

Health and Care Bill

AMENDMENTS TO BE MOVED ON REPORT

Clause 20

LORD WARNER

Page 18, line 33, at end insert –

“(3A) In discharging the duty under this section, integrated care boards must have regard to reports of the Office for Health and Care Sustainability.”

After Clause 80

LORD WARNER

Insert the following new Clause –

“PART 1A

HEALTH AND CARE SUSTAINABILITY

Office for Health and Care Sustainability

- (1) There is to be a body corporate, independent of the Government, called the Office for Health and Care Sustainability (“the Office”) to safeguard the long-term sustainability of an integrated health and adult social care system for England.
- (2) The Office must be established within six months of the passing of this Act and must publish a report of its initial findings relating to its main functions within a year of its establishment.
- (3) The role of the Office is to continually assess the outlook for the health and care system over the coming five, 10 and 15 years.
- (4) The Office has no function in operational or service delivery aspects of the health and care system.
- (5) The Office must –
 - (a) monitor and publish data relating to demographic trends, disease profiles and the likely pace of change relating to future service demands,
 - (b) assess the workforce and skills mix required to respond to those changes and publish regular reports on those matters, and

After Clause 80 - continued

- (c) consider the stability of health and adult social care funding relative to changing demographic and disease trends, including the alignment between health and adult social care funding, and publish regular reports.
- (6) The functions of the Office are to be exercised on behalf of the Crown as if it was a public department.
- (7) The Office is to consist of—
 - (a) an executive chair appointed by the Secretary of State with the consent of the Public Accounts and Health Select Committees of the House of Commons,
 - (b) two other members appointed by the Secretary of State with the consent of the Public Accounts and Health Select Committees of the House of Commons, and
 - (c) two other members nominated by the Office and appointed by the Secretary of State.
- (8) The initial appointments under subsection (7) are for a term of five years and no more than two terms may be served.
- (9) The remuneration of the executive chair is to be agreed by the Secretary of State but may not be less than that paid to the Permanent Secretary of the Department of Health and Social Care; and all other salaries and gratuities for members may be agreed by the Office with the consent of the Secretary of State for Health and Social Care.
- (10) The Office may employ staff on terms and remuneration consistent with that of the civil service.
- (11) The Office may—
 - (a) establish such committees and sub-committees as it deems necessary,
 - (b) determine its own procedures and those of its committees and sub-committees, and
 - (c) do anything calculated to facilitate, or conducive or incidental to, the carrying out of any of its functions.
- (12) The annual budget of the Office is to be provided by the Secretary of State after consultation with the Public Accounts Committee of the House of Commons.
- (13) The Office must keep proper accounts and records in relation to its accounts, and must prepare and publish each year an audited statement of accounts.
- (14) The Office must prepare an initial report on its work within one year of its establishment, and thereafter annually, and may at any time publish a report on its functions when it considers that this assists safeguarding the long-term sustainability of an integrated health and adult social care system in England.
- (15) The Secretary of State must lay any report prepared by the Office before both Houses of Parliament.”

Member’s explanatory statement

This amendment implements recommendations 33 and 34 of the 2017 report by the House of Lords Select Committee on the Long-term Sustainability of the NHS and Adult Social Care. It draws on the legislation setting up the Office for Budget Responsibility.

Clause 161

LORD HUNT OF KINGS HEATH

Page 131, line 29, at end insert –

“(ba) after subsection (5A) insert –

“(5AA) Regulations made under this section must specify that the board of an NHS Trust and NHS Foundation Trust must designate a director to take responsibility for the oversight of –

- (a) the imposition of requirements under this section in connection with food or drink provided or made available to any person on hospital premises in England, and
- (b) the implementation of nutritional standards specified under this section.”;

Member’s explanatory statement

The amendment is designed to ensure that NHS Trusts and Foundation Trusts appoint a director to oversee requirements under section 20 of the Health and Social Care Act 2008.

After Clause 161

LORD HUNT OF KINGS HEATH

BARONESS BARKER

Insert the following new Clause –

“Care food standards

- (1) Section 20 of the Health and Social Care Act 2008 (regulation of regulated activities) is amended as follows.
- (2) In subsection (3) after paragraph (da) insert –
 - “(db) impose requirements in connection with food or drink provided or made available to any person in a care home or care settings in England that are used in connection with the carrying on of a regulated activity”.
- (3) After subsection (4B) insert –
 - “(4C) Regulations made under this section by virtue of subsection (3)(db) may in particular –
 - (a) specify nutritional standards, or other nutritional requirements, which are to be complied with;
 - (b) require that specified descriptions of food or drink are not to be provided or made available; and
 - (c) specify the mandatory training required for all catering staff working within those settings.”

After Clause 164

LORD HUNT OF KINGS HEATH
BARONESS BRINTON
LORD KAKKAR
LORD PATEL

Insert the following new Clause—

“Review of the surgical consultant appointment process

- (1) Within six months of the passing of this Act, the Secretary of State must institute a review of the National Health Service (Appointment of Consultants) Regulations 1996 (S.I. 1996/701) and the extent to which the Royal College of Surgeons of Edinburgh, Royal College of Physicians of Edinburgh, Royal College of Physicians and Surgeons of Glasgow and Royal College of Emergency Medicine should be added to the list of colleges which may be involved in the appointment of NHS consultants.
- (2) Within 18 months of the passing of this Act, the Secretary of State must publish and lay before Parliament a report from the review.
- (3) The review must consult with representatives of the medical profession and other relevant organisations.”

Member’s explanatory statement

This new Clause would require the Secretary of State to institute a review into the National Health Service (Appointment of Consultants) Regulations 1996 (S.I. 1996/701) and the extent to which the Royal College of Surgeons of Edinburgh, the Royal College of Physicians of Edinburgh, the Royal College of Physicians and Surgeons of Glasgow and the Royal College of Emergency Medicine should be added to the list of colleges who may be involved in the appointment of NHS consultants.

BARONESS FINLAY OF LLANDAFF

Insert the following new Clause—

“Licensing of cosmetic procedures

- (1) This section applies to any activity relating to the provision of cosmetic procedures, as specified in regulations made by the Secretary of State, which breach the epidermis of the skin by —
 - (a) any physical means,
 - (b) any chemical means, or
 - (c) any other means using any energy-based device including by laser beam, light, radiofrequency, ultrasound or temperature alteration.
- (2) A person may only carry out an activity in subsection (1) —
 - (a) if —
 - (i) under the authority of a licence for the purposes of the activity, and with evidence of specified training, or
 - (ii) holding current valid registration with the General Medical Council, the General Dental Council or the Health Care Professions Council, and
 - (b) if the activity is conducted on premises licensed for the purpose of the activity.

After Clause 164 - continued

- (3) A person who contravenes subsection (2) is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (4) The Secretary of State may by regulations make provision about licences and conditions for the purposes of this section.
- (5) Before making regulations under this section, the Secretary of State must consult the representatives of any interests concerned which the Secretary of State considers appropriate.
- (6) Regulations may in particular –
 - (a) require a licensing authority not to grant a licence unless satisfied as to a matter specified in the regulations, and
 - (b) require a licensing authority to have regard, in deciding whether to grant a licence, to a matter specified in the regulations.”

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18 February 2022
