**Independent Patient Choice and Procurement Panel**

**Review of a proposed contract award**

**Primary Care Partner (GP Services) for Urgent Treatment Centre at University Hospital Lewisham**

**Case Reference: CR0018-25**

**27 May 2025**

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# **Executive Summary**

1. On 1 May 2025 One Health Lewisham Limited (OHL)[[1]](#footnote-2) asked the Panel to advise on the selection of a “primary care partner” by Lewisham and Greenwich NHS Trust (LGT) for its Urgent Treatment Centre (UTC) at University Hospital Lewisham. For the purposes of this report, this is referred to as the “UTC GP service”.
2. Lewisham and Greenwich NHS Trust (LGT) is a provider of community health and acute care, delivering services across the London boroughs of Lewisham, Greenwich and Bexley. One of LGT’s hospitals is University Hospital Lewisham. An urgent treatment centre is located at University Hospital Lewisham, and the GP workforce at this urgent treatment centre is currently supplied by OHL.
3. With OHL’s contract due to expire on 31 March 2025, LGT published a contract notice on 6 December 2024 setting out its intention to follow the competitive process to award a new contract for the UTC GP service. The contract notice stated that a 5 year contract term was envisaged, commencing on 1 April 2025, with the option of a 5 year extension. The contract’s estimated total value, including the extension, is approximately £13.7 million (excluding VAT).
4. On 4 March 2025, LGT informed bidders of the outcome of the tender. It also published a contract award notice announcing that the successful bidder was Atrumed Healthcare Limited (Atrumed).
5. In its representations to the Panel, OHL raised concerns about LGT’s scoring of OHL’s bid and its management of conflicts of interest. OHL also raised concerns about LGT’s response to OHL’s request for information during the representations review process. The Panel has not found it necessary to reach a view on OHL’s concerns about LGT’s scoring of its bid and its management of conflicts of interest given the Panel’s findings on LGT’s response to OHL’s information request.
6. The Panel finds that LGT breached its obligations under Regulation 12(4) of the PSR regulations by:
* first, failing to provide any information in response to OHL’s request for evaluator and moderator feedback;
* second, failing to promptly provide information in response to OHL’s request for the names and roles of evaluators and moderators; and
* finally, failing to promptly respond to OHL’s request for information about conflicts of interest.
1. Given these conclusions, three options are open to the Panel. The Panel may advise that:
* the breaches had no material effect on LGT’s selection of a provider and it should proceed with awarding the contract as originally intended;
* LGT should return to an earlier step in the provider selection process to rectify the issues identified by the Panel; or
* LGT should abandon the current provider selection process.
1. The Panel’s view is that LGT’s breaches of the PSR regulations may have had a material effect on LGT’s selection of a provider. This is because a representation review process carried out in accordance with the PSR regulations (i.e. one that included the supply of information to OHL in accordance with its request) may have resulted in a different contract award decision.
2. As a result, the Panel’s advice is that LGT return to an earlier step in the provider selection process, namely the point at which OHL’s representations were received following the initial contract award decision. LGT should: (i) respond to OHL’s information request in line with the recommendations and advice in this report; (ii) allow OHL an opportunity to submit a revised set of representations having reviewed the additional information supplied by LGT; and then (iii) review the decision to award the contract, taking into account all of the representations made by OHL (consistent with the process laid out in the PSR regulations).
3. Finally, the Panel notes that the context for OHL’s request for information about conflicts of interest is its wider concern about an actual or potential conflict between the commercial interests of OHL and LGT. The Panel recommends that LGT’s response to OHL’s request for information about conflicts of interest should also take account of LGT’s obligations under the PSR regulations to act fairly and transparently, and as a result, it may wish to further consider the information it can offer OHL in response to its concerns.

# **Introduction**

1. On 1 May 2025 One Health Lewisham Limited (OHL)[[2]](#footnote-3) asked the Panel to advise on the selection of a “primary care partner” by Lewisham and Greenwich NHS Trust (LGT) for its Urgent Treatment Centre (UTC) at University Hospital Lewisham. For the purposes of this report, this is referred to as the “UTC GP service”.
2. The Panel accepted OHL’s request on 7 May 2025 in accordance with its case acceptance criteria. These criteria set out both the eligibility requirements and the prioritisation criteria the Panel will apply when it is approaching full caseload capacity.[[3]](#footnote-4)
3. OHL’s request met the eligibility requirements, and as the Panel was approaching full capacity, the request was also considered against the prioritisation criteria. The Panel considered that the case was likely to be suitable for a light touch approach, consistent with available resources, and that a decision on those elements of the case concerning the provision of information to unsuccessful bidders was likely to help wider compliance with the PSR regulations. As a result, the case was accepted for review.
4. The Panel’s Chair appointed a single member to a Case Panel for this review (in line with the Panel’s procedures), this being the Panel Chair, Andrew Taylor.[[4]](#footnote-5) The Case Panel’s review has been carried out in accordance with the Panel’s Standard Operating Procedures (“procedures”).[[5]](#footnote-6)
5. This report provides the Panel’s assessment and advice to LGT, and is set out as follows:
* Section 3 briefly describes the role of the Panel;
* Section 4 sets out the background to the Panel’s review, including the events leading up to, and including, the provider selection process;
* Section 5 sets out the concerns raised by OHL;
* Section 6 summarises the provisions of the PSR regulations relevant to this review;
* Section 7 sets out the issues considered by the Panel and its assessment of these issues; and
* Section 8 sets out the Panel’s advice to LGT.[[6]](#footnote-7)
1. The Panel thanks LGT and OHL for their assistance and cooperation during this review.

# **Role of the Panel**

1. The PSR regulations, issued under the Health and Care Act 2022, put into effect the Provider Selection Regime for NHS and local authority commissioning of health care services. The PSR regulations came into force on 1 January 2024.[[7]](#footnote-8)
2. Previously, health care services were purchased under the Public Contracts Regulations 2015 and the National Health Service (Procurement, Patient Choice and Competition) (No.2) Regulations 2013. The Provider Selection Regime, however, provides relevant authorities (i.e. commissioners) with greater flexibility in selecting providers of health care services.
3. The Panel’s role is to act as an independent review body where a provider has concerns about a commissioner’s provider selection decision. Panel reviews only take place following a commissioner’s review of its original decision.
4. For each review, the Panel’s assessment and advice is supplied to the commissioner and the potential provider that has requested the Panel review. It is also published on the Panel’s webpages. The commissioner is then responsible for reviewing its decision in light of the Panel’s advice.

# **Background to this review**

1. Lewisham and Greenwich NHS Trust (LGT) is a provider of community health and acute care, delivering services across the London boroughs of Lewisham, Greenwich and Bexley. University Hospital Lewisham is one of the hospitals operated by LGT.[[8]](#footnote-9) An urgent treatment centre (UTC) is located at University Hospital Lewisham, and OHL currently supplies the GP workforce for this UTC.
2. With OHL’s contract due to expire on 31 March 2025, LGT published a notice on 6 December 2024 setting out its intention to follow the competitive process to award a new contract for the UTC GP service. The contract notice stated that a 5 year contract was envisaged, commencing on 1 April 2025, with the option of a 5 year extension. The contract’s estimated total value, including the extension, is approximately £13.7 million (excluding VAT).[[9]](#footnote-10)
3. On 4 March 2025, LGT informed bidders of the tender’s outcome. It also published a notice announcing that the successful bidder was Atrumed Healthcare Limited (Atrumed).[[10]](#footnote-11)
4. On 12 March 2025, before the end of the standstill period, OHL made representations to LGT about the provider selection process, followed by a request for information on 1 April.[[11]](#footnote-12) On 24 April 2025, LGT – having reviewed OHL’s representations – wrote to OHL setting out its further decision on the provider selection process, which was to proceed with the contract award to Atrumed. In the same letter, LGT responded to OHL’s information request.
5. On 1 May 2025, while still within the standstill period, OHL asked the Panel to review LGT’s provider selection decision. The Panel accepted this request on 7 May 2025. On being made aware of the Panel’s acceptance decision, LGT confirmed it would hold the standstill period open for the duration of the Panel’s review, as required by the PSR regulations.

# **Representations by OHL**

1. In its representations to the Panel, as summarised below, OHL raised concerns about LGT’s scoring of OHL’s bid and its management of conflicts of interest.

“Scoring challenge: For many of the evaluated questions, our client is concerned that numerous manifest errors and other breaches of the duties … were committed in the evaluation, moderation and scoring of OHL and Atrumed's tender responses and in the reasons provided for the scores … But for these manifest errors and/or breaches, OHL's response would or should have been awarded a higher score and Atrumed's response would or should have been awarded a lower score ...

“Conflict of interest challenge: OHL is concerned that the Trust may have failed to appropriately manage conflict of interests, such that regulation 21(1) of the PSR has been breached. Based on the limited disclosure received to date, the impact of this breach is unclear, but our client is concerned that it may have had a material impact on the outcome of the Procurement due to bias against OHL.”

1. OHL also raised concerns about LGT’s response to its request for information during the representations review process. OHL had asked for: (i) all evaluator and moderator feedback for the OHL bid; (ii) names and roles of the evaluators and moderators; and (iii) conflicts of interest declarations and guidance.[[12]](#footnote-13)

# **PSR regulations relevant to this review**

1. The Panel’s assessment centres on LGT’s response to OHL’s request for information while making representations to LGT (see paragraphs 24 and 27). The PSR regulations most relevant to the Panel’s review are set out below:
	* Regulation 12 sets out the obligations that apply to commissioners in relation to the standstill period after a contract award decision. It states that “(4) Where the relevant authority receives representations [during the standstill period], it must … (b) provide promptly any information requested by an aggrieved provider where the relevant authority has a duty to record that information under regulation 24 (information requirements) …”.
	* Regulation 24 sets out the information that must be recorded by commissioners. This includes “… (d) the decision-making process followed, including the identity of individuals making decisions … (f) where the Competitive Process was followed, a description of the way in which the key criteria were taken into account, the basic selection criteria were assessed and contract or framework award criteria were evaluated when making a decision; (g) the reasons for decisions made under these Regulations; (h) declared conflicts or potential conflicts of interest; (i) how any conflicts or potential conflicts of interest were managed for each decision …”.
2. The Provider Selection Regime Statutory Guidance “sits alongside the Regulations to support organisations to understand and interpret the PSR regulations”.[[13]](#footnote-14) Reference is made to relevant provisions of the Statutory Guidance in the Panel’s assessment of the issues in Section 7.[[14]](#footnote-15)

# **Panel Assessment**

1. This Panel’s assessment of LGT’s response to OHL’s request for information during the representations review process is set out as follows:
	* Section 7.1 discusses OHL’s request for all evaluator and moderator feedback for its bid;
	* Section 7.2 discusses OHL’s request for the names and roles of evaluators and moderators; and
	* Section 7.3 discusses OHL’s request for conflicts of interest declarations and guidance.
2. The Panel has not found it necessary to reach a view on the other aspects of OHL’s representations to the Panel (as set out in paragraph 26) given its findings on LGT’s response to OHL’s information request.

## **OHL’s request for evaluator and moderator feedback for its bid**

1. OHL, as part of its request for information that it made to LGT on 1 April 2025, asked for “all evaluator and moderator feedback for our bid” (see paragraph 27).
2. LGT, in responding to OHL’s representations on 24 April 2025, said that:

“In line with normal procurement practise, moderation notes from individual evaluators and the discussions held during moderation, are not ordinarily disclosed. These form part of the process of getting to moderated scores and consensus comments and are not to be viewed in isolation. As advised, this procurement was overseen and moderated by an independent third party and I am assured that this was conducted with appropriate and due probity.”[[15]](#footnote-16)

1. Under the PSR regulations, a commissioner in receipt of qualifying representations must “provide promptly any information requested by an aggrieved provider where the relevant authority has a duty to record that information under Regulation 24” (see Regulation 12(4)(b)).
2. Regulation 24 requires commissioners to record “the reasons for decisions made under these Regulations” and “where the Competitive Process was followed, a description of the way in which the key criteria were taken into account, the basic selection criteria were assessed and contract or framework award criteria were evaluated when making a decision”.
3. The Panel considers that the “evaluator and moderator feedback” requested by OHL falls within the record keeping requirements of Regulation 24 as set out in the previous paragraph. Consistent with this, the Panel is also of the view that LGT was obliged to promptly provide this information to OHL pursuant to Regulation 12(4)(b) (see paragraph 34).
4. The Panel notes, however, that LGT’s obligation to provide this information is subject to the exceptions set out in Regulation 12(5). Regulation 12(5) says that a commissioner does not have to supply requested information where provision:

(a) would prejudice the legitimate commercial interests of any person, including those of the relevant authority;

(b) might prejudice fair competition between providers; or

(c) would otherwise be contrary to the public interest.

1. LGT’s reasons for refusing to supply the information requested by OHL are set out at paragraph 33. The Panel notes that these reasons do not fall within any of the exceptions set out in Regulation 12(5).
2. As a result, the Panel finds that LGT, by failing to provide the “evaluator and moderator feedback” requested by OHL breached its obligation under Regulation 12(4)(b) to “provide promptly any information requested by an aggrieved provider where the relevant authority has a duty to record that information”.

## **OHL’s request for the names and roles of evaluators and moderators**

1. OHL, as part of the request for information request that it made to LGT on 1 April 2025, asked for the “names and roles of who marked the bid and moderated” (see paragraph 27).
2. LGT, in responding to OHL’s representations on 24 April 2025, provided role titles for the two moderators and five evaluators, and the names of both moderators and three of the evaluators.[[16]](#footnote-17) The remaining two evaluators consented to their names being shared with OHL after its representations were submitted to the Panel.
3. The Panel considers that the content of LGT’s response is in line with the requirements of the PSR regulations (while noting that the two final names are still to be shared with OHL). The Panel notes, however, that LGT responded to OHL’s information request on 24 April 2025 in the same letter that set out its further decision on the provider selection process (see paragraph 24).
4. Under the PSR regulations, commissioners are obliged to ensure that providers are “afforded such further opportunity to explain or clarify the representations made as the relevant authority considers appropriate” (Regulation 12(4)(a)). Commissioners are also obliged to “provide promptly any information requested by an aggrieved provider where the relevant authority has a duty to record that information under Regulation 24” (Regulation 12(4)(b)).
5. The Panel considers that LGT, by responding to OHL’s request for the names and roles of evaluators and moderators in the letter that set out its further decision on the provider selection process, denied OHL the opportunity to explain or clarify its representations. Further, the Panel considers that LGT’s response to OHL’s request cannot be regarded as prompt given that it was provided at the same time as the further decision.
6. As a result, the Panel finds that LGT, by failing to respond promptly to OHL’s request for the “names and roles of who marked the bid and moderated” breached its obligations under Regulations 12(4)(a) and 12(4)(b).

## **OHL’s request for information on conflicts of interest**

1. OHL, as part of the request for information that it made to LGT on 1 April 2025, asked for a “copy of conflict of interest declarations / conflict of interest guidance” (see paragraph 27). LGT, in responding to OHL’s representations on 24 April 2025, said “We can confirm that we have completed a full conflict of interest declaration process with the evaluation panel and no conflicts of interest were declared”.[[17]](#footnote-18)
2. Regulation 24 requires commissioners to record “declared conflicts or potential conflicts of interest” and “how any conflicts or potential conflicts of interest were managed for each decision”.
3. The Panel considers that the content of LGT’s response that “no conflicts of interest were declared” is in line with the requirements of the PSR regulations. The Panel notes that as no conflicts of interest were declared, LGT will, by definition, not have any records of how any conflicts of interest were managed.
4. The Panel notes that LGT did not respond to OHL’s request for a copy of its conflict of interest guidance. The Panel considers that conflict of interest guidance may fall outside the scope of the record keeping requirements set out in Regulation 24, but does not have to conclude on this point given that NHS guidance on conflicts of interest is publicly available.[[18]](#footnote-19)
5. The Panel also notes that, as with OHL’s request for the names and roles of evaluators and moderators, LGT’s response to OHL’s request for information on conflicts of interest was in the same letter that set out its further decision on the provider selection process.
6. For the reasons set out in Section 7.2, the Panel considers that LGT, by responding to OHL’s request for information about conflicts of interest in the letter that set out its further decision on the provider selection process, denied OHL the opportunity to explain or clarify its representations. Further, the Panel considers that LGT’s response to OHL’s request cannot be regarded as prompt given that it was provided at the same time as the further decision.
7. As a result, the Panel finds that LGT, by failing to respond promptly to OHL’s request for a “copy of conflict of interest declarations / conflict of interest guidance” breached its obligations under Regulations 12(4)(a) and 12(4)(b).

# **Panel Advice**

1. In summary, the Panel finds that LGT breached Regulation 12(4) of the PSR regulations by:
* first, failing to provide any information in response to OHL’s request for evaluator and moderator feedback;
* second, failing to promptly provide information in response to OHL’s request for the names and roles of evaluators and moderators; and
* finally, failing to promptly respond to OHL’s request for information about conflicts of interest.
1. Given these conclusions, three options are open to the Panel. The Panel may advise that:
* the breaches had no material effect on LGT’s selection of a provider and it should proceed with awarding the contract as originally intended;
* LGT should return to an earlier step in the provider selection process to rectify the issues identified by the Panel; or
* LGT should abandon the current provider selection process.
1. The Panel’s view is that LGT’s breaches of the PSR regulations may have had a material effect on LGT’s selection of a provider. This is because a representation review process carried out in accordance with the PSR regulations (i.e. one that included the supply of information to OHL in accordance with its request) may have resulted in a different contract award decision.
2. As a result, the Panel’s advice is that LGT return to an earlier step in the provider selection process, namely the point at which OHL’s representations were received following the initial contract award decision. LGT should: (i) respond to OHL’s information request in line with the recommendations and advice in this report; (ii) allow OHL an opportunity to submit a revised set of representations having reviewed the additional information supplied by LGT; and then (iii) review the decision to award the contract, taking into account all of the representations made by OHL (consistent with the process laid out in the PSR regulations).
3. Finally, the Panel notes that the context for OHL’s request for information about conflicts of interest is its wider concern about an actual or potential conflict between the commercial interests of OHL and LGT. The Panel recommends that LGT’s response to OHL’s request for information about conflicts of interest should also take account of LGT’s obligations under the PSR regulations to act fairly and transparently, and as a result, it may wish to further consider the information it can offer OHL in response to its concerns.
1. OHL is an integrated community provider of primary care services that works across South East London. Further information about OHL is available on its website at <https://www.onehealthlewisham.co.uk/>. [↑](#footnote-ref-2)
2. OHL is an integrated community provider of primary care services that works across South East London. Further information about OHL is available on its website at <https://www.onehealthlewisham.co.uk/>. [↑](#footnote-ref-3)
3. The Panel’s case acceptance criteria are available at <https://www.england.nhs.uk/commissioning/how-commissioning-is-changing/nhs-provider-selection-regime/independent-patient-choice-and-procurement-panel/>. [↑](#footnote-ref-4)
4. Biographies of Panel members are available at <https://www.england.nhs.uk/commissioning/how-commissioning-is-changing/nhs-provider-selection-regime/independent-patient-choice-and-procurement-panel/panel-members/>. [↑](#footnote-ref-5)
5. The Panel’s Standard Operating Procedures are available at <https://www.england.nhs.uk/commissioning/how-commissioning-is-changing/nhs-provider-selection-regime/independent-patient-choice-and-procurement-panel/>. [↑](#footnote-ref-6)
6. The Panel’s advice is provided under para 23 of the PSR Regulations and takes account of the representations made to the Panel prior to forming its opinion. [↑](#footnote-ref-7)
7. The PSR Regulations are available at <https://www.legislation.gov.uk/uksi/2023/1348/contents/made> and the accompanying statutory guidance is available at NHS England, *The Provider Selection Regime: statutory guidance*, <https://www.england.nhs.uk/long-read/the-provider-selection-regime-statutory-guidance/>. [↑](#footnote-ref-8)
8. Further information on LGT can be found on its website at <https://www.lewishamandgreenwich.nhs.uk/> [↑](#footnote-ref-9)
9. LGT, *Contract Notice*, Find a Tender Service, 6 December 2024. [↑](#footnote-ref-10)
10. Atrumed is a provider of urgent care centres, urgent treatment centres and private GP services. Further information on Atrumed can be found on its website at <https://atrumedhealthcare.com/> [↑](#footnote-ref-11)
11. In between 12 March and 1 April 2025, LGT wrote to OHL addressing a number of procedural matters raised by OHL. [↑](#footnote-ref-12)
12. OHL, *Email to LGT*, 1 April 2025. [↑](#footnote-ref-13)
13. NHS England, *The Provider Selection Regime: statutory guidance*, February 2024, p.2. [↑](#footnote-ref-14)
14. The PSR Statutory Guidance was updated in April 2025. However, references to the Statutory Guidance in this report are to the February 2024 guidance as this was the version in force during this provider selection process. Where relevant, differences between the two versions of the Statutory Guidance are noted in this report. [↑](#footnote-ref-15)
15. LGT, *Representations response letter to OHL*, 24 April 2025. [↑](#footnote-ref-16)
16. LGT, *Representations response letter to OHL*, 24 April 2025. [↑](#footnote-ref-17)
17. LGT, *Representations response letter to OHL*, 24 April 2025. [↑](#footnote-ref-18)
18. NHS conflicts of interest guidance is available at <https://www.england.nhs.uk/long-read/managing-conflicts-of-interest-in-the-nhs/>. [↑](#footnote-ref-19)