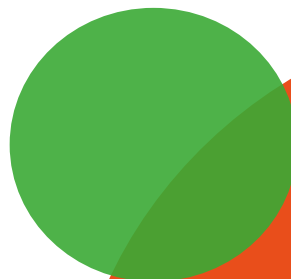
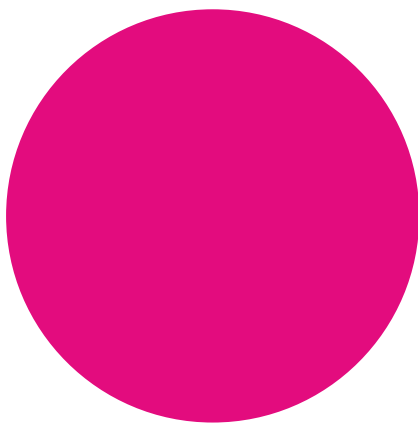


The Queen's Speech

Summary

- As expected, the government committed to bring forward draft legislation to support the implementation of the NHS Long Term Plan.
- The government reiterated its intention to bring forward proposals to reform adult social care.
- The government committed to introduce the draft Health Service Safety Investigations Bill to parliament.
- The government committed to put a bill on medicines and medical devices to parliament.
- The government stated that it would work to reform the Mental Health Act.
- The government committed to reintroduce the European Withdrawal Bill, pending negotiations with the EU.
- The government outlined its aim to introduce an immigration bill to parliament intended to end free movement.
- The government committed to developing a white paper setting out how greater devolution of decision making might take place.
- The government will create an independent regulator to scrutinise environmental policy and law, investigate complaints and take enforcement action.



Background

A Queen's Speech normally outlines the government's legislative programme at the start of the parliamentary year. On the face of it, the announcement of 26 bills to come forward in the forthcoming parliamentary session would not look out of place in the Queen's 64 proceeding speeches. However, looking beyond the conventional familiarity of the Queen's address, the circumstances in which it was delivered is unprecedented.

Traditionally, a Queen's Speech represents a legislative shopping list of what it plans to deliver but with a working majority of around minus 40, a general election likely in the coming months and the outcome of this week's Brexit negotiations overshadowing any legislative agenda, this years' 'shopping list' was more of a swift perusal of the legislative shop window. As such, it was not quite a manifesto but an indication to the electorate of what the government considers to be the "people's priorities".

The NHS and health and social care in general has been heavily underlined on this shopping list, with the address declaring that "measures will be brought forward to support and strengthen the NHS, its workforce and resources, enabling it to deliver the highest quality of care".

This included proposed legislative change to support implementation of the NHS Long Term Plan, establishment of a new independent body to investigate patient safety concerns, a medicines and medical devices bill and forthcoming proposals to reform adult social care and the Mental Health Act. But any reaction to the list below must therefore be heavily cautioned by the uncertainty of whether it will be realised. A number of announcements such as the commitment to reform adult social care in England was just that, with no legislation announced at this stage.

Ultimately, unlocking the parliamentary Brexit lock, potentially on a special sitting this weekend, and brushing off the lack of a working majority through a general election, will be key if the government is to deliver its legislative programme.

How does the Queen's Speech affect the health and care sector?

The Queen's Speech contained a number of bills tied to the NHS as well as broader proposals to improve the health and social care sector:

NHS Long Term Plan

Following a period of consultation from NHS England and Improvement (NHSE/I), draft legislation to support the implementation of the NHS Long Term Plan will be brought forward by government 'in due course'. The NHS Confederation and its networked organisations, including NHS Clinical Commissioners and the Independent Healthcare Providers Network, have informed the development of these proposals and we will continue to engage with our members as they progress.

Using NHSE/I's recommendations as a guide, we expect that these proposals will cover areas including NHS procurement requirements, changes to the Competition and Markets Authority's roles in the NHS and changes to enable closer collaboration between NHS commissioners and providers. Although NHSE/I anticipate an NHS bill to be introduced in this parliamentary session, it is unclear what timescale the government will work to.

Adult social care

Proposals to reform social care are welcome but they are long overdue. Today's commitment only goes as far as promising 'reforms' and we have been here before. Although the government promises 'substantive proposals,' there is no detail on what form these will take. The NHS Confederation has been campaigning for social care reform through leading the Health for Care campaign – we have been calling for a more sustainable social care system, backed up by a long-term financial settlement. We will continue to push for these reforms.

Health Service Safety Investigations Bill

The proposal to establish an independent investigator of breaches of patient safety across the health system, in both the public and private sectors, is a restatement of a 2017 government proposal. This draft bill has undergone a series of changes over the last two years following engagement with the wider sector. At its heart, the bill proposes creating and empowering the Health Service Safety Investigations Body to investigate patient safety incidents with the sole aim of learning.

Crucially, the bill would provide prohibitions on the information disclosed during investigations in order to allow participants to be as candid as possible. One key aspect of the bill that has been dropped since it was first introduced is the proposal to accredit trusts to carry out these investigations into themselves and each other. The NHS Confederation gave evidence to a joint committee scrutinising this bill to that effect.

Mental Health reform

This commitment is another restatement of Theresa May's announcement of a review in 2017 into the Mental Health Act, chaired by Professor Sir Simon Wessely. Rising detention rates and unacceptable disparities in detention rates between some different ethnic groups were amongst some of the reasons that our Mental Health Network had been calling for a review. Proposed changes to Community Treatment Orders, the introduction of statutory care and treatment plans and calls for a sustained focus on improving inpatient ward environments were amongst some of the solutions mooted to improve mental health care. The Mental Health Network has been and continues to be actively involved in discussions over how best to take these proposals forward.

Medicines and Medical Devices Bill

Medicines and medical devices have been the focus of a Health and Social Care Committee inquiry which has largely focused on their availability and the regulatory environment in a post-Brexit Britain. This bill appears to be primarily concerned with positioning the UK as a 'world leader' and supporting the growth of the domestic health research sector. Proposals include the removal of "unnecessary bureaucracy" for low risk clinical trials, implementing a registration scheme for online sellers and developing the ecosystem for personalised medicine and AI in health.

Non health and social care areas

European Union (Withdrawal Agreement) Bill

The Queen's Speech opened with: "My government's priority has always been to secure the United Kingdom's departure from the European Union on 31 October". The speech also stated that the government "intends to work towards a new partnership with the European Union, based on free trade and friendly cooperation". If the UK and EU agree a Withdrawal Agreement, then the European Union (Withdrawal Agreement) Bill (EUWAB) will be re-introduced. The bill would implement the transition period and, while it would provide the legislation required to implement arrangements for the Northern Ireland border, the bill would remove the backstop. This bill will only be put before parliament if a deal is agreed or, alternately, if the Withdrawal Agreement negotiated by the previous Prime Minister is reintroduced. A two-day summit of EU leaders begins in Brussels on Thursday 17 October and should a deal be agreed, this will be put to MPs during a special sitting of parliament on Saturday 19 October to ratify the EUWAB (if introduced) into UK law.

Immigration bill

The government outlined its aim to introduce an immigration bill to parliament intended to end free movement. We believe that any bill to end free movement must take into account the needs of the health and social care sector. Recent exemptions from immigration caps for clinical staff have gone some way to meeting growing demand and workforce shortages. We would be keen to ensure that any subsequent legislation made similar exemptions, particularly in the case of social care.

White paper on devolution

The Queen's Speech restates the government's commitment to devolution, an issue on which the previous administration had been noticeably quiet. A white paper will be published providing further information on enhanced devolution across England, including levelling up the powers between the current Mayoral Combined Authorities and approving other devolution deals. As with existing deals, devolution will be focused on boosting local economic growth and productivity, and will entail a number of priority policy themes. It is important that STP and ICSs understand the local priority areas as Devo Deals are developed and their impact on health and care strategy and planning.

Environment bill

The government is proposing the creation of an independent regulator to "scrutinise environmental policy and law, investigate complaints and take enforcement action". It is also proposing to increase local powers to tackle sources of air pollution amongst other things. These proposals represent a potentially significant step forward in terms of public health and we will be following them closely to see what form these proposals take.

Tied to this, we will actively seek to ascertain how the proposed regulator would interact with the NHS. In recent months, there has been an increased focus on the NHS's carbon footprint and any new regulator must understand the nuances of bringing about change in an organisation that necessarily requires significant energy usage.

NHS Confederation reaction

Responding to the Queen's Speech, Niall Dickson, chief executive of the NHS Confederation, said:

"If this government is not to be defined by Brexit then it must develop a credible domestic agenda and finding a solution to the social care crisis should be right at the very top of this agenda.

"Thousands of vulnerable people are being left to fend for themselves every day without the care and support they need – this government must seize the opportunity and come forward with proposals that last a generation and more. We welcome the Government's commitment to reform adult social care but we have been here before and need to see these welcome words put into firm action."

Turning to Brexit and other plans outlined in the Queen's Speech, Niall Dickson added:

"Extensive no-deal preparations have been made to secure the UK's exit from the EU but the best way of guaranteeing that patients are protected must be through a negotiated deal. If this is not possible, then we need to find a way of agreeing a mini-deal for health care that protects patients and the public both here and in the rest of Europe."

Legislative proposals

"This is very welcome. The NHS needs a full-scale reorganisation like a hole in the head. But a limited and targeted set of legislative reforms will help to make it easier to create more effective and integrated services for the public. We therefore support the proposed changes and the idea of an NHS bill to replace parts of the Health and Social Care Act which are no longer fit for purpose."

Mental health

Responding to the announcement of reform of the Mental Health Act, Sean Duggan, chief executive of the Mental Health Network, which is part of the NHS Confederation, said:

"It has been clear for some time that the Mental Health Act desperately needs modernising. Today's commitment by the government is significant and is set to make a big difference to ensuring that those who have reached the point of crisis receive the care they need.

"It is important that we increase choice and provide more alternatives to detention in the wake of years of rising detention rates, with service users given a greater opportunity to have a say in their care. We need to ensure that gaps in terms of inequalities in access and outcomes are eradicated."

About the NHS Confederation

The NHS Confederation is the membership body that brings together and speaks on behalf of the whole NHS. We represent over 500 members across health and social care, including hospitals, community and mental health providers, ambulance trusts, independent sector organisations providing NHS care, and clinical commissioning groups.

To find out more, please visit www.nhsconfed.org or email enquiries@nhsconfed.org



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