

CUMBRIA HEALTH SCRUTINY COMMITTEE

Meeting date: 4 October 2021

**From: Chief Operating Officer – North Cumbria
Clinical Commissioning Group
Chief Officer - NHS Morecambe Bay Clinical
Commissioning Group**

UPDATE ON HEALTH & CARE BILL IMPLEMENTATION AND LOCAL GOVERNMENT REFORM

1.0 EXECUTIVE SUMMARY

- 1.1 *The Health and Care Bill 2021-22 was introduced in the House of Commons on 6 July 2021. The Bill would enact policies set out in the NHS's recommendations for legislative reform, following the NHS Long Term Plan (January 2019), and the White Paper, Integration and Innovation: working together to improve health and social care for all (February 2021).*
- 1.2 *On the 21st July the Secretary of State for Housing, Communities and Local Government announced his decisions, subject to Parliamentary approval, to implement the proposal for two unitary councils on an East-West geography for the whole of the administrative county of Cumbria, and not to implement the proposal for a single unitary council nor the two other proposals for two unitary councils for the area.*
- 1.3 *NHS England have set out options for boundary alignment in integrated care systems in specific geographies where upper-tier local authorities currently have to work across more than one ICS footprint.*
- 1.4 *The Secretary of State intends to review the areas of Cumbria and North Yorkshire, as, they will remain non-coterminous following the conclusion of MHCLG's unitarization process. These reviews will take place in two years, following the implementation, subject to parliamentary passage, of the Health and Care Bill.*

2.0 BACKGROUND

- 2.1 Several provisions in the Health and Care Bill were originally proposed by NHS England, such as establishing existing Integrated Care Systems (ICSs) on a statutory footing, formally merging NHS England and NHS Improvement, and making changes to procurement and competition rules relating to health services.
- 2.2 The Bill also includes proposals from the February 2021 White Paper to give the Secretary of State for Health and Social Care powers to direct NHS England and to decide how some other health services are organised. It gives the Secretary of State powers to transfer functions between some of the 'Arm's Length Bodies' that lead, support and regulate healthcare services in England, and to intervene in proposed changes to the way health services are delivered.
- 2.3 The Bill doesn't cover wider reforms of the social care and public health systems, although it does provide for some changes in these areas (and ICSs are intended to improve coordination between the NHS and local authority services). Social care and public health provisions For social care, the Bill provides for the Care Quality Commission (CQC) to assess how local authorities deliver their adult social care functions and it aims to improve data sharing. There are also measures to streamline how people with ongoing care needs are discharged from hospitals. Public health measures in the Bill relate to food advertising and water fluoridation
- 2.4 On 22 February 2021, Ministers launched a consultation on eight proposals for unitary local government that councils in Cumbria, North Yorkshire and Somerset had submitted. These proposals were in response to the Secretary of State's invitation of 9 October 2020, and four proposals were received from councils in Cumbria. The consultation ran for eight weeks to 19 April 2021; the Government received over 13,000 responses in total; for Cumbria some 3,200 responses were received.
- 2.5 The Secretary of State announced his decision on the 21st July, subject to Parliamentary approval, to implement the proposal for two unitary councils on an East-West geography for the whole of the administrative county of Cumbria, and not to implement the proposal for a single unitary council nor the two other proposals for two unitary councils for the area.
- 2.6 The Secretary of State now intends to seek Parliamentary approval for the necessary secondary legislation to implement this two unitary East-West proposal. It is intended that the draft structural changes order will be laid in Parliament around the turn of the year and that it will include provision for appropriate transitional arrangements, including for elections in May 2022 for the future unitary councils and for those councils to assume the full range of local authority responsibilities on 1 April 2023, when predecessor councils would be abolished.

- 2.7 Earlier this year, Ministers asked NHS England to set out options for boundary alignment in integrated care systems in specific geographies where upper-tier local authorities currently have to work across more than one ICS footprint and to assess the impact of changes to deliver alignment in each case. Over the last six months NHS England has worked with stakeholders to develop advice and analysis for each of the affected areas to inform the final decision.
- 2.8 This work has now concluded, with advice provided to the Secretary of State for Health and Social Care and the final decision has been taken for the areas in scope of the review. The Secretary of State intends to review the areas of Cumbria and North Yorkshire, as, they will remain non-coterminous following the conclusion of MHCLG's unitarization process. These reviews will take place in two years, following the implementation, subject to parliamentary passage, of the Health and Care Bill.

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APPENDICES

None

BACKGROUND PAPERS

None