

# COVID-19 could spell the end of an egalitarian National Health Service

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Hospital healthcare workers reported higher rates of clinically significant mental health symptoms following initial Covid-19 pandemic peak Credit: CC0 Public Domain

Dr. Sabrina Germain, a Senior Lecturer in The City Law School, says

the COVID-19 pandemic could signal the end of the National Health Service based on the liberal egalitarian conception of distributive justice.

In her paper, "Will COVID-19 Mark the End of an Egalitarian National Health Service?", published in the *European Journal of Risk Regulation*, Dr. Germain considers, first of all, why the allocation of [healthcare](#) resources is fundamentally a question of justice in Britain and explains why healthcare law and policy require a philosophical approach in times of crucial change and crisis. Secondly, the paper provides a critical analysis of the current situation for the allocation of healthcare resources and the provision of services to patients directly or indirectly affected by the virus.

The paper concludes that the liberal egalitarian conception of distributive justice at the heart of the NHS, aiming to guarantee free and [equal access](#) to healthcare, is now in jeopardy and is being replaced by a utilitarian approach based on a priority ranking of patients for the provision of services at this critical time.

Dr. Germain argues that long before the advent of the COVID-19 pandemic, the resources available and mobilised for healthcare delivery in the UK have not matched the growing needs of society.

Dr. Germain's research has put a spotlight on the difficulties faced by governments such as the UK, in allocating scarce resources and services funded by taxpayers:

"Even though the NHS remains publicly funded, the provision of services is now ranking the needs of patients that are directly or indirectly affected by the virus rather than providing equal access to treatment for all. Going back to the egalitarian model that was already under strain prior to the advent of COVID-19 will be practicably impossible, even if current utilitarian emergency policies are suspended.

The NHS will nonetheless need to first address the delays in treatment that occurred during the time of the pandemic. Second, the public health strategy will have to be reassessed to prepare for a potential future incident of a similar scale and to learn the lessons from the current episode."

Dr. Germain's research interests lie in the connections between healthcare law and public policy and most particularly in questions of justice in the allocation of healthcare resources.

Her award nominated monograph "Justice and Profit in Health Care Law" (Hart, 2019) is a [comparative study](#) that puts forward the influence of [justice](#) principles and for-profit actors (the [medical profession](#), employers and insurers) on the development of laws to allocate healthcare resources in western welfare states.

At City, she convenes the medical law and bioethics module and teaches tort law. In 2019, Oxford University Press awarded her the Law Teacher of the Year Prize.

**More information:** Sabrina Germain, Will COVID-19 Mark the End of an Egalitarian National Health Service?, *European Journal of Risk Regulation* (2020). [DOI: 10.1017/err.2020.33](https://doi.org/10.1017/err.2020.33)

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