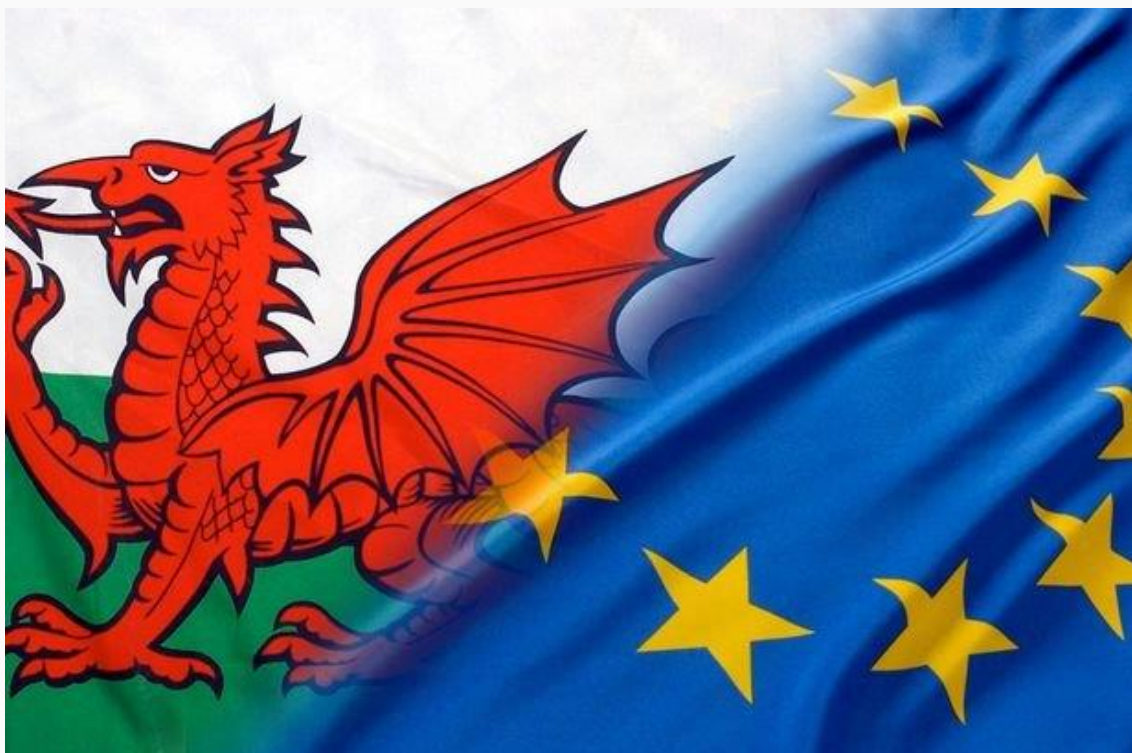


BREXIT AT A GLANCE...

Weekly news, views and insights from the Welsh NHS Confederation
Friday, 26 July



***Please cascade information where appropriate
to your workforce and care providers***

What Happened This Week...

Of course, the big news this week was the announcement and appointment of Boris Johnson as the UK's Prime Minister. During his first address to the House of Commons about his Government's priorities he stated that he would

commission the Migration Advisory Committee (MAC) to examine the application of an Australian-points based immigration system, declared that EU citizen's rights will be protected in law, and confirmed that the NHS will not be on the negotiating table in future trade deals.

After a relatively quiet couple of months, plans within the health and care system are now gearing up for a potential no-deal Brexit on 31 October. These plans will be very similar to the previous plans, with some improvements introduced thanks to the government learning from experiences earlier in the year, and from NHS Confederation member feedback. There will be improved communications to ensure they reach the right people at the right time, including patient-facing NHS staff, and also those UK citizens who would usually access healthcare in EU countries using current methods such as EHIC and S1. Of note, new legislation means that the UK will continue to recognise professional qualifications from the EU for two years post-Brexit.

In other news we have launched our [Brexit Preparedness Toolkit](#). The purpose of this document is to provide members of the Welsh NHS Confederation and stakeholders with a high-level summary of current preparations in Wales. This document is intended to support the NHS and other stakeholders in understanding the implications of a no-deal Brexit. This document is intended to be a tool to spark thinking about the longer-term policy and service implications as well as opportunities leaving the EU may have for the healthcare sector in Wales. It acts as a link to both UK and Welsh Government [guidance](#) in an Annex which will be updated to match the most up to date information that is issued.

If you have any questions about the Brexit process, please see our [FAQs](#) page for more details which have been updated today, or email any questions to brexitfaqs@welshconfed.org. Please visit [our website](#) for more information and resources on current developments.

Nesta Lloyd-Jones,
Interim Director, Welsh NHS Confederation



Welsh NHS Confed
@WelshConfed



Today we've launched our [#Brexit](#) preparedness toolkit for the [#WelshNHS](#). The toolkit looks at a number of potential scenarios and links to all the most up to date guidance. Take a look here: buff.ly/2K97NsB

**Brexit Preparedness
Toolkit for the Welsh NHS**

Part of the Brexit Transition Support Programme

July 2019

THE WELSH NHS CONFEDERATION
CONFEDERASIWN GIG CYMRU

36 views 0:00 / 0:04

Welsh Government News and Guidance

[First Ministers of Wales and Scotland call on new Prime Minister to rule out no deal Brexit](#)

On 25 July the First Minister of Wales Mark Drakeford and the First Minister of Scotland Nicola Sturgeon have jointly written to the new Prime Minister asking him to immediately rule out a no deal Brexit.

The First Ministers say in their letter:

“We are concerned that you have not ruled out leaving the European Union without a deal on 31 October.

“While we will continue to do everything we can to ensure we are as prepared as possible for this eventuality, there should be no doubt that the consequences would be catastrophic for all parts of the UK.

“It would be unconscionable for a UK government to contemplate a chaotic no deal exit and we urge you to reject this possibility clearly and unambiguously as soon as possible.

“We are also clear the decision about EU exit must now be put back to the people. It is the policy of both governments that the UK Parliament should legislate for a further referendum. If such a referendum is held we will argue strongly that the UK should remain in the EU.”

“While the prospect of a no deal exit exists – despite the differences between our governments – there must be strong and constructive joint planning and action to mitigate the effects so far as possible.

“This must be done in a way that fully respects devolution. And in any next phase of the EU exit process, the meaningful involvement of all the UK’s governments in the decisions that affect them is crucial.

“This will require a significant shift in the culture and approach to intergovernmental relations we have experienced over the past 3 years to ensure proper respect is given to devolved interests and institutions.”

[Cabinet Meeting, June 10](#) (Brexit and Shared Prosperity Fund discussed)

The Counsel General and Brexit Minister informed Cabinet that he would be attending a meeting of the JMC(E) in London on Thursday, where he would also be holding a bilateral with the Minister for the Cabinet Office. In addition, the Finance Minister and Trefnydd would be representing the Welsh Government at the EUXT(P) meeting on Wednesday.

There would be a debate in Plenary on the Shared Prosperity Fund the following day, where the Minister for Finance and Trefnydd would be able to raise the recent analysis of potential distribution of the fund between 2021 and 2027.

It was reported that EU nationals who intended to study in Wales for the academic year 2020/21 would be eligible to pay the same tuition fees as Welsh students and would also be eligible to receive loans and / or grants from Student Finance Wales, subject to existing eligibility criteria.

[Cabinet meeting, June 3](#) (Brexit discussed)

The Counsel General and Brexit Minister informed Cabinet that he would be making a Statement to the Assembly the following day (4 June) on the latest developments on Brexit. In addition, on Wednesday (5 June) there would be a Plaid Cymru debate on a confirmatory referendum. It was noted that there

would be a need for further consideration of the voting advice in advance of the debate.

For further information, please see the [Preparing Wales for a no-deal Brexit](#) website and [click here](#) for more information on Health and Social Care sector planning for a no-deal Brexit.

National Assembly Developments

[Plaid Cymru works cross-party in court action to stop prorogation](#)

On 22 July Plaid Cymru's Brexit Spokesperson, Hywel Williams MP, as part of a cross-party group of MPs and Peers, wrote to the Government's legal representative in Scotland, informing him that, in seven days, they will sue for a court guarantee that the Prime Minister cannot close down Parliament in the run up to 31 October 2019.

The cross-party group includes Scottish MPs from the SNP, Liberal Democrats and Labour Party; Welsh MPs from Plaid Cymru and Labour; and a number of English independent, Labour and Green parliamentarians. It also supported by Jolyon Maugham QC of the Good Law Project, which is backing the action.

The action will be brought before the Court of Session – which sits through August – and seeks a “declarator” that the Prime Minister cannot lawfully advise the Queen to suspend Parliament. The petitioners will use the Wightman precedent – the case that established the UK can revoke Article 50 – and say the Court should state the law in advance of the Queen being asked to suspend Parliament.

The Petitioners will be represented by the same team as brought the

successful Wightman action with Elaine Motion of Balfour+Manson instructing a Counsel team headed by Aidan O'Neill QC and assisted by Professor Kenneth Armstrong.

The Petitioners expect to be joined by a further wave of parliamentarians in the next seven days. The petitioners are hopeful that the Court of Session's decision will be made before Parliament returns from summer recess.

News and Reports

[Wales after Brexit: Funding map set to be torn up](#)

Parts of Wales which do not currently get top-level EU grants could get more money after Brexit. Former Conservative Minister Guto Bebb believes deprived areas which currently miss out should qualify under the planned UK [Shared Prosperity Fund](#).

[Bosses seek cut to immigrant salary threshold](#)

The next prime minister should lower the salary threshold for foreign workers in the UK from £30,000 to £20,000, a group of business and education bodies has said.

[Countdown to Brexit and Beyond](#)

With the new PM being announced today, minds now turn to what happens next and the period leading up to 31st October - Deal or No Deal? WA has put together a [Countdown to Brexit and Beyond](#) – the key dates and milestones you need to help you understand where we go from here.

[Show maturity, Welsh first minister tells new Tory leader](#)

Wales' first minister Mark Drakeford has called on Boris Johnson to show "maturity" after his successful election to lead the Conservative party

[Boris Johnson: Where now for Welsh Government with new PM?](#)

Two big questions face the Welsh Government as Boris Johnson enters Downing Street.

[Boris Johnson keeps Alun Cairns as Welsh secretary](#)

Alun Cairns is to stay as Welsh secretary in the government formed by new Prime Minister Boris Johnson.

Brexit Frequently Asked Questions

We have updated our Brexit FAQs again this week to include updated EU Settlement Resolution Centre and information on our [Brexit Preparedness Toolkit](#)

Visit the [FAQs page](#) to get the latest version as it's updated and send in any questions to BrexitFAQs@welshconfed.org

THE WELSH NHS CONFEDERATION
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ADSS Cymru
Yn arwain Gwasanaethau
Cymdeithasol yng Nghymru
Leading Social Services in Wales



CLILC • WLGA

Managing Brexit / EU withdrawal in health and social care in Wales: Frequently asked questions

UK Government & NHS England Resources

Overview from Westminster

In its latest [report](#), the Committee on Exiting the EU warns that a 'no deal' Brexit would lead to severe disruption, pose a fundamental risk to the competitiveness of key sectors of the UK's economy and put many jobs and livelihoods at risk. It would represent a sudden rupture for the closely entwined economies of the UK and the EU 27

[Prime Minister statement on priorities for Government](#)

While going over the priorities for the new Government, there remains uncertainty around the fate of the proposal for the joint House of Commons and House of Lords Committee which was agreed to in June.

There were written statements from the [Sajid Javid](#) (The Secretary of State for the Home Department) [HCWS1803](#) and [Baroness Williams of Trafford](#) (The Minister of State, Home Office) [HLWS1766](#) on immigration:

[Migration Advisory Committee review of the Shortage Occupation List](#)

On 29 May, the Migration Advisory Committee (MAC) published the outcome of its full review of the Shortage Occupation List (SOL). The MAC recommended a number of changes to the main UK-wide SOL, expanding the list to cover a range of high-skilled occupations, including a number of health and social care, engineering and digital technology occupations.

The UK Government has accepted all of the MAC's recommendations on the composition of the SOL and the necessary amendments will be made in the Autumn Immigration Rules changes.

The MAC also suggested that, in order to combat the particular challenges faced by some remote communities, the UK Government should pilot a scheme that facilitated migration to these areas. The Government has accepted that this is an idea worth pursuing. Further details will be given in due course.

Got questions about what trade deals will mean for the NHS? Here is the NHS Confederation's [written submission](#) to the House of Commons International Trade Committee which has just been published.

House of Commons

On Monday the [Home Affairs Committee questioned Sajid Javid](#) on the work of

the Home Office. There were some questions on Government preparedness for no-deal border controls and what would happen to freight in the case of a no-deal Brexit (in which worst case, cross channel trade could decrease to 40-60% of current levels for three months).

Westminster Hall debate on e-petition- "Don't put our NHS up for negotiation – please introduce concrete safeguards that will make sure our NHS is kept out of any future trade deals after Brexit" relating to future trade deals and the National Health Service - [Mike Hill](#) - Monday 22 July

One of the Government's main Brexit objectives has been for the UK to pursue an independent trade policy. The Government's policy is focused on replicating the existing EU trade agreements with third countries as closely as possible in UK stand-alone trade agreements with those countries. The Government is also exploring the options for new agreements with other trade partners. It has held consultations on future free trade agreements with the US, Australia, New Zealand as well as joining the Trans Pacific Partnership. This follows a House of Lords debate on future trade deals on 4 July and an International Trade Committee Inquiry into trade in services on 26 June to which the NHS Confederation gave [evidence](#).

[Future trade deals and the National Health Service](#)

Welsh NHS Confederation Insight:

This is an issue which is expected to get increasing prominence over the next few months, especially with a potential early Autumn visit to the US being speculated for new Prime Minister. The view of the NHS Confederation is that a free trade agreement will not affect the basis of the NHS and it will be up to the UK Government to decide what to commit to in a future trade deal but there are risks to watch out for in trade negotiations.

The petition had over 166,000 signatures and introduces concrete safeguards to protect NHS from future trade deals and 'take the NHS off the negotiating table'. The Government responded that NHS will never be for sale and guaranteed the House that they will protect the NHS in trade deals given that 7.6% of NHS spending is on contracting to the private sector. It was noted that in WTO trade agreement, trade in services is exempt which have government responsibility. Some aspects of the NHS are already outsourced and involve the private sector (i.e. pharmaceuticals, building hospitals etc).

There were discussions of repealing section 75 of the Health and Social Care Act 2012 (Requirements as to procurement, patient choice and competition), the removal of which it is believed would be a safeguarding mechanism. It was noted that the BMA and others would like primary legislation created that puts public service above economic policies and free trade agreements.

Some MPs view this an opportunity and welcome the idea of the NHS in future trade deals, but most highly value the NHS and are against its inclusion in any trade deals.

House of Lords

Legislation - Northern Ireland (Executive Formation etc.) Bill - Consideration of Commons Amendment - Lord Duncan of Springbank – Monday 22 July

This amendment was approved (146 – 260) last week by MPs to block the suspension of Parliament. The fortnightly reports and debates mean the Parliament will have to be sitting. This came after some debate as to this amendment adding additional procedure and questioned if this was relevant in a bill to restore the executive function of Northern Ireland.

Guidance

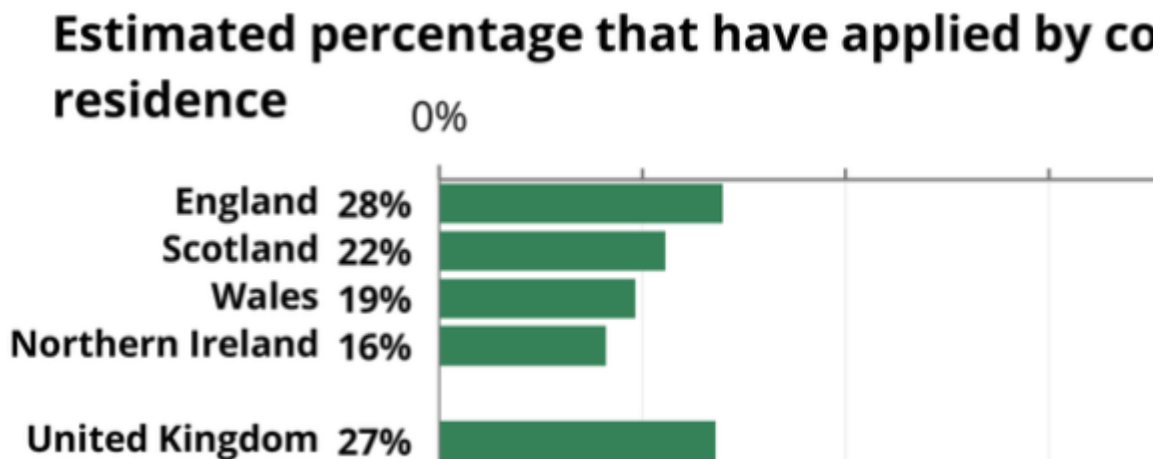
[Contingency legislation covering regulation of medicines and medical devices in a no deal scenario](#)

Legislation has been published which, in the event of the UK leaving the EU with no agreement, will cover the regulation of medicines, medical devices and clinical trials. **Updated references to the Human Medicines and Medical Devices (Amendment etc.) (EU exit) Regulations 2019, following it being laid in Parliament on 24 July 2019.**

Settled Status

[The progress of the EU Settlement Scheme so far](#)

The briefing examines the existing data on the number of applications for Settled Status and Pre-Settled Status from EU, EEA and Swiss nationals. The briefing also has data on the place of residence of people who have applied and can compare this to the estimated number of EU citizens in each constituent part of the UK. The chart below shows the resulting estimates of the percentage who have applied in each area.



[NHS England](#) Preparing for EU Exit page where you can find Guidance and correspondence, which includes [continuity of medicine supply frequently asked](#)

[questions.](#)

Brexit page on [UK Government](#) providing information about EU Exit including the article 50 process, negotiations, and announcements about policy changes as a result of EU Exit, such as the [Prepare for EU Exit Campaign](#).

Looking Ahead

**Summer Recess for the National Assembly: Monday 22 July 2019 –
Sunday 15 September 2019**

**Summer Recess for the UK Parliament: Friday 29 July 2019 –
Tuesday 3 September 2019**

Wednesday 31 July

- National Advisory Group meeting on the temporary work stream and crossing the UK border



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