Partnering with Agents: How the Covid-19 Pandemic changed Relations between the UK Government and Public Service Contractors

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Abstract
The contracting out of public goods and services has become a central feature of the UK’s state machinery, with more than £350 billion spent annually on services ranging from rubbish collection to building submarines. In response to the Covid-19 pandemic, the UK government took the unprecedented step of incorporating private providers at a national scale to deliver emergency services which were previously the purview of the state. To achieve this, the government used emergency legislation temporarily to remove competitive tenders and reduced reporting processes. In doing so, it substantially re-oriented its relationship with private providers, moving from a position of a principal granting its authority to deliver services to something more akin to a partner organisation leveraging private resources. This shift in power dynamics, coupled with an ongoing government ambition to expand the UK’s public service markets, risks a permanent change in government-provider relations, to the detriment of the UK’s contracting out framework.

Keywords: contracting out, principal-agent theory, strategic suppliers, public service markets, Covid-19 pandemic, government-provider relations

IN THE UK, the use of private contractors to deliver public services has grown substantially. In recent years successive UK governments have implemented administrative reforms to build competitive markets for the delivery of public services that range from providing school meals to running high security prisons. The growth of these markets is startling. Since 1997, government spending on contracted goods and services has more than tripled to reach £357 billion a year.1

Far from slowing this expansion, the Covid-19 pandemic has acted as a catalyst. Between January 2020 and November 2021 new spend on pandemic-related contracted goods and services exceeded £44 billion.2 Over this period, functions which were previously the purview of the state, such as mass public testing for disease and emergency aid provision, have been opened up to external providers. This expansion is not temporary, nor the sums of money involved insignificant. In terms of gross spend, the UK is experiencing the greatest concentration of privately contracted service provision since the formation of the modern public sector. When combined with an expansion in market access to emergency functions, these developments point to the UK entering a new era of public service provision: one where the majority of services are contracted out and new public services are established through tendering rounds.

What does this shift mean for government-public service contractor relations? If we follow the traditional narratives used by new public management (NPM) advocates, the expansion of public service markets should continue to deliver a win-win for local and national governments, and service providers (both for-profit and not-for-profit). Governments and local authorities should continue

1L. Booth, ‘Procurement statistics: a short guide’, House of Commons Library, Research Briefing No. 9317, October 2021, pp. 1–7.
2H. Thompson, ‘Summary of data published from 7 February 2020 to 24 November 2021’, Tussell, 24 November 2021; https://www.tussell.com/insights/covid (accessed 2 December 2021).
to be able to deliver efficient, value-for-money services, based on a model of sovereign government principals managing external agents through competitively tendered contracts, while providers should have the opportunity to compete and make the most of the new commercial opportunities available to them. As described by former Cabinet Office minister, David Lidington, in his 2018 Reform speech, the critical nature of public services makes it the government’s prerogative to find the leading, most economical way to deliver them. To date, the competitive, price-identifying nature of the market has been seen as the best vehicle to achieve this aim.\(^3\) The growth of contracted out public services into a multi-billion pound industry across the global north, coupled with estimated efficiency-based cost savings of between 6 per cent and 30 per cent across different services over the last forty years, gives credence to this view; or so the neoliberal argument goes.\(^4\)

However, the events of the last two decades show a more complex, not mutually exclusive, narrative. Alongside a story of provider growth and taxpayer savings, they show growing pains and losses that include: the rise of dominant providers (known as strategic suppliers); the collapse of ‘too-big-to-fail’ entities; the construction and subsequent deconstruction of public service markets; financial scandal, recrimination and (in the main) redemption. The past twenty years depicts a primarily one-sided relationship between government and private providers, with the government implementing new frameworks to delegate authority and control its agents. Decisions made during the pandemic demonstrate how swiftly these frameworks can be dismantled and the power dynamics between principals and agents upended.

The government’s use of private providers as a central plank in the state’s pandemic response is an important next step in government-provider relations. It adds weight to a longstanding criticism of the UK’s public procurement system: that a subset of large private providers are becoming more than just contracted agents, but semi-autonomous partners in public administration. This is to the detriment of the government’s ability to effectively govern through its contracting out model. As contributors to this journal have previously argued, a number of providers have been able to use their size and influence to become ‘central political actors’ or ‘institutions’ which corrosively dominate delivery of key public functions.\(^5\) In doing so, they are ensuring future governments are increasingly dependent on market actors to deliver public services. At the same time, these same actors—intentionally or not—are simultaneously eroding the capability of the market to deliver innovation through incentivising the pursuit of new contracts at the expense of delivering high quality services. This trajectory poses a fundamental challenge to the principal-agent contracting model that has underpinned NPM reforms over the last quarter of a century. It also questions the integrity of the market-based approach promoted by David Lidington and the current gatekeepers of the public procurement system.

As this article will detail, how the government incorporated providers into the pandemic’s frontline not only exacerbated existing weaknesses in the UK’s public services system, but also created problems for future governments, such as limiting public sector expertise in delivering emergency services. During this period, the ‘peacetime’ dynamic of government, as principal delegating authority through a series of competitive tendering processes, was replaced, if temporarily, by an approach where private providers

\(^3\)D. Lidington, ‘Chancellor of the Duchy of Lancaster speech to Reform’, Cabinet Office, 25 June 2018; https://www.gov.uk/government/speeches/chancellor-of-the-duchy-of-lancaster-speech-to-reform (accessed 30 May 2021).

\(^4\)The extent of the estimated saving varies based on the location, public service and period considered in studies. See, for example, O. Petersen, U. Hjelmar and K. Vrangbæk, ‘Is contracting out of public services still the great panacea? A systematic review of studies on economic and quality effects from 2000 to 2014’, Social Policy & Administration, vol. 52, no. 1, 2018, pp. 130–57.

\(^5\)See, in particular, C. Crouch, ‘The paradoxes of privatisation and public service outsourcing’, The Political Quarterly, vol. 86, iss. S1, 2015, pp. 156–171; S. Johal, M. Moran and K. Williams, ‘Breaking the constitutional silence: the public services industry and government’, The Political Quarterly, vol. 87, no. 3, 2016, pp. 389–397.
Slick corporate functions have supplemented public services via directly awarded contracts, favourable terms and the opportunity to deliver novel services and new programmes of work. This change threatens to undermine the hierarchical relationship between government and its agents on which the UK’s public procurement system is based.

Putting ‘contracting out’ into context: the rise of big contractors and government-provider relations prior to the pandemic

On the eve of the pandemic, private provision of public services was a staple and long-established tool of UK governments. Popularised throughout the global north in the 1980s by proponents of Thatcherism and Reaganomics, contracted out services grew across the UK to span the full gamut of local and national public services. To date, there has been diversity in the range and size of the companies that provide these services, but it remains patchy. Certain public service contracts, such as defence and national security, are limited by the state to a handful of carefully vetted potential suppliers. Similarly, administratively complex and capital-intensive services, such as running private prisons, are open to a self-selected few with the expertise and funding to compete for these contracts.

From the late 1980s, the growth of the UK’s public service markets attracted and sustained large, multinational companies which have used their size and influence to thrive and become market leaders, if not oligopolists, in certain sectors. In doing so, they have nurtured a positive feedback loop that, when combined with more recent austerity-driven politics, has delivered a rapid expansion in the UK’s public service markets, accompanied by a lowering of service delivery costs (with larger companies frequently able to cross-subsidise operations and out-bid smaller competitors). This development has been mirrored by an expansion into new areas of public service that were previously delivered by publicly funded bodies, such as undertaking medical assessments for benefits claimants in 2012, and probation services between 2014 and 2021.

Often operating under the prime contractor model of winning large contracts and delivering them through an ecosystem of sub-contractors, market leaders such as Serco, Mitie and Atos have successfully expanded their operations from single sector beginnings to cover a variety of services, despite a lack of initial expertise in these areas. Their expansive portfolio of contracts and reach across multiple service sectors have entrenched these companies’ position within the public procurement system, with just under forty large companies delivering nearly a quarter of all government spend on procured services and goods in 2019. Slick corporate functions have supplemented this growth, with companies such as Capita actively investing in ‘pursuit teams’ to deliver ‘win strategies’ and ‘secure opportunities ... that span all public sector markets including health, education, defence, transport and central and local government’.

Government commercial policy has also had a role to play. Since 2011, the Cabinet Office has formally recognised public service providers holding over £100 million worth of government contracts as ‘strategic suppliers’ to government and have in place longstanding, multi-million pound framework agreements from which to procure new contracts swiftly in the future. To put this into context, in 2020 over half the total value of new framework agreements created (£124 billion of £224 billion) were agreed with these strategic suppliers.

Despite the rise of the strategic suppliers, the pre-pandemic relationship between the UK government and public service providers has broadly been one of government strength, documented in detail by parliamentary reports following the collapse of Carillion plc in 2017. In many countries, government-provider relations are primarily based on a system where authority to deliver a service is...

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9Tussell, ‘UK strategic suppliers: 2020 update’, February 2021, pp. 1–17.

8Capita, ‘Bid Manager—Public Sector’, Capita careers advert, October 2021.

7T. Sasse, et al., ‘Government outsourcing: what has worked and what needs reform?’, Institute for Government, 2019, pp. 1–96.

F. Andersson, H. Jordahl and J. Josephson, ‘Outsourcing public services: contractibility, cost and quality’, CESifo Economic Studies, vol. 65, no. 4, 2019, pp. 1–24.

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Governments are able to shape the ‘governor’s dilemma’ of how to control agents without diminishing the agents’ competence.\textsuperscript{10} Governments are able to shape providers’ goals through incentives and penalties while simultaneously limiting the scope of their actions through the terms of the authority and resources provided (such as funding and licence to deliver a service). This is in contrast to observed, alternative control-competency relationships, where the government is required to ‘enlist’ support from organisations on terms that suit the enlisted party and provide the government with limited \textit{ex ante} controls.

Though in a strong position, the expansion of contracted services in the UK has come hand-in-hand with criticism of the extent to which UK governments have been able to maintain an effective grant-based hierarchical relationship with contracted agents. Public policy scholars, such as Hood and Dunleavy, predicted in the 1990s that, if able to dominate, the size and influence of large providers could make them virtually immune from financial failure or meaningful sanctions or steers from government.\textsuperscript{11} Recent government action has, to an extent, rebutted these concerns, for example, by allowing Carillion plc, an influential strategic supplier, to become insolvent in 2017 and issuing record fines to leading strategic suppliers Serco and G4S following evidence of malpractice.\textsuperscript{12} For NPM advocates, Carillion’s failure and the penalising of leading providers underscores the message that the government has the means and mettle to re-call its delegated authority even when threatened with disruption to public services. However, observations from the pandemic challenge this assumption and caution public policy commentators to keep Hood and Dunleavy’s concerns under review. As the next section will show, government-agent power dynamics are far from fixed and can be quickly destabilised, especially in the context of substantial changes in the operating landscape. In the case of the UK government’s management of its agents, the sudden arrival of the pandemic and equally swift move to an emergency response footing saw existing frameworks and models of contracting re-drawn at pace, resulting in an unprecedented shift in the power dynamic between government and providers.

\textbf{An emergency footing during Covid-19: observed changes in government relations and contracting practices}

From January 2020, the UK government put the executive’s machinery into overdrive in order to respond to the pandemic. However, scaling up contracted services at the speed and magnitude demanded by government ministers was far from a simple exercise. To achieve its aims, the government made expansive use of emergency powers to procure and deploy private resources, dispensing with the rigidity of formalised tendering processes and using informal ties to enlist private provider delivery of novel services. The government’s actions during this period arguably do not show a sovereign principal choosing which suppliers were best placed to deliver the services needed (as was the norm prior to the pandemic), but instead one required urgently to enlist private services at pace. Though variations in approach undoubtedly took place across the UK’s four nations, the changes in procurement rules noted in this article were predominantly mandated by the Cabinet Office through official procurement policy notices and were replicated by local authorities and NHS bodies across the UK.

\textbf{Pausing competition and transparency requirements}

The emergency response saw a significant change in government procurement practices to incorporate private providers swiftly into

\textsuperscript{10}K. W. Abbott, P. Genschel, D. Snidal and B. Zangl, ‘Competence versus control: the governor’s dilemma’, \textit{Regulation \& Governance}, vol. 14, no. 4, 2020, pp. 619–636.
\textsuperscript{11}P. Dunleavy and C. Hood, ‘From old public administration to NPM’, \textit{Public Money \& Management}, vol.14, no. 3, 1994, pp. 9–16.
\textsuperscript{12}S. Tumani, et al., ‘UK Serious Fraud Office enters deferred prosecution agreement with G4S’, Kirkland \& Ellis, 2020; \url{https://www.kirkland.com/publications/kirkland-alert/2020/07/uk-sfo-dpa} (accessed 28 March 2022).
the pandemic response. Foremost was a near blanket reduction in open competition for the delivery of services. Using emergency powers under the Public Contracts Regulations 2015, the government systematically waived Cabinet Office requirements for public contracts to be secured through open tendering processes. Instead, direct awards, justified on the grounds of extreme urgency or limited scope for competition, became the *modus operandi* for the swift delivery of Covid-related goods and services. In the first six months of the pandemic response, 1,301 of 1,644 of Covid-related contracts made across government were provided by direct award.13 Notable examples include the direct award of a six-month contract to Serco in March 2020 to provide emergency call centre services for NHS Scotland (valued at between £90 million and £450 million, exempt from tender on urgency grounds) and a nine-month testing services contract with Hologic Ltd. (£151 million, exempt on limited competition grounds).

Operating under these emergency powers, ministers and senior government officials made use of existing relationships with strategic suppliers by rolling over or modifying existing contracts and framework agreements rather than launching new tendering rounds. Strategic suppliers with pre-existing contracts, such as Sodexo and Mitie, gained substantial volumes of new Covid-related work at short notice and, based on the small sample of publicly available contracts, without the appearance of well-defined parameters and contract deliverables. The value of these extended contracts was far from immaterial, with the National Audit Office identifying 216 contracts (valued at £1.4 billion) awarded by December 2020 under existing frameworks as part of the test and trace programme alone.14 Over the pandemic period a substantial number of direct awards and extended contracts went to companies where existing relationships with local authorities and national governments could be leveraged. Seemingly, suppliers rather than government were being courted for work; an inversion of the competition principles that have defined the UK’s contracting out model up to this point.

Reduced competition was accompanied by a dramatic reduction in public procurement transparency, to the detriment of the integrity of the UK’s competitive public service markets. Of the 1,301 direct contracts awarded by July 2020, only 4 per cent were published within the legally mandated thirty-day period, rising to 19 per cent within ninety days. The consistent failure to publish required procurement notices and the corresponding drop in transparency created undue financial and commercial advantages for those with a close relationship with the government, as well as a loss in opportunity for competitor public service companies. This loss has been brought to public attention in a number of cases pursued by the Good Law Project. Ruling against the Department of Health and Social Care on its failure to comply with the government’s own procurement rules and policies across a number of contracts, Mr Justice Chamberlain noted that compliance was important ‘not only so that competitors of those awarded contracts could understand whether the obligations owed to them under the PCR [Public Contracts Regulations] 2015 had been breached, but also so that oversight bodies such as the NAO, as well as Parliament and the public, could scrutinise and ask questions about this expenditure’.

**Removing the need for pilots and providing access to decision making**

As part of the emergency response, private providers delivered services traditionally the responsibility of the state. However, in enlisting these providers to deliver new and untested pandemic services, the government hit a roadblock of its own making. Cabinet Office procurement rules, detailed in the *Outsourcing Playbook*,

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13 National Audit Office, *Investigation into Government Procurement during the COVID-19 Pandemic*, HC959, 26 Nov 2020, p. 40; https://www.nao.org.uk/report/government-procurement-during-the-covid-19-pandemic/ (accessed 10 April 2022).

14 National Audit Office, *The Government’s Approach to Test and Trace in England—Interim Report*, HC1070, 11 Dec 2020, pp. 39–40; https://www.nao.org.uk/report/the-governments-approach-to-test-and-trace-in-england-interim-report/ (accessed 10 April 2022).

15 The Good Law Project and others v. The Department of Health and Social Care, EWHC 346 (Admin), 18 Feb 2021, at para. 140; https://www.judiciary.uk/wp-content/uploads/2021/02/GLP-v-DHSC-190221.pdf (accessed 10 April 2022).
require a pilot to precede delivery of a first generation or complex outsourced service. As with issuing direct awards and contract extensions, government altered the environment providers are required to operate in to enlist their services. In the case of pilot requirements, these were waived quietly and on an ad hoc basis. Instances where this approach can be observed include the private provider Edenred’s award and delivery of the government’s £233 million ‘Covid Summer Food Fund’ without a pilot, and a series of ‘mini-pilots’ conducted twenty-four to forty-eight hours before each of the fifty Covid-19 regional testing centres, run by a combination of strategic suppliers including Serco, Sodexo and Mitie, became operational. By removing pilot requirements—a key means to test how a service is to be delivered—the government significantly reduced its ability to develop ex post controls to manage providers delivering these new services. Whether this was owing to a lack of time or a requirement to get the providers onboard, the result blunted the government’s ability to measure the quality of the services provided or set expected outcomes. This does not signal a principal in control.

A change in dynamics between government and providers, at least between the central departments and strategic suppliers, is further evidenced by the unexplained access certain providers had to the highest levels of government decision making, often without a clearly defined role or a formal contract in place. In the first few weeks of the pandemic, senior figures in Serco were intimately involved in the government’s preparations for the response. A leaked memo from Serco Managing Director, Garry Robinson, circulated in January 2020, updated his staff on how he had ‘been responsible for a number of support lines across various government departments offering support to citizens’. According to reporting agency Tussell, the start date of Serco’s earliest Covid-related contract began officially on 20 March, two months after the memo was circulated.

Though Serco’s role in the emergency response is only a small part of the pandemic story, it highlights a widely reported trend of lobbying and personal connections to secure government work that runs counter to practices seen before the pandemic and raises questions over the government’s decision to deliver the response through hastily co-opted private providers. The role of personal connections and strong relationships to enlist providers has understandably alarmed public policy commentators, concerned with the cost this approach to public service delivery has generated. In their April 2021 report on the pandemic, Transparency International UK identified seventy-three contracts (worth £3.7 billion) made in 2020 alone that contain red flag indicators of possible corruption and fraud, and highlight poorly administered procurement systems as their leading cause. This is potentially an exorbitant price for the decision to forgo competition and transparency practices.

The impact of the pandemic on contracting relations: large contractors as agents or partners?

Though much of the initial urgency of the response has subsided, the government’s work to tackle the pandemic is still ongoing, with procurement measures and directly awarded contracts still in place. From observations drawn over the period of January 2020 to November 2021, several initial conclusions can be drawn on what the emergency response means for government-provider relations. Firstly, the events of the pandemic underscore the views of some commentators that the principal-agent paradigm poorly describes the complex interactions between decision makers, policy developers and delivery organisations on the ground, especially during a period of high system stress. In responding to the pandemic, the relationship between the government and providers is no longer solely based on a principal-agent paradigm, but more on informal connections and personal relationships.

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18 Transparency International UK, ‘Track and trace: identifying corruption risks in UK public procurement for the Covid-19 pandemic’, April 2021, p. 18; https://www.transparency.org.uk/sites/default/files/pdf/publications/Track%20and%20Trace%20-%20International%20Track%20and%20Trace%20-%20International%20%20UK.pdf (accessed 30 May 2021).
19 R. Agranoff and M. McGuire, ‘Big questions in public network management research’, Journal of Public Administration Research and Theory, vol. 11, no. 3, 2001, pp. 295–326.
government and its suppliers became less hierarchical and more malleable in order to secure rapid supplier involvement. This saw the government take forward actions that seemingly hobbled the controls it usually deployed as a sovereign principal, through reducing competition, pilots and monitoring procurement practices. Instances such as Serco’s close and early involvement in senior decision making further highlight the extent the emergency response inverted usual principal-agent practices. As a result, agents were brought into public administration with unprecedented scope to operate outside their existing contracts and with limited means to measure the quality of their services, effectively outflanking the government’s contract managers who, pre-pandemic, carefully managed frameworks to ensure efficient service delivery. Subversion of this approach begs the question: why use private providers at all?

One answer could be the effectiveness of corporate lobbying. Breaking with best practice, the government used emergency powers to issue direct awards and roll over existing contracts, as well as dispense with pilot requirements. In a world of suspended competition and limited prior experience, decisions frequently came down not to who put the best bid forward, but who was willing and known to the government. The rationale for some direct awards are publicly known and logical, such as Hologic Ltd.’s £151 million contract to test Covid-19 samples, since it is one of the few large laboratories in the UK. Others, and especially those exempt from tender on urgency grounds, are far more opaque and will likely never be fully known. How could strategic suppliers received direct awards to provide pandemic services they had no prior track record of delivering, such as Sitel’s £400 million contract to provide track and trace services? Examples such as this, as well as Serco’s involvement at the earliest stages of the pandemic response point to the success of corporate lobbying during this period, rather than being explained as a chance encounter or piece of good fortune.

An alternative answer is that the government had little choice but to partner with the private sector. A second, related conclusion is that the events of the pandemic highlight the extent to which private providers have become an integral feature of the state’s delivery of new services. The pandemic came at a time of unprecedented private delivery of public services, since surpassed because of the pandemic response, and following forty years of contracting out growth, coupled with post-financial crash public sector employee reductions (22 per cent of local authority workforces and 17 per cent of civil servants between 2010 and 2015). It is unlikely the wider public sector had the capacity, resources or expertise to provide a response function independently of public service markets, at least not without a significant lead-in time.

A third conclusion is that the pandemic entrenched senior government leaders’ commitment to furthering competition in the public sector and expanding public service markets. When faced with one of the largest national emergencies since the Second World War, the government chose to spend over £18 billion on pandemic-related services and re-shape procurement laws to enlist private providers. Rather than turning to a new path, the UK government held firmly on its pre-pandemic NPM trajectory. Though there were instances when the government deployed the army as part of the response, for example running mobile Covid-19 testing centres and transporting supplies between hospitals, these were predominantly ad hoc in use and time-limited to short projects. In instances where the armed forces created a new service, these were passed on to private providers to be run on a longer-term basis.

A fourth conclusion is that the way private providers were incorporated into the response has resulted in them becoming a more prominent feature of the UK’s public institutions. Indicators of this change include providers creating strategic policy design, such as Deloitte’s advice on where to locate the UK’s network of Covid-19 testing centres, and creating novel services that have been rolled out nationally. Over this period, strategic suppliers also increased the diversity and range of the public services they deliver, winning new contracts that were provided by the public sector pre-pandemic. This has further

20S. Bach, ‘Deprivileging the public sector workforce: austerity, fragmentation and service withdrawal in Britain’, The Economic and Labour Relations Review, vol. 27, no. 1, 2016, pp. 11–28.
cemented their position as indispensable to the state.

That critical pandemic services could not be delivered without private supplier action underscores observations by some commentators that the state is entering into a new period of co-dependence with private contractors, with a precedent set for a repeat of private supplier use in future emergency responses. The events of the pandemic also hold the reverse true: that strategic suppliers are becoming increasingly dependent on the state for their success and livelihood. Lucrative Covid-related contracts valued collectively at billions of pounds, and the promise of similar work in future, provides a strong incentive for these firms to further commit to winning and delivering government contracts as a core part of their business model rather than diversifying into fields outside public sector delivery.

Taken in isolation, the events of the pandemic and greater partnering between government and providers could be seen as a temporary trajectory that will be reversed once the pandemic response and related contracts end. However, the Cabinet Office’s 2020 Green Paper, Transforming Public Procurement and publication of the National Procurement Policy Statement in 2021 suggest otherwise. Through these publications, the government has signalled its ambition to expand the UK public services markets while simultaneously introducing more control over how these services are to feed into national targets and government objectives. Published in step with the developments of the pandemic, Transforming Public Procurement provides a vision of the future that includes market access from a wider cadre of internationally active public sector providers that, through the National Procurement Policy Statement, are required ‘to have regard to national priorities of strategic importance in public procurement’. Though published in July 2021, it is unclear how much force and prominence the statement will have in binding the actions of providers to government ambitions. In its current format it is targeted at contracting authorities rather than providers. Despite this, the statement’s intention is for contracted out services to play a formal role in achieving government goals—such as reducing unemployment in parts of the UK—and is, in its own right, a potentially significant development that signals a more institutionalised relationship between government and its agents.

Conclusion: a decisive next decade

The government’s response to the Covid-19 pandemic has been a crucial period for government-provider relations. In significantly re-drawing procurement rules, if only temporarily, the government enlisted over £44 billion worth of additional privately provided goods and services and incorporated strategic suppliers into the heart of the pandemic response; a move unparalleled in recent history. This action saw the government move to a new model of leveraging private services at pace to deliver the emergency response, shown by the extensive use of directly awarded contracts and reduction in ex post controls through removing pilots and quality assurance requirements. Gone were the NPM stalwarts of competitive tenders and an emphasis on identifying value for money. In taking this route, the government did more than temporarily move from a control-competency framework based on granting authority to one more akin to enlisting services, but also deepened the growing co-dependence between the state and private agents. With the opportunities to deliver pandemic-related services, such as running a track and trace programme, primarily given to private providers, the government will have little choice but to call on private actors again if a similar response is needed in the near future. The ambition showed by the government in its publication Transforming Public Procurement to expand the UK’s public services market and bind the actions of contracted services to national priorities through a National Procurement Policy Statement adds further weight to the view that providers, in particular strategic suppliers, are set to operate increasingly as partners, rather than arms-length contracted agents, in the running of the UK’s public administration machinery.

The pandemic has highlighted various aspects—both new and ongoing—of the UK’s public procurement services which have been criticised by public policy commentators and through court rulings. In

21Johal, Moran and Williams, ‘Breaking the constitutional silence’.
22Cabinet Office, Transforming Public Procurement, CP353, December 2020, p. 16; https://www.gov.uk/government/consultations/green-paper-transforming-public-procurement (accessed 10 April 2022).
response to these, specifically the extensive use of direct awards, then Cabinet minister Lord Agnew wrote in the introduction to *Transforming Public Procurement*: ‘I make no apology for that but there are lessons we can learn’. Until these are learned, the growth of the UK’s public services markets and dependence by the state on private suppliers should be treated with caution, especially in the context of another national emergency.

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