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# Webinar: Impact of the Health and Social Care Bill on the NHS

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MINISTRY OF HEALTH

NATIONAL  
HEALTH SERVICE  
BILL

SUMMARY OF THE PROPOSED  
NEW SERVICE

*Presented by the Minister of Health to Parliament  
by Command of His Majesty  
March 1946*

LONDON  
HIS MAJESTY'S STATIONERY OFFICE  
THREEPENCE NET

Cmd. 6761

## Statutory ICSs - the Future

- NHSEI recommendations for NHS Bill from September 2019
- NHSEI Legislative proposals for Integrating Care November 2020
- White Paper - Integration and Innovation: working together to improve health and social care for all February 2021
- NHS Bill Spring 2021
- Amended NHS Act April 2022?



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# White Paper proposals

- Split into 4 areas
  - Working together and supporting integration
  - Reducing bureaucracy
  - Enhancing public confidence and accountability
  - Additional proposals
- Aim to make the patient voice central in the system
- Create a permissive and flexible system from bottom up
- Lot of guidance to go with legislation
- Time frame from entering Parliamentary process to implementation is testing [c.12 months]



# Working together and supporting integration

- Establishing an Integrated Care System -
  - Abolish CCGs
  - Replace with Integrated Care Board [NHS Functions] and an Integrated Partnership Board [connect health and social care]
- New duties on NHS bodies to
  - Promote collaboration across the healthcare, public health and social care system
  - Triple Aim - better health and wellbeing for everyone, better quality of health services for all individuals and sustainable use of NHS resources
- Joint - commissioning; committees; appointments & more data sharing



# Reducing bureaucracy

- Repeal s.75 Health and Social Care Act 2012 to end internal market –
  - Remove competition and clarify central role of collaboration
  - Change Patient Choice and introduce Any Qualified Provider for some clinical services
- End current procurement regime –
  - Remove commissioning of health services from Public Contracts Regulations 2015
  - Introduce NHS Provider Selection Regime for clinical services
  - Non-clinical services still subject to Cabinet Office procurement rules and PCR
- Create greater flexibility for local determination on national tariff
- Allow SoS for HSC to create new NHS integrated trusts on application from ICSs



# Enhancing public confidence and accountability

- Formally merge NHS England and NHS Improvement to create one statutory body called NHS England
- Create a longer term Mandate from SoS to NHS England, which can more flexibly respond to changing strategic needs
- New powers for SoS for HSC to
  - Intervene in service reconfigurations at any point they choose
  - Transfer functions to and from specified Arm's Length Bodies (ALBs)
  - Publish a document, once every 5 years, which sets out roles and responsibilities for workforce planning and supply [covers NHS and workforce shared between health and social care]
- Remove current 3 year time limit on Special Health Authorities



# Additional Proposals

- Address specific needs of social care sector
  - Integrate ICSs and adult social care; Improve data sharing between health and social care; new duty for CQC to assess LA delivery of adult social care duties; power for SoS to make direct payments to social care providers; Discharge 2 Assess; Better Care Fund created outside Mandate.
- Relating to Public Health
  - SoS can direct NHS E to exercise public health functions; obesity; water fluoridation
- To improve safety and quality
  - Create Health Service Safety Investigations Body as independent body; SoS to have powers over professional regulation; MHRA and new national medicines registries; Improve hospital food standards; implement more comprehensive reciprocal healthcare agreements with Rest of the World



# Conclusions

- These are far reaching changes which in the main intend to -
  - Create the legal framework for Integrated Care Systems
  - Remove the internal NHS market
  - Give the SoS greater powers over NHS bodies
  - Tidy up a number of outstanding issues, some due to Brexit, and introduce lessons from Covid response
- The time line is very tight [c.12 months] and so may be a staggered introduction
- Much will depend on detail in the Bill and guidance that follows the Act





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Q&A

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**Thank You**



# Gerard Hanratty

Partner and Head of Health



0330 045 2159



[Gerard.Hanratty@brownejacobson.com](mailto:Gerard.Hanratty@brownejacobson.com)



[Connect with Gerard Hanratty](#)



[brownejacobson.com](http://brownejacobson.com)



[linkedin.com/company/brownejacobson](https://www.linkedin.com/company/brownejacobson)

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