

## **Divide and Conquer: How the Government got its way on Foundation Hospitals**

During the passage of the Health and Social Care Bill a grand total of 87 Labour MPs voted against the Government's plans for Foundation Hospitals.

This should easily have been enough to bring about a Government defeat. Instead, and despite suffering several large revolts and seeing their majority slashed to the lowest since 1997, and then having to overcome a resistant House of Lords, the Government got its way. This short briefing note explains why.

### *The rebellions*

There were nine separate rebellions during the passage of the Bill, involving 88 different Labour MPs.

In May, 65 Labour MPs supported a Reasoned Amendment declining to give the Bill a Second Reading. The subsequent Second Reading vote then attracted a rebellion of 31 Labour MPs. One Labour backbencher, Jeremy Corbyn, also went on to rebel over the Bill's programme motion.

In July, the Government's majority fell to 35 when 62 Labour MPs supported a Report Stage amendment calling for the removal of the foundation hospitals clauses from the Bill. A further rebellion the same day saw one Labour MP, Patrick Hall, rebel over a different part of the Bill. July's rebellion was widely (but erroneously) reported as causing the lowest parliamentary majority since 1997. But in February 1999 the Government had been ambushed during the passage of the Rating (Valuation) Bill resulting in an even lower majority, scrapping in with a majority of just 25, ten smaller than over Foundation Hospitals.

And then in November, when the Bill returned from the Lords, a total of 62 Labour MPs again voted to remove the foundation hospital clauses from the Bill. This time the majority fell to 17 – which was the lowest since 1997. This rebellion was followed by a smaller group of 17 Labour MPs who voted against the Government over the duties of the regulator, and then by a lone rebellion by Lynne Jones.

The Bill then returned to the Lords, who initially dug their heels in. When it then came back to the Commons, a group of 35 Labour MPs again voted against the foundation hospitals clauses.

### *The rebels*

Leaving aside the smaller rebellions, this means that a total of 87 Labour MPs voted against their Government over the issue of Foundation Hospitals at some point during the Bill's passage through the Commons. They are listed – along with a record of their voting in the larger rebellions – in the table below.

The maths of this are staggeringly simple. *Without any extra Labour MPs being prepared to vote against their whips, 87 cross-voting MPs is sufficient to defeat the Government. If those opposed to Foundation Hospitals had been able to persuade all of those who were prepared to vote against their whips over the issue at any point to do so together, then the Government would have been defeated.*

There was a hard core of 40 Labour MPs who voted against the Government in each of the three main revolts. They were: Diane Abbott, John Austin, Harry

Barnes, Andrew Bennett, Roger Berry, Michael Clapham, Iain Coleman, Jeremy Corbyn, Ian Davidson, Jim Dobbin, Frank Dobson, Gwyneth Dunwoody, Clive Efford, Mark Fisher, Neil Gerrard, Dai Havard, Doug Henderson, David Hinchcliffe, Kate Hoey, Kelvin Hopkins, Glenda Jackson, Helen Jones, Lynne Jones, Peter Kilfoyle, Andy King, Tony Lloyd, Alice Mahon, John McDonnell, George Mudie, Doug Naysmith, Gordon Prentice, Ken Purchase, Brian Sedgemore, Gerry Steinberg, George Stevenson, David Taylor, Dr Desmond Turner, Joan Walley, Robert Wareing, and Mike Wood.

But this group alone was not large enough to bring about a government defeat. And the problem for those opposed to the Government's plans was that the other 47 rebels – a majority of those who were prepared to vote against the Government – were not as consistent in their voting.

Of those who voted against in May's Reasoned Amendment, 18 did not do so in July; of those who voted against in July, 15 had not done so in May. Of the 80 Labour MPs who voted against the Government over foundation hospitals in May or July, over a quarter (24) did not do so in November. They included seven MPs who voted against the Government in *both* May and July's votes, but did not in November: Michael Connarty, Angela Eagle, Louise Ellman, David Heyes, Alan Keen, Terry Lewis, and Malcolm Savidge.

In turn, these were replaced by seven MPs who voted against the Government in the main vote in November, not having done so before: Frank Field, Roger Godsiff, Albert Owen, Anne Picking, Joyce Quin and Jon Trickett. Paul Farrelly, who had also not previously voted against the Government over the issue, did not vote against in the main rebellion in November, but did so in the final vote of the day, when the Bill returned from the Lords – and when there was no chance of the Government being defeated.

So instead of a rebellion of 87, and an almost certain Government defeat, the number of cross-votes in any one rebellion never exceeded 65.

There may be good reasons for the changing composition of any rebellion like this. Some of those prepared to vote against the Government in the initial votes were doing so to send out a message that they expected to see changes to the legislation. The various concessions that followed – and which John Reid outlined at length in his speech in November – may have been enough to persuade such MPs back into line. Others are prepared to vote against the Government only when there is no chance of defeating it – to bark, but never to bite.

But the end result is that despite there being enough rebels to defeat the Government, the Government remains undefeated on a whipped vote, something no other Government since that elected in 1966 has managed.

Government victories are usually attributed to the size of its majority. But in this case it was as much to do with the inability of the rebels to muster their forces at the right time – and with the whips' ability to divide and conquer.

## **Notes**

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## Foundation Hospital Rebels

	Reasoned amendment (May)	Second Reading (May)	Report Stage (July)	Lords Amendment (November) I	Lords Amendment (November) (Duties of Regulator)	Lords Amendment (November) II
Diane Abbott	X	X	X	X	-	-
Graham Allen	X	-	-	-	-	-
John Austin	X	X	X	X	-	-
Harry Barnes	X	X	X	X	X	X
Andrew Bennett	X	X	X	X	-	X
Roger Berry	X	-	X	X	X	-
Harold Best	-	-	X	X	-	-
Colin Burgon	X	-	-	X	-	X
Martin Caton	-	-	X	X	-	-
Michael Clapham	X	-	X	X	-	X
Tony Clarke	-	-	X	X	X	X
Iain Coleman	X	-	X	X	-	-
Michael Connarty	X	X	X	-	-	-
Frank Cook	-	-	X	X	X	-
Jeremy Corbyn	X	X	X	X	-	X
Tom Cox	X	-	-	-	-	-
John Cryer	X	-	-	-	-	-
Jim Cunningham	X	-	-	-	-	-
Ian Davidson	X	X	X	X	-	X
Janet Dean	X	-	-	-	-	-
Andrew Dismore	X	-	-	-	-	-
Jim Dobbin	X	X	X	X	X	X
Frank Dobson	X	X	X	X	-	X
Julia Drown	X	X	-	X	-	-
Gwyneth Dunwoody	X	X	X	X	-	-
Angela Eagle	X	-	X	-	-	-
Clive Efford	X	X	X	X	-	-
Louise Ellman	X	-	X	-	-	-
Bill Etherington	-	-	X	-	-	-
Paul Farrelly	-	-	-	-	-	X
Frank Field	-	-	-	X	-	X
Mark Fisher	X	X	X	X	X	X
Paul Flynn	-	-	X	X	-	-
Neil Gerrard	X	-	X	X	-	X
Dr Ian Gibson	-	-	X	X	-	X
Roger Godsiff	-	-	-	X	-	X
Dai Havard	X	-	X	X	-	-
Doug Henderson	X	-	X	X	-	-
David Heyes	X	-	X	-	-	-
David Hinchcliffe	X	X	X	X	X	X
Kate Hoey	X	-	X	X	X	X
Kelvin Hopkins	X	X	X	X	X	X
Lindsay Hoyle	-	-	X	-	-	-
Joan Humble	-	-	X	-	-	-
Eric Illsley	X	-	-	X	-	-

Glenda Jackson	X	X	X	X	-	-
Helen Jones	X	-	X	X	-	-
Kevan Jones	X	-	-	X	-	X
Dr Lynne Jones	X	X	X	X	X	X
Alan Keen	X	-	X	-	-	-
Peter Kilfoyle	X	X	X	X	-	X
Andy King	X	-	X	X	-	X
Terry Lewis	X	X	X	-	-	-
Tony Lloyd	X	-	X	X	-	-
Alice Mahon	X	X	X	X	X	X
Robert Marshall-Andrews	X	X	-	X	X	-
Jim Marshall	X	-	-	-	-	-
Christine McCafferty	-	-	X	X	-	-
John McDonnell	X	X	X	X	X	X
George Mudie	X	X	X	X	-	-
Dr Doug Naysmith	X	-	X	X	-	-
Albert Owen	-	-	-	X	-	-
Linda Perham	X	-	-	-	-	-
Anne Picking	-	-	-	X	-	-
Stephen Pound	X	-	-	-	-	-
Gordon Prentice	X	X	X	X	-	-
Gwyn Prosser	X	-	-	-	-	-
Ken Purchase	X	-	X	X	-	-
Joyce Quin	-	-	-	X	-	X
Malcolm Savidge	X	-	X	-	-	-
Phil Sawford	-	-	X	-	-	-
Brian Sedgemore	X	X	X	X	-	X
Clare Short	-	-	X	X	-	X
Alan Simpson	X	X	-	X	X	X
Dennis Skinner	-	-	X	X	X	X
Geraldine Smith	-	-	X	-	-	-
Llew Smith	X	X	-	-	-	-
Gerry Steinberg	X	-	X	X	-	-
George Stevenson	X	X	X	X	X	X
David Taylor	X	-	X	X	-	X
Jon Trickett	-	-	-	X	-	X
Paul Truswell	X	-	-	-	-	-
Dr Desmond Turner	X	X	X	X	-	X
Joan Walley	X	-	X	X	-	-
Robert Wareing	X	X	X	X	X	X
Betty Williams	-	-	X	X	-	-
Mike Wood	X	X	X	X	-	X

Note: X indicates a vote against the Government.