

## **Health and Care Bill Published by Government – BIVDA Briefing**

The full Health and Care Bill has been published by Government today, and a timeline for the legislation's next steps set out. The Bill proposes changes to the structuring of the NHS, interoperation of services, and increased powers for the Secretary of State for Health and Care. The Bill's proposals are based on consultation with NHS leaders, learnings from the pandemic and the contents of the NHS Long Term Plan. The wider health and care sector and the Local Government Association were engaged in extensive discussion with policymakers in order to refine the blueprint.

The Bill seeks to ensure each part of England has an Integrated Care Board (ICS) and an Integrated Care Partnership responsible for bringing together local NHS and local government, such as social care, mental health services and public health advice. The Bill will also introduce measures to tackle obesity and improve oral health. The Bill supports the introduction of new requirements about calorie labelling on food and drink packaging and the advertising of junk food "before the 9pm watershed to level up health across the country".

The Bill's White Paper provided for an "appropriate intervention power" for the secretary of state in the working of NHS England. This has transpired to relate to the potential closure of A&E units or maternity wards that are underperforming by the Secretary of State. This could lead to the politicising of local service decisions. Another additional power is the closure of NHS arms-length bodies.

The Bill states that the NHS Commissioning Board is renamed NHS England. It establishes ICSs and the relevant "clinical commissioning group or groups for an initial area must propose the constitution of the first integrated care board to be established for that area". Each ICS has duties as to patient choice of services provided to them, promoting the involvement of each patient, duties as to reducing inequalities, and the promotion of education, research and integration.

The ICS NHS body will be responsible for NHS strategic planning and allocation decisions. The ICS Health and Care Partnership will be responsible for developing a plan to address the system's health, public health and social care needs, which the ICS NHS body and local authorities will be required to 'have regard to' when making decisions.

Regarding procurement, the Bill seeks to promote flexibility and to strip out some of the obligations relating to procurement of healthcare services. The Department of Health & Social Care states that the

NHS has committed to consulting on the new provider selection regime regarding commissioning and procurement.

The second reading of the Bill has not yet been confirmed; however it is speculated that it may take place on Wednesday 14th July. The Programme Motion should be published on the day of the second reading. Public Bill Committee membership will be appointed after the second reading. Passing a second reading before MPs break for the summer is seen as crucial for ensuring that implementation work — such as formally designating chairs and chief executives for ICSs — can continue fast enough.