

Health and Care Bill

AMENDMENTS TO BE MOVED IN COMMITTEE OF THE WHOLE HOUSE

Clause 3

LORD STEVENS OF BIRMINGHAM
BARONESS HOLLINS
BARONESS MERRON
BARONESS TYLER OF ENFIELD

Page 2, line 8, at end insert —

“(ba) in subsection (2) insert —

“(c) whether for the period covered by the mandate NHS England must ensure that revenue expenditure on mental health services increases as a proportion of total NHS revenue expenditure.””

Member’s explanatory statement

This amendment would require the Secretary of State to be explicit and transparent about whether NHS England is required to ensure funding for mental health services grows as a share of total NHS revenue expenditure during the period covered by its mandate from the Government.

Page 2, line 30, at end insert —

“(6) In section 13U (annual report), in subsection (2), at the end insert —

“(d) whether, and to what extent, in that year NHS revenue expenditure on mental health services increased as a proportion of total NHS revenue expenditure.””

Member’s explanatory statement

NHS England is required to produce and lay before Parliament an annual report under section 13U of the National Health Service Act 2006. This amendment would require the annual report to disclose whether during the previous financial year funding for mental health services grew as a share of total NHS revenue expenditure.

Schedule 2

BARONESS FINLAY OF LLANDAFF

Page 137, line 30, at end insert –

“(d) a member who is regulated by the Health Professions Order 2001 (S.I. 2002/254).”

Member’s explanatory statement

This amendment would require Integrated Care Boards to have at least one person who is an allied health professional.

Page 137, line 30, at end insert –

“(d) a member who has responsibility for ensuring effective provision and integration of services for physical and psychological rehabilitation.”

Member’s explanatory statement

This requires ICBs to ensure that a Board member has responsibility for rehabilitation.

Clause 20

BARONESS FINLAY OF LLANDAFF

Page 18, line 38, at end insert –

“14Z43A Duty to promote rehabilitation

Each integrated care board must produce an annual community rehabilitation plan covering the provision of physical and psychological rehabilitation services.”

BARONESS GREENGROSS
BARONESS FINLAY OF LLANDAFF

Page 24, line 35, at end insert “for all commissioned services, including NHS continuing healthcare”

LORD STEVENS OF BIRMINGHAM
BARONESS HOLLINS
BARONESS MERRON
BARONESS TYLER OF ENFIELD

Page 25, line 6, at end insert –

“(d) state whether, and to what extent, in that year the integrated care board’s revenue expenditure on mental health services increased as a proportion of its total revenue expenditure.”

Member’s explanatory statement

This amendment would require each integrated care board to disclose in its annual report whether during the previous financial year its funding for mental health services grew as a share of its overall revenue expenditure.

BARONESS GREENGROSS
BARONESS FINLAY OF LLANDAFF

Page 25, line 18, at end insert “for all commissioned services, including NHS continuing healthcare”

BARONESS FINLAY OF LLANDAFF
BARONESS GREENGROSS

Page 26, line 33, at end insert –

“(c) intervene by directing an integrated care board as to how it discharges its functions.”

Member’s explanatory statement

This amendment, along with another amendment to Clause 20 in the name of Baroness Finlay of Llandaff, would strengthen the power that NHS England has to give directions to ICBs.

Page 27, line 2, at end insert –

“(c) intervene by directing an integrated care board as to how it discharges its functions.”

Member’s explanatory statement

This amendment, along with another amendment to Clause 20 in the name of Baroness Finlay of Llandaff, would strengthen the power that NHS England has to give directions to ICBs.

Clause 26

BARONESS GREENGROSS
BARONESS FINLAY OF LLANDAFF

Page 37, line 12, after “care” insert “including NHS continuing healthcare”

Clause 35

BARONESS FINLAY OF LLANDAFF

Page 42, line 19, at end insert –

- “(3) The report must include an assessment of the total demand and expected supply of non-regulated staff.
- (4) The report must include an assessment of the demand from –
- (a) the NHS in England and the devolved administrations,
 - (b) other employers of health and care staff,
 - (c) independent practice,
 - (d) social enterprises,
 - (e) the voluntary sector, and
 - (f) the third sector.”

Member’s explanatory statement

This amendment would mean the duty to report would include the whole health and care workforce, not only those directly employed by the NHS in England.

Schedule 6

BARONESS CUMBERLEGE

Page 197, leave out lines 11 to 25 and insert –

“1 In this Schedule –

“NHS commissioning body” means NHS England or a clinical commissioning group;

“NHS services” means services provided as part of the health service in England;

“NHS trust” means an NHS trust established under section 25;

“reconfiguration of NHS services” means a substantial and complex change in the arrangements made by an NHS commissioning body for the provision of NHS services where that change has a significant and material impact on –

- (a) the manner in which a service is delivered to individuals (at the point when the service is received by users), or
- (b) the range of health services available to individuals.”

Member’s explanatory statement

This amendment changes the definition of a reconfiguration of NHS services to ensure that it only covers significant changes to NHS services.

Page 198, line 17, at end insert –

“(3A) Before taking a decision under sub-paragraph (2)(a), the Secretary of State must –

- (a) consult all relevant Health Overview and Scrutiny Committees, and
- (b) have regard to, and publish the advice from the Integrated Care Board that reflects the views of its partners.”

Page 198, line 18, at end insert “, within three months”

Member’s explanatory statement

This amendment would require the Secretary of State to make a decision within three months.

Page 198, line 19, at end insert –

“(aa) publish a statement demonstrating that the decision is in the public interest setting out why the Secretary of State believes the direction will be in the best interests of the public and how it will maintain or improve the safety of persons using those services,”

Member’s explanatory statement

This amendment would require the Secretary of State to publish a statement demonstrating that any decision they have made on a reconfiguration proposal is in the public interest and has been taken with consideration of its positive impact on patient safety.

Page 198, leave out lines 33 and 34

Member's explanatory statement

This amendment would remove the Secretary of State's power to act as the catalyst for a reconfiguration.

After Clause 61

LORD SHARKEY

BARONESS BLACKWOOD OF NORTH OXFORD

Insert the following new Clause—

“NHS Trusts and NHS Foundation Trusts research obligation

In schedule 4 of the National Health Service Act 2006 (NHS trusts established under section 25), omit paragraph 16 (research) and insert—

“16 NHS Trusts and NHS Foundation Trusts must—

- (a) conduct research on matters relevant to improving patient outcomes and health care delivery and promote the use in health and care of evidence obtained from research,
- (b) co-produce, with place-based partnerships, research aims that are intended to meet the needs of their local communities and ensure diversity of participation, and
- (c) transparently publish via their annual reports and joint forward plans the steps they have taken or plan to take to deliver clinical research.”

After Clause 141

BARONESS BENNETT OF MANOR CASTLE

Insert the following new Clause—

“Review of financial regulation of companies providing social care

- (1) Within six months of the passing of this Act, the Secretary of State must carry out and publish a review of the financial regulation of companies providing social care with a view to ensuring it supports the effective provision of social care.
- (2) The review in subsection (1) must consider the impacts of regulation on—
 - (a) the quality of care provided;
 - (b) pay and conditions for care workers;
 - (c) costs to local authorities and other commissioning bodies;
 - (d) risks to the stability and viability of the social care sector.
- (3) The review must include analysis of the following options for the future of the financial regulation of the social care sector—
 - (a) requiring any company or group providing social care services to be registered in the United Kingdom;
 - (b) imposing restrictions on when companies can sell or transfer care home assets in the United Kingdom;
 - (c) requiring companies providing social care to meet certain financial criteria, such as specified debt-to-asset ratios.”

Member's explanatory statement

This amendment would require a review of the impacts of financial regulation on the social care sector.

Insert the following new Clause—

“Financial transparency of offshore corporate groups providing social care

- (1) Public commissioning bodies in England may not commission social care services from any company not domiciled in the United Kingdom which does not publish full annual accounts.
- (2) Where a company is part of a group, the accounts referred to in subsection (1) must provide a complete picture of all related companies within the group.”

Member's explanatory statement

This amendment would require corporate entities registered or with parent companies offshore or in tax havens that are providing social care services in England to publish full group accounts, as companies registered in the UK are already required to do.

Clause 142

BARONESS THORNTON

Baroness Thornton gives notice of her intention to oppose the Question that Clause 142 stand part of the Bill.

Clause 144

BARONESS FINLAY OF LLANDAFF

Page 123, line 39, at end insert—

- “(2) The Secretary of State must, no later than one year after this Act is passed, consult on including alcoholic products in the definition of less healthy products for which advertising will be restricted, and publish a report on the consultation.”

Member's explanatory statement

This amendment would require the Secretary of State to consult on including alcohol in the proposed advertising restrictions for less healthy food and drink and publish a report.

Clause 146

BARONESS FINLAY OF LLANDAFF

Page 124, line 42, at end insert—

- “(3) The Secretary of State must, no later than one year after this Act is passed—
 - (a) publish a report on alcohol labelling, considering the question of whether to require the following on alcohol product labels—
 - (i) the Chief Medical Officers' low risk drinking guidelines,
 - (ii) a warning that is intended to inform the public of the danger of alcohol consumption,
 - (iii) a warning that is intended to inform the public of the danger of alcohol consumption when pregnant,

Clause 146 - continued

- (iv) a warning that is intended to inform the public of the direct link between alcohol and cancer, and
 - (v) a full list of ingredients and nutritional information; and
- (b) lay the report before Parliament.
- (4) 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 prepared under subsection (3)."

Member's explanatory statement

This probing amendment requires the Secretary of State to report on the alcohol labelling consultation.

After Clause 148

BARONESS WALMSLEY

Insert the following new Clause –

“Ambulance response times: local reporting

- (1) The Secretary of State must, not later than 31 July 2022, make regulations which require ambulance trusts in England to publish the following information on the internet within two weeks of the end of each month –
 - (a) category 1, 2, 3 and 4 ambulance response times for the trust area for the previous month broken down by –
 - (i) integrated care system area, and
 - (ii) postcode, and
 - (b) for all incidents where the relevant response time was missed by a margin set out in the regulations, a detailed explanation of why that target was missed.
- (2) In this section –
 - “ambulance trusts” means ambulance trusts whether they are NHS trusts or NHS foundation trusts;
 - “category 1, 2, 3, and 4 ambulance response times” has the meaning given in the NHS England Ambulance Response Programme.
- (3) Regulations under this section may make such incidental or transitional provision as the Secretary of State considers appropriate.
- (4) Regulations under this section must be made by statutory instrument and are subject to annulment in pursuance of a resolution of either House of Parliament.”

Member's explanatory statement

This amendment would require ambulance services to provide more accessible and localised reports of ambulance response times.

BARONESS FINLAY OF LLANDAFF

Insert the following new Clause —

“Quinquennial report on alcohol treatment services outcomes

The Secretary of State must lay before Parliament every five years a report on —

- (a) the ways in which alcohol treatment providers have reduced excess mortality, alcohol-related hospital admissions, and the burden of disease resulting from alcohol consumption,
- (b) the ways that different services meet individual needs,
- (c) an assessment of the number of people identified as requiring support who are not receiving treatment, and
- (d) the impact of the level of funding on outcomes from alcohol treatment providers.”

Member’s explanatory statement

This new Clause would require the Secretary of State for Health and Social Care to make a 5-year statement on cost-efficacy of alcohol services.

Health and Care Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

6 January 2022
