

Public Bill Committee Evidence

Health and Care Bill



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About the Mental Health Foundation

- 1 Since 1949, the Mental Health Foundation (MHF) has been the UK's leading charity for everyone's mental health. With prevention at the heart of what it does, MHF aims to find and address the sources of mental health problems so that people and communities can thrive.

Key points

- 2 In line with MHF's focus on prevention, this evidence sets out the elements of the Government's Health and Care Bill which could be strengthened to embed public mental health in the new system and ensure that it gets the priority it needs.

- 3 **The Bill should be amended to strengthen the requirement for Integrated Care Boards (ICBs) to follow the Integrated Care Partnership (ICP) plan, avoiding the risk that they become under-used advisory documents, without practical relevance.**
- 4 **The Bill currently requires ICBs to obtain advice on health improvement and prevention of illness, but it does not make clear that this includes mental health. The Bill should be amended to ensure that ICBs always obtain advice holistically on health improvement and prevention, making it clear that this includes *mental*, and not just physical, health.**
- 5 **The Bill should be amended so that it reflects the Government's stated aim to ensure that public health is represented in Integrated Care Partnerships.**
- 6 **The Bill should be amended so that Mental Health Trust representation is mandated on ICBs.**

Public mental health

- 7 There is an enormous and growing number of people with mental health problems in the country, and we cannot simply use the NHS to treat our way out of this situation. Instead of waiting for people's mental health problems to develop, worsen, and require clinical support, we need a public health approach that views the population's mental health as an asset to be protected, supported, and sustained.¹

¹ The Foundation has set out the evidence on this topic in our paper [Prevention and Mental Health](#).

- 8 As we recover from the pandemic, it is more important than ever that we redouble our efforts to protect the public's mental health, as good mental health is a critical mediating factor for people's recovery. This must include taking early action to address the factors that can lead to it deteriorating.

Public mental health and the Health and Care Bill

- 9 The Health and Care Bill seeks to remove barriers to joined-up working between GPs, hospitals, and community services, and to provide a legislative basis for elements of the NHS long term plan.
- 10 MHF is supportive of the overall aims of the Bill, but it is important that the Government strengthens the parts of the Bill dealing with public health, in order to ensure that the new structures are fit for the task of improving the public's *mental* health specifically.

Integrated Care Partnerships: strategies (part 1, Clause 20)

- 11 The Bill's explanatory notes outline how the ICP will be responsible for developing a strategy on public health, which the ICB will need to have 'regard to':

*The ICP will be tasked with **developing a strategy to address** the health, social care and **public health** needs of its system. The ICB and local authorities will have to **have regard to that plan** when making decisions.² [emphasis added]*

- 12 Specifically, the relevant part of the Bill itself currently stands as follows:

(6) For section 116B substitute—

"116B Duty to have regard to assessments and strategies

(1) A responsible local authority and each of its partner integrated care boards must, in exercising any functions, have regard to the following so far as relevant—

- (a) any assessment of relevant needs prepared under section 116 in relation to the responsible local authority's area,*
- (b) any integrated care strategy prepared under section 116ZB in relation to an area that coincides with or includes the whole or part of the responsible local authority's area, and*
- (c) any joint local health and wellbeing strategy prepared under section 116A by the responsible local authority and its partner integrated care boards. [...]³*

- 13 'Having regard to' is a weak requirement, which could allow for poorly-run ICBs to pay minimal attention to the Partnership's plan.
- 14 Whilst it may be appropriate for public health only to be mandated in ICPs rather than ICBs, which will be focusing on more clinical issues, it may well be the case that ICPs become seen as

² [Explanatory notes](#), p.17

³ Part 1, Clause 20 (6)

the junior partner of ICBs. The legislation therefore needs to be clear about the requirement for the ICP plan to be acted upon by the ICB.

- 15 **Recommendation:** the Bill should be amended to strengthen the requirement for Integrated Care Boards (ICBs) to follow the Integrated Care Partnership (ICP) plan, avoiding the risk that they become under-used advisory documents, without practical relevance.

Public Health Duty (Part 1, Clause 19)

- 16 The Bill includes a specific provision requiring the ICB to obtain advice on public health:

14Z38 Duty to obtain appropriate advice

Each integrated care board must obtain advice appropriate for enabling it effectively to discharge its functions from persons who (taken together) have a broad range of professional expertise in— (a) the prevention, diagnosis or treatment of illness, and (b) the protection or improvement of public health.⁴

- 17 This is welcome, but, particularly in the context of a pandemic where the focus is on physical health, the Government should explicitly clarify in the legislation that this advice should include mental health, in both (a) and (b).
- 18 Mental health and physical health are very often connected and should be addressed together, but unless the legislation clarifies that specific expertise and advice is required on mental health, there is a risk that it will continue to be under-prioritised.
- 19 The British Medical Association has reported that local authorities allocated just 1.6% of their total public health budget on mental health over 2018-19. We are far from parity of esteem between physical and mental health preventative work, and are unlikely to see significant movement towards that goal unless the Government takes the opportunity to use this Bill to encourage it.⁵

- 20 **Recommendation:** the Bill should be amended to ensure that ICBs always obtain advice holistically on health improvement and prevention, making it clear that this includes mental, and not just physical, health.

⁴ Part 1, Clause 19 (2)

⁵ British Medical Association. (2018). Tackling the causes: Promoting public mental health and investing in prevention. Retrieved from: <https://www.bma.org.uk/collective-voice/policy-and-research/public-and-population-health/mental-health/promoting-mental-health-and-prevention>

Integrated Care Partnerships – public health representation (Part 1, Clause 20)

- 21 The explanatory notes to the Bill and the Bill itself are not in agreement on whether ICPs will be required to include public health representatives. The explanatory notes make the following, positive statement:

*Each ICB and its partner local authorities will be required to establish an ICP, bringing together health, social care, **public health** (and potentially representatives from the wider public space where appropriate, such as social care providers or housing providers).⁶ [emphasis added]*

- 22 The legislation, though, does not include this provision. Under Part 1, Clause 20, it simply states:

(2) The integrated care partnership for an area is to consist of—
(a) one member appointed by the integrated care board,
(b) one member appointed by each of the responsible local authorities, and
(c) any members appointed by the integrated care partnership.

Given the Government's clear intention that public health should be represented in the Partnership, the lack of this provision on the face of the Bill is a clear missed opportunity, and would appear to represent an oversight.

- 23 **Recommendation:** the Bill should be amended so that it reflects the Government's stated aim to ensure that public health is represented in Integrated Care Partnerships.

ICS boards – mental health representation (Schedule 2, part 1)

- 24 Whilst much prevention work needs to happen at the community level before mental health difficulties escalate, the new system also needs to have a clear focus on:
- **Secondary prevention**, which aims to reduce the impact of mental health difficulties which have already occurred, and to prevent recurrence
 - **Tertiary prevention**, which aims to enable people to recover, to live well with long-term mental health conditions, and prevent them from worsening.
- 25 Mental health trusts have a key role in these tiers of prevention work, which bridge clinical services and the community. The Government should mandate a position for mental health trusts on ICS boards. We share the concerns of NHS Mental Health Trusts, set out in a [letter](#) to the (previous) Secretary of State, that there is a real risk to 'parity of esteem' for mental health if the Bill is not amended to address this.

- 26 **Recommendation:** the Bill should be amended so that Mental Health Trust representation is mandated on ICBs.

⁶ [Explanatory notes](#), page 17