

**HEALTH AND CARE BILL PROPOSALS - INTEGRATION AND INNOVATION:
WORKING TOGETHER TO IMPROVE HEALTH AND SOCIAL CARE FOR ALL**

REPORT OF THE SCRUTINY AND MEMBERS' SUPPORT COORDINATOR

1. PURPOSE OF THE REPORT

- 1.1 To provide the Committee with an overview of the Department of Health and Social Care's legislative proposals for a Health and Care Bill.

2. BACKGROUND

- 2.1 The Secretary of State for Health and Social Care presented the legislative proposals for a Health and Care Bill to Parliament on 11 February 2021. The proposals aim to build on the collaborations witnessed through the Covid-19 pandemic and look to develop a system better able to serve people in a fast-changing world.
- 2.2 The proposals are supported by NHS England and health and care system leaders. The White Paper is a clear move away from the coalition government's 2012 reforms.

3. THE WHITE PAPER - OVERVIEW

- 3.1 The White Paper will have the clear aim of modernising the legal framework making the health and care system future fit with targeted improvements for the delivery of public health and social care. It sets out to provide a less bureaucratic approach which is more accountable and importantly brings together the NHS, local government and partners to tackle the issues within communities.
- 3.2 Key measures within the White Paper 'Integration and Innovation: working together to improve health and social care for all' include:

Integrated Care Schemes become legal entities – this would bring the NHS and local government together to plan health and care services, including moving services from hospitals into communities and focusing on preventative care;

NHS Tendering – the NHS would only be required to tender services where it has the potential to lead to better outcomes for patients, reducing staff time on tendering processes for health services;

Healthcare Safety Investigations Branch – this will become a statutory body in law to reduce risk and improve safety.

Social Care Sector – there are a number of measures within the paper for the social care sector which will aim to improve oversight and accountability in service delivery. This will include an update of the legal framework to enable person-centred models of hospital discharge and improved powers for the Secretary of State to make direct payments to adult social care providers where required.

Inequalities – the pandemic has provided stark evidence for the impact of inequalities on public health outcomes and further legislation will look to introduce new requirements around calorie labelling on food and drink packaging as well as the advertising of junk food prior to 9pm.

Integrated Care

- 3.3 There are to be two forms of integration underpinned by legislation. Firstly, within the NHS removing cumbersome boundaries to collaboration and secondly between the NHS and local government and other partners. There will be a duty to collaborate between the NHS and local government.
- 3.4 The White Paper also outlines measures to bring forward statutory integrated care systems (ICSs). These will consist of ICS Health and Care Partnerships (the NHS, local government and partners) and the ICS NHS Body. The ICS NHS Body will be responsible for the day to day running of the ICS while the ICS Health and Care Partnership will support integration and the development of plans to address public health and social care needs.
- 3.5 The White Paper does point out that legislation will not adopt a one-size-fits-all approach but look at enabling flexibility within local areas. Although a key responsibility for ICSs will be to support joint working between the NHS, local government, community health services and other partners including the voluntary and community sector. ICS's will support place-based joint working between the NHS, local government, community health services and the voluntary and community sectors.

Bureaucracy in the NHS

- 3.6 To reduce the bureaucracy contained in existing legislation the White Paper notes the requirement to change competition law applied through the Health and Social Care Act 2012 and the system of procurement applied to the NHS by this legislation.

Accountability and Public Confidence

- 3.7 The White Paper supports the merging of NHS England and NHS Improvement into a single body to be known as NHS England. There will also be enhanced powers of direction for the government over this newly merged body including greater collaboration, information sharing and accountability. Further legislation will ensure that the NHS can respond to change and external challenges with more agility including

through flexibility of timing and the power to transfer functions between arm's length bodies.

- 3.8 A new assurance framework for social care will provide a greater oversight of local authority delivery of care and improved data collection to better understand the capacity and risks within the social care system.
- 3.9 There will also be greater clarity in the responsibility for workforce planning with and clearer accountability for service reconfigurations with ministers having greater powers to determine service reconfigurations earlier in the process than at present.

Other Measures

- 3.10 The government also intends to publish an update on proposals for the future design of the public health system, with the measures in this White Paper addressing those issues it identifies as requiring intervention through legislation.
- 3.11 In terms of social care integration will be enhanced through social care's position in the ICS structure and there will also be a new standalone legal basis for the Better Care Fund. There will also be a legal power to make direct payments to providers. An enhanced assurance framework alongside improved data collection will also improve accountability within the sector.
- 3.12 Further initiatives for public health include further restrictions on the advertising of high fat, salt and sugar foods and a new power to allow Ministers to alter certain food labelling requirements. Also, importantly, the White Paper outlines the streamlining of the process for the fluoridation of water in England by moving this responsibility from local authorities to central government.
- 3.13 The White Paper also looks to improve and strengthen quality and safety in the NHS by making the Health Services Safety Investigations Body a statutory body, establishing a statutory medical examiners system and the establishment of national medicines registries. Legislation will also allow for reciprocal healthcare agreements with countries around the world.

4. CONCLUSION

- 4.1 The White Paper and the reforms contained within it are far reaching and ambitious for health and social care. The White Paper is clearly about providing local health and care leaders with the freedoms to make decisions that reflect the needs of local populations. However the White Paper also outlines greater powers for Ministers to intervene in local decisions around the opening and closing of NHS services, and greater control of national decisions relating to the NHS.
- 4.2 This will build on the work already underway in terms of integration between health and social care in Sunderland and will sit within the

remit of the Health and Wellbeing Board, and governance arrangements are in development. There will be implications for all stakeholders across health and social care from the published reforms and everyone will be affected in different ways.

5. NEXT STEPS

- 5.1 The timeframe, subject to Parliamentary business, will be that the legislative proposals for the reform of health and care outlines in the White Paper will begin to be implemented in 2022.
- 5.2 The Health and Wellbeing Scrutiny Committee will monitor the progress, developments and implications of these health reforms on Sunderland, its health and social care services and its communities.

6. RECOMMENDATION

- 6.1 The Scrutiny Committee is recommended to note the report and receive further updates as and when appropriate.

7. BACKGROUND PAPERS

Integration and Innovation: Working together to improve health and social care for all (Department of Health and Social Care) February 2021

<https://www.gov.uk/government/publications/working-together-to-improve-health-and-social-care-for-all/integration-and-innovation-working-together-to-improve-health-and-social-care-for-all-html-version>

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