

Health and Care Bill

AMENDMENTS TO BE MOVED IN COMMITTEE OF THE WHOLE HOUSE

Clause 5

BARONESS HOLLINS

Page 3, line 7, after the first “the” insert “physical and mental”

Member’s explanatory statement

This amendment requires NHS England to prioritise both the physical and mental health and well-being of the people of England and to work towards the prevention, diagnosis or treatment of both physical and mental illness, replicating the parity of esteem duty introduced in the Health and Social Care Act 2012.

Page 3, line 18, after “of” insert “physical and mental”

Member’s explanatory statement

This amendment requires NHS England to prioritise both the physical and mental health and well-being of the people of England and to work towards the prevention, diagnosis or treatment of both physical and mental illness, replicating the parity of esteem duty introduced in the Health and Social Care Act 2012.

Clause 20

LORD HUNT OF KINGS HEATH

Page 17, line 25, at end insert –

“14Z41A Duty to promote digital transformation

- (1) Each integrated care board must, in the exercise of its functions, promote digital transformation in the provision of health services (including in the arrangements made for their provision).
- (2) Each integrated care board must within 12 months of the passing of the Health and Care Act 2022 publish a 5 year plan for digital transformation which shall be updated at least once every five years.”

Member's explanatory statement

This amendment would prioritise the promotion of digital transformation accompanied by the publication of a 5 year plan for digital transformation with an update at least once every 5 years.

BARONESS HOLLINS

Page 18, line 18, after the first “the” insert “physical and mental”

Member's explanatory statement

This amendment will require Integrated Care Boards to prioritise both the physical and mental health and well-being of the people of England and to work towards the prevention, diagnosis or treatment of both physical and mental illness replicating the parity of esteem duty as introduced in the Health and Social Care Act 2012.

Page 18, line 23, after the first “of” insert “physical and mental”

Member's explanatory statement

This amendment will require Integrated Care Boards to prioritise both the physical and mental health and well-being of the people of England and to work towards the prevention, diagnosis or treatment of both physical and mental illness replicating the parity of esteem duty as introduced in the Health and Social Care Act 2012

LORD HUNT OF KINGS HEATH

Page 24, line 40, at end insert –

“section 14Z41A (duty to promote digital transformation),”

Page 25, line 25, at end insert –

“(d) section 14Z41A (duty to promote digital transformation),”

After Clause 22

LORD HUNT OF KINGS HEATH

Insert the following new Clause –

“Capital spend on digital transformation

The Secretary of State must by order specify that a minimum proportion of 5% capital spend per organisation is to be allocated for funding of digital transformation by NHS England, each Integrated Care Board, NHS Trust and NHS Foundation Trust.”

Member's explanatory statement

The amendment is designed to ensure that capital spending on digital transformation is ringfenced to ensure no diversion from other activities.

Clause 45

BARONESS HOLLINS

Page 49, line 34, after the first “the” insert “physical and mental”

Member's explanatory statement

This amendment will require NHS Trusts to prioritise both the physical and mental health and well-being of the people of England and to work towards the prevention, diagnosis or treatment of both physical and mental illness, replicating the parity of esteem duty introduced in the Health and Social Care Act 2012.

Page 50, line 2, after the first “of” insert “physical and mental”

Member's explanatory statement

This amendment will require NHS Trusts to prioritise both the physical and mental health and well-being of the people of England and to work towards the prevention, diagnosis or treatment of both physical and mental illness, replicating the parity of esteem duty introduced in the Health and Social Care Act 2012.

Clause 59

BARONESS HOLLINS

Page 55, line 28, after the first “the” insert “physical and mental”

Member's explanatory statement

This amendment will require NHS foundation trusts to prioritise both the physical and mental health and well-being of the people of England and to work towards the prevention, diagnosis or treatment of both physical and mental illness, replicating the parity of esteem duty introduced in the Health and Social Care Act 2012.

Page 55, line 33, after the first “of” insert “physical and mental”

Member's explanatory statement

This amendment will require NHS foundation trusts to prioritise both the physical and mental health and well-being of the people of England and to work towards the prevention, diagnosis or treatment of both physical and mental illness, replicating the parity of esteem duty introduced in the Health and Social Care Act 2012.

Clause 67

BARONESS HOLLINS

Page 61, line 32, after the first “the” insert “physical and mental”

Member's explanatory statement

This amendment will require decisions on licensing of health care to prioritise both the physical and mental health and well-being of the people of England and to work towards the prevention, diagnosis or treatment of both physical and mental illness, replicating the parity of esteem duty introduced in the Health and Social Care Act 2012.

Page 61, line 38, after the first “of” insert “physical and mental”

Member's explanatory statement

This amendment will require decisions on licensing of health care to prioritise both the physical and mental health and well-being of the people of England and to work towards the prevention, diagnosis or treatment of both physical and mental illness, replicating the parity of esteem duty introduced in the Health and Social Care Act 2012.

After Clause 80

LORD HUNT OF KINGS HEATH

Insert the following new Clause –

“Healthwatch England

- (1) There is to be a body corporate known as Healthwatch England.
- (2) The Secretary of State must by regulations set out the functions of Healthwatch England.
- (3) The Secretary of State may by regulations provide for –
 - (a) the establishment and constitution of the board of Healthwatch England, and
 - (b) the financing of Healthwatch England.
- (4) Healthwatch England must prepare and submit an annual report of its activities to Parliament.
- (5) The Secretary of State may by regulation amend, delete or add to sections 181 and 182 of the Health and Social Care Act 2012 and other relevant legislation.”

Member’s explanatory statement

The aim is to establish Healthwatch England as an independent body rather than as a subcommittee of CQC.

After Clause 81

LORD HUNT OF KINGS HEATH

Insert the following new Clause –

“Shared care records

- (1) A shared care record may only be used for the purposes of the provision of direct care exclusively, and use for any other purpose contravenes of the purpose limitation principle of the Data Protection Act 2018.
- (2) Any offer of a shared care record must include the option of being able to opt out from having a shared care record.
- (3) Opt-outs under subsection (2) must be managed by the Health and Social Care Information Centre, and include the option of opting out via the NHS website.
- (4) The Secretary of State and NHS England must not promote any shared care record until the following conditions have been met –
 - (a) NHS Digital has made a statement that it has achieved the technical capability to meet the requirements of subsections (2) and (3) regarding opt outs,
 - (b) the Secretary of State has scrutinised and endorsed the statement of NHS Digital, and
 - (c) information about the provision in subsection (3) has been communicated in writing to every patient registered with a GP in England.”

Member's explanatory statement

The aim of the amendment is to discover what progress has been made in relation to the introduction to shared care records.

After Clause 134

BARONESS SUGG

Insert the following new Clause—

“Prohibition of hymenoplasty

- (1) A person is guilty of an offence if they undertake a surgical procedure for the purpose of re-attaching membrane tissue, creating scar tissue or otherwise attempting to re-create the hymen in the vagina of a patient.
- (2) A person is guilty of an offence if they advertise the service of hymenoplasty or any service that purports to ‘re-virginise’ or otherwise re-create or re-attach the hymen of a patient by way of surgical procedure.
- (3) A person is guilty of an offence if they aid, abet, counsel or procure a person to undertake a surgical procedure for the purpose of re-attaching membrane tissue, creating scar tissue or otherwise attempting to or re-creating the hymen in the vagina of a patient.
- (4) This section applies to any act done outside the United Kingdom by a United Kingdom national or resident.
- (5) A person who is guilty of an offence under this section is liable, on conviction, to imprisonment for a term not exceeding 5 years.
- (6) The court must refer the case of any person guilty of an offence under this section who is subject to statutory professional regulation for investigation by the relevant regulator.”

After Clause 148

BARONESS FINLAY OF LLANDAFF
LORD YOUNG OF COOKHAM

Insert the following new Clause—

“Packaging and labelling of nicotine products

- (1) The Secretary of State must, no later than six months after this Act is passed, consult on the retail packaging and labelling of electronic cigarettes and other novel nicotine products, including requirements for health warnings and prohibition of branding elements attractive to children, and publish a report on the consultation.
- (2) The Secretary of State must lay the report before Parliament and a Minister of the Crown must arrange to make a statement to each House of Parliament setting out in detail any steps which will be taken to implement the findings of the report.”

Member's explanatory statement

This new Clause would give powers to the Secretary of State to prohibit branding on e-cigarette packaging which is appealing to children.

Schedule 2**LORD HUNT OF KINGS HEATH**

Page 136, line 23, at end insert—

“(ba) a director of digital transformation (see paragraph 7A), and”

Member’s explanatory statement

These amendments, and the other to page 137, line 10, ensure that a director of digital transformation is appointed to the integrated care board.

Page 137, line 10, at end insert—

“7A The constitution must provide for the director of digital transformation to be appointed by the integrated care board.”

Member’s explanatory statement

This amendment, and the other to page 136, line 23, ensure that a director of digital transformation is appointed to the integrated care board.

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13 December 2021
