge also went further on ground 3 to say that 'any member of the public with a particular interest in GP services in north central London would know [...] when the PCCC meeting were going to take place and when documentation would be published in advance' and therefore the paperwork was not inaccessible as alleged by the claimant.

With the GP Practice takeover by Operose Health now going ahead as planned, many of the organisations, such as Unite, which helped fund the judicial review, have expressed disappointment at the outcome. However, a spokesperson from the NCL Clinical Commissioning Group has commented saying that they are pleased with the outcome and that their main priority is to ensure the 'continued provision of high quality, safe, and accessible services for local people'.

The outcome marks an interesting development in UK healthcare services being controlled by American healthcare companies and highlights the importance of following contractual processes and recommended guidance.

If you require any advice or assistance in healthcare matters, please do not hesitate to get in touch and we will endeavour to assist you with your commercial healthcare needs.

Contact

Georgia Kingsnorth

Associate

Georgia.Kingsnorth@brownejacobson.com

+44 (0)330 045 2644

Related expertise

Sectors

Health and care