

## LINCOLNSHIRE HEALTH AND WELLBEING BOARD

Open Report on behalf of Derek Ward, Director of Public Health

Report to	<b>Lincolnshire Health and Wellbeing Board</b>
Date:	<b>26 March 2019</b>
Subject:	<b>Implementing the NHS Long Term Plan – Proposals for possible changes to legislation</b>

### **Summary:**

On 28 February 2019, NHS England (NHSE) launched a 'call for views' on potential proposals for changing current primary legislation relating to the NHS. The document states that it is possible to implement the NHS Long Term Plan without primary legislation, but legislative change could make implementation easier and faster. The closing date for the submission of responses is 25 April 2019.

### **Actions Required:**

The Lincolnshire Health and Wellbeing Board is asked to consider if the Board should respond to the 'call for views', and if so, agree the process for drafting the response.

## **1. Background**

On 28 February 2019 NHSE launched '*Implementing the NHS Long Term Plan – Proposals for possible changes to legislation.*' The document invites patients, NHS staff, partner organisations and interested members of the public to give their views on potential proposals for changing current primary legislation relating to the NHS to help local and national health organisations work together more effectively to improve services to patients.

NHSE state it is possible to implement the NHS Long Term Plan without primary legislation, but legislative change could make implementation easier and faster. The document states, local NHS bodies need to be free to work together with partners, including with local authorities, to redesign care around patients, and the same is true for national bodies. The rules and processes for procurement, pricing and mergers create unnecessary bureaucracy that gets in the way of enabling integration of care.

The NHS Long Term Plan outlines eight groups of suggested legislative changes. The proposals presented in the document are based on views already received from patients, clinicians, NHS leaders and partner organisations, as well as national professional and

representative bodies. Further views on the proposals are now being sought by 25 April 2019.

The intention is to share the feedback with the Parliamentary Health and Social Care Select Committee to inform their inquiries. The full consultation document can be accessed at <https://www.engage.england.nhs.uk/survey/nhs-long-term-plan-legislation/>, and a summary of the questions in the consultation document are set out in Appendix A. There is also an opportunity to provide free text responses to each question and general comments at the end of the online survey.

The Board may wish to respond to the consultation and given the timescale it is proposed that the Director of Public Health and Programme Manager Health and Wellbeing draft the response for sign off by the Chairman.

## **2. Conclusion**

The Board is asked to consider whether it wishes to submit a formal response to the consultation.

## **3. Joint Strategic Needs Assessment and Joint Health & Wellbeing Strategy**

The Council and Clinical Commissioning Groups must have regard to the Joint Strategic Needs Assessment and Joint Health and Wellbeing Strategy.

Any future arrangements will still be required to have regard to the JSNA and JHWS when planning and commissioning services.
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## **4. Consultation**

Not applicable

## **5. Appendices**

These are listed below and attached at the back of the report	
Appendix A	NHS Legislation Survey Questions

## **6. Background Papers**

Document details	Where it can be accessed
Implementing the NHS Long Term Plan – Proposals for possible changes to legislation	<a href="https://www.engage.england.nhs.uk/survey/nhs-long-term-plan-legislation/">https://www.engage.england.nhs.uk/survey/nhs-long-term-plan-legislation/</a>
Section 75 Health and Social Care Act 2012	<a href="http://www.legislation.gov.uk/ukpga/2012/7/section/75/enacted">http://www.legislation.gov.uk/ukpga/2012/7/section/75/enacted</a>

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## NHS Legislation Survey Questions

		Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
<b>(Mandatory)</b>						
Should the law be changed to prioritise integration and collaboration in the NHS through the changes recommended?						
<b>(Optional)</b>						
<b>1. Promoting collaboration</b>	<ul style="list-style-type: none"> <li>Do you agree with our proposals to remove the Competition and Markets Authority's (CMA) functions to review mergers involving NHS foundation trusts?</li> </ul>					
	<ul style="list-style-type: none"> <li>Do you agree with our proposals to remove NHS Improvement's powers to enforce competition?</li> </ul>					
	<ul style="list-style-type: none"> <li>Do you agree with our proposals to remove the need for contested National Tariff provisions or licence conditions to be referred to the CMA?</li> </ul>					
<b>2. Getting better value for the NHS</b>	<ul style="list-style-type: none"> <li>Do you agree with our proposals to free up procurement rules including revoking section 75 of the Health and Social Care Act 2012 and giving NHS commissioners more freedom to determine when a procurement process is needed, subject to a new best value test?</li> </ul>					
<b>3. Increasing the flexibility of national payment systems</b>	<ul style="list-style-type: none"> <li>Do you agree with our proposals to increase the flexibility of the national NHS payments system?</li> </ul>					
<b>4. Integrating care provision</b>	<ul style="list-style-type: none"> <li>Do you agree that it should be possible to establish new NHS trusts to deliver integrated care?</li> </ul>					
<b>5. Managing NHS's resources better</b>	<ul style="list-style-type: none"> <li>Do you agree that there should be targeted powers to direct mergers or acquisitions involving NHS foundation trusts in specific circumstances where there is a clear patient benefit?</li> </ul>					
	<ul style="list-style-type: none"> <li>Do you agree that it should be possible to set annual capital spending limits for NHS foundation trusts?</li> </ul>					
<b>6. Every part of the NHS working together</b>	<ul style="list-style-type: none"> <li>Do you agree that CCGs and NHS providers be able to create joint decision making committees to support integrated care systems (ICSs)?</li> </ul>					
	<ul style="list-style-type: none"> <li>Do you agree that the nurse and secondary care doctor on CCG governing bodies be able to come from local providers?</li> </ul>					
	<ul style="list-style-type: none"> <li>Do you agree that there should be greater flexibility for CCGs and NHS providers to make joint appointments?</li> </ul>					
<b>7. Shared responsibility for the NHS</b>	<ul style="list-style-type: none"> <li>Do you agree that NHS commissioners and providers should have a shared duty to promote the 'triple aim' of better health for everyone, better care for all patients and to use NHS resource efficiently?</li> </ul>					

<b>8. Planning our services together</b>	<ul style="list-style-type: none"> <li>Do you agree that it should be easier for NHS England and CCGs to work together to commission care?</li> </ul>					
<b>9. Joined up national leadership</b>	<ul style="list-style-type: none"> <li>Which of these options to join up national leadership do you prefer? <ul style="list-style-type: none"> <li>Combine NHS England and NHS Improvement</li> <li>Provide flexibility for NHS England and NHS Improvement to work more closely together</li> <li>Neither of the above</li> </ul> </li> </ul>					
	<ul style="list-style-type: none"> <li>Do you agree that the Secretary of State should have power to transfer, or require delegation of, Arm's Length Bodies (ALB) functions to other ALBs, and create new functions of ALBs, with appropriate safeguards?</li> </ul>					