

## The Queen's speech, December 2019

This is the second Queen's speech of the year, and although many of the Bills that featured in the October Queen's speech have reappeared, the context is now very different in that the Prime Minister is able to say with greater certainty that he will be able to deliver an ambitious legislative programme. Whereas the October Queen's speech was delivered against a backdrop of speculation around a general election, and uncertainty around the deliverability of the proposals, the recent election has given the Conservative Government an 80 seat majority, so it is almost certain these bills will get through Parliament with relative ease.

The Prime Minister said that this is a Queen's speech to "deliver on the priorities of the British people". And it is clear that aside from "getting Brexit done", the priority is the NHS, with the government enshrining in law the funding increase for the health service, making the NHS safer, reforming the Mental Health Act, alongside a promise to "seek cross-party consensus on proposals for long term reform of social care".

This briefing contains an overview of key announcements relevant to health and social care, including the three health-related bills that have secured legislative time, along with a summary of other legislation of interest and draft bills.

### Health and social care focused announcements

The Queen's speech has introduced three bills directly related to health and social care (the NHS Funding Bill, the Health Service Safety Investigations Bill and the Medicines and Medical Devices Bill). The government has also signalled it will introduce draft legislation to implement the NHS long term plan.

The bills will likely be introduced after Christmas, potentially in early February following the UK's exit from the EU. The draft legislation to implement the recommendations of the NHS long term plan is currently expected to be published in January for pre-legislative scrutiny.

A white paper on reforming the Mental Health Act will be published in the new year but we await further details of the legislative programme in relation to both this issue and social care reform.

## NHS Funding Bill

"The NHS's multi-year funding settlement, agreed earlier this year, will be enshrined in law". This Bill will also incorporate steps to "grow and support the NHS workforce" and introduce a "new visa [to] ensure qualified doctors, nurses and health professionals have fast-track entry to the United Kingdom." It will also remove hospital car parking charges "for those in greatest need".

Provisions in the Bill include:

- Enshrining in law the multi-year funding settlement for the NHS, agreed earlier this year, that will see a £33.9 billion increase in cash terms by 2023-24.

## NHS long term plan

"We will deliver the NHS Long Term Plan in England to ensure our health service is fit for the future".

The government has committed to implementing NHS England's proposals for legislative change to support the delivery of the long term plan. Specifically, the government plans to:

- Consider NHS England and NHS Improvement's recommendations for legislative changes thoroughly and bring forward detailed proposals shortly.
- In due course, publish draft legislation that will accelerate the long term plan for the NHS, transforming patient care and future-proofing our NHS.

NHS Providers has undertaken significant engagement with NHS England and NHS Improvement on the development of the proposals. You can see our recent on the day briefing summarising the proposals and key developments here: <https://nhsproviders.org/resource-library/briefings/on-the-day-briefing-legislative-proposals-for-an-nhs-bill>

## Health Service Safety Investigations Bill

Legislation will be taken forward to "establish the world's first independent body – the Health Service Safety Investigations Body (HSSIB) – to investigate patient safety concerns and share recommendations to prevent similar incidents recurring".

Provisions of the Bill will include:

- Establishing a Health Service Safety Investigations Body as a new Executive Non-Departmental Public Body, with powers to conduct investigations into incidents that occur during the provision of NHS services and have, or may have, implications for the safety of patients.
- Prohibiting the disclosure of information held by that investigations body, except in limited circumstances. This will allow participants to be candid in the information they provide and ensure thorough investigations.

- Improving the quality and effectiveness of local investigations by developing standards and providing advice, guidance and training to organisations.
- Amending the Coroners and Justice Act 2009, giving English NHS bodies the power to appoint medical examiners and placing a duty on the Secretary of State to ensure that enough medical examiners are appointed in England.

The draft HSSIB Bill went through pre-legislative scrutiny before the general election. You can read NHS Providers' submissions to this work, and the parliamentary and government reports as below:

- Full submission: <https://nhsproviders.org/resource-library/submissions/submission-to-the-joint-committee-on-the-draft-health-service-safety-investigations-bill>
- Follow up letter: <http://nhsproviders.org/media/495496/nhs-providers-letter-to-joint-committee-on-hssib-22-june-2018.pdf>
- Oral evidence:  
<http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/draft-health-service-safety-investigations-bill-committee/draft-health-service-safety-investigations-bill/oral/84918.html>
- Report by the Joint Committee on the Draft Health Service Safety Investigations Bill:  
<https://publications.parliament.uk/pa/jt201719/jtselect/jthssib/1064/106402.htm>
- Government response: <https://www.gov.uk/government/publications/government-response-to-health-service-safety-investigations-bill-report>

## Medicines and Medical Devices Bill

"A Medicines and Medical Devices Bill will "ensure that our NHS and patients can have faster access to innovative medicines, while supporting the growth of our domestic sector."

Provisions of the Bill will include:

- Replicating powers over medicines and medical devices regulations contained in EU law.
- Making it simpler for NHS hospitals to manufacture and trial the most innovative medicines and diagnostic devices.
- Enabling the UK to be a world leader in the licensing and regulation of innovative medicines and devices, ensuring patients have access to the best possible treatments and supporting our domestic life sciences industry.
- Increasing the range of professions able to prescribe and developing more innovative ways of dispensing medicines in local pharmacies.
- Ensuring that the government can update legislation relating to medical devices, medicines, veterinary medicines, new innovative practices and clinical trials both in response to patient safety concerns and as it agrees the future global relationship of the UK in these areas.

## Adult social care

"My Ministers will seek cross-party consensus on proposals for long term reform of social care. They will ensure that the social care system provides everyone with the dignity and security they deserve and that no one who needs care has to sell their home to pay for it."

"We will provide extra funding for social care and will urgently seek cross-party consensus for much needed long-term reform so that nobody needing care should be forced to sell their home to pay for it."

The government plans to:

- Consult on a 2% precept that will enable councils to access a further £500m for adult social care. This funding will support local authorities to meet rising demand and will continue to stabilise the social care system.
- Seek cross-party consensus in order to bring forward the necessary proposals and legislation for long-term social care reform in England, ensuring nobody needing care will be forced to sell their home to pay for it.

## Mental health reform

"My Ministers will continue work to reform the Mental Health Act to ensure people have greater control over their treatment and receive the dignity and respect they deserve".

The government will:

- Respond to the Independent Review of the Mental Health Act's recommendations through a White Paper in the new year followed by legislation when Parliamentary time allows.
- Ensure that people subject to the Act receive better care and have a much greater say in that care.
- Improve patient choice and autonomy, for example by enabling patients to set out their preferences around care and treatment in advance.
- Reform the process of detention, care and treatment while detained, including by providing patients with the ability to challenge detention.
- Make it easier for people with learning disabilities and autism to be discharged from hospitals and improve how they are treated in law.

## Brexit-related bills of interest

The Queen's Speech includes seven bills to support the delivery of Brexit: European Union (Withdrawal Agreement) Bill, Agriculture Bill, Fisheries Bill, Trade Bill, Immigration and Social Security Co-ordination (EU Withdrawal) Bill, Financial Services Bill and Private International Law (Implementation Agreements) Bill.

The government plans for parliament to vote on the European Union (Withdrawal Agreement Bill) on 19 December, and for this to become law before 31 January 2020.

The Queen's Speech states that "further EU-exit legislation required in this session in addition to that detailed here in order to deliver on our exit-related priorities by the end of the implementation period. In particular this will include any legislation needed to implement the future relations we will agree with the EU by the end of December 2020."

### European Union (Withdrawal Agreement) Bill

"My government's priority is to deliver the United Kingdom's departure from the European Union on 31 January...Thereafter, my ministers will seek a future relationship with the European Union based on a free trade agreement that benefits the whole of the United Kingdom. They will also begin trade negotiations with other leading global economies."

This Bill will:

- Implement in domestic law the withdrawal agreement which has been agreed between the UK and the EU.
- Ensure that the UK leaves the EU with a deal on 31 January.
- Deliver the implementation period to give businesses and citizens time to prepare before it ends on 31 December 2020.
- Protect the rights of EU, EEA and Swiss citizens in UK law.
- Implement the new protocol on Ireland/Northern Ireland.

### Immigration and Social Security Co-ordination (EU Withdrawal) Bill

"A modern, fair, points-based immigration system will welcome skilled workers from across the world to contribute to the United Kingdom's economy, communities and public services."

This Bill will:

- Bring an end to free movement in UK law.
- Introduce a new Australian-style points-based immigration system from 2021.
- Make EU citizens arriving from 2021 subject to the same UK immigration controls as non-EU citizens.

- Protect the long-standing immigration status of Irish citizens when free movement ends.
- Enable the Government to deliver future changes to social security coordination policy.

In addition to the Immigration Bill, the Government proposes to:

- Create visa schemes for new migrants who will fill shortages in our public services, including a fast-track NHS scheme.
- Require new arrivals to contribute to the funding of the NHS.
- Increase the health surcharge, for those staying in the UK for more than six months.

## Trade Bill

"My ministers will bring forward legislation to ensure the United Kingdom's exit on that date and to make the most of the opportunities that this brings for all the people of the United Kingdom."

The purpose of this Bill will be to:

- Make the most of new opportunities that come from having an independent trade policy after Brexit
- Create powers so that the UK can transition trade agreements it is currently party to through its membership of the EU, ensuring continuity for businesses.
- Establish a new independent UK body, to protect UK firms against injury caused by unfair trade practices and unforeseen surges in imports.
- Give UK businesses continued access to £1.3 trillion per annum of procurement opportunities in 47 countries, by creating the powers for the UK to implement the World Trade Organization Agreement on Government Procurement.
- Ensure the UK government has legal powers to gather and share trade information as evidence to support UK firms against surges in imports and unfair practices.

## Further bills of interest

In addition to health and social care and Brexit announcements, the Queen's Speech introduced further proposals that will be of interest.

### Pension schemes Bill

"Measures will be brought forward...to help people save for later life."

This Bill will:

- Create a legislative framework for the introduction of pensions dashboards to allow people to access their information from most pensions schemes in one place online.

- Create a new pension scheme to give greater choice for employers and enable people to adequately save for retirement and better predict their income in later life.
- Enhance the Pensions Regulator's powers so it can respond earlier when employers fail to take their pension responsibilities seriously.

## Employment Bill

"Measures will be brought forward to encourage flexible working, to introduce the entitlement to leave for unpaid carers..."

This Bill will:

- Protect and enhance workers' rights as the UK leaves the EU.
- Strengthen workers' ability to get redress for poor treatment by creating a new, single enforcement body.
- Build on existing employment law with measures that protect those in low-paid work and the gig economy.
- Introduce an entitlement to one week's leave for unpaid carers and allow parents to take extended leave for neonatal care.

## Environment Bill

"To protect and improve the environment for future generations, a bill will enshrine in law environmental principles and legally-binding targets, including for air quality. It will also ban the export of polluting plastic waste to countries outside the Organisation for Economic Co-operation and Development and establish a new, world-leading independent regulator in statute."

The proposed Environment Bill is wide ranging, but a key purpose of the Bill is to:

- Improve air quality by increasing local powers to address sources of air pollution, enabling local authorities to tackle emissions from burning coal and wood, and bringing forward powers for Government to mandate recalls of vehicles when they do not meet relevant legal emission standards.
- Extend producer responsibility, ensure a consistent approach to recycling, introduce deposit return schemes, and introduce charges for specified single use plastic items.
- Secure long-term, resilient water and wastewater services, including through powers to direct water companies to work together to meet current and future demand.

## Building safety standards legislation

"New measures will be brought forward...to improve building safety."

The proposed legislation is wide ranging, but a key purpose is to:

- Learn the lessons from the Grenfell Tower fire, and put in place new and modernised regulatory regimes for building safety and construction products, ensuring residents have a stronger voice in the system.

## Serious Violence Bill

“New laws will require schools, police, councils and health authorities to work together to prevent serious crime.”

The purpose of the Bill is to:

- Create a new duty on a range of specified agencies across different sectors, such as local government, education, social services, youth offending, and health and probation, to work collaboratively, share data and information, and put in place plans to prevent serious violence
- Amend the Crime and Disorder Act 1998 to ensure that serious violence is an explicit priority for Community Safety Partnerships, which include local police, fire and probation services, as well as local authorities and wider public services.

## NHS Providers view

We welcome the priority focus the government has placed on the NHS and social care within the Queen’s Speech today.

Although the government’s commitment regarding NHS funding to support the long term plan is welcome, the NHS still faces a steep challenge to meet rapidly rising demand, deliver new technologies and transform ways of working to offer more integrated, personalised care. While the committed level of funding is closer to the historic average, demand is growing rapidly and the service faces severe workforce shortages and a need to recover record low performance against the constitutional standards. The NHS needs additional real investment, including a multi year capital settlement, to meet the needs of the future and deliver the improvements we all want to see.

We support a set of targeted changes to the law as proposed which are aimed at enabling the integration of services and avoiding a substantial restructure of the NHS. We are pleased to have been fully engaged in working up these proposals and will continue to ensure that the provider sector’s needs and views continue to be heard.

We are also pleased to see the introduction of the Health Service Safety Investigations Bill, which promises to be a significant step forward in continually improving patient safety. This will help trusts and their staff

adopt a systemic approach to investigating and learning from incidents to provide the safest and best care for patients.

The review of the Mental Health Act will help to ensure that this complex piece of legislation is used appropriately and consistently. However any impact on an already stretched mental health workforce, with limited resource and capacity, needs to be taken into account.

We remain cautious about proposed changes to the immigration system. We welcome proposals to ensure the NHS can recruit internationally, and domestically, but would need to see more detail on the proposed NHS visa before responding in full. The NHS relies on recruiting and retaining staff domestically and from across the world and it is vital that immigration policy supports that. The criteria of any immigration system will therefore need to recognise that low paid does not mean low skilled, and that it will be several years before domestic supply increases enough to help close the sizeable workforce gap.

Finally, the government's renewed commitment today to tackling the social care crisis is welcome but there is an urgent need for swift and concrete action. Pressures on social care are making it more difficult to support vulnerable or older people to live independently and closer to home, often contributing to a rise in admissions and long stays in hospital. Securing a sustainable, properly funded and fair social care system has to be a priority for the government if we are to meet demand for appropriate care in the right setting, now and in the future.

## Press statement

Responding to the Queen's Speech, the deputy chief executive of NHS Providers, Saffron Cordery said:

"The prime minister has made it clear that the NHS will be the top priority for this government.

"While the commitment in the Queen's Speech to deliver a 3.4% annual real-terms increase in NHS funding is very welcome, there is a mismatch between the rhetoric and the reality on the ground.

"While a return to these levels of funding increases is closer to the historic average, the scale of the task ahead of us is significant. Demand is growing rapidly and we have severe workforce shortages. This capacity mismatch which has opened up means despite staff working flat out year-round performance against key standards continues to slip further.

"We need to be realistic about what this funding will buy and what the public should expect. This investment will maintain standards at their current level, but the service needs additional real investment to meet the needs of the future and deliver the improvements we all want to see.

"If, as we fear, expectations exceed reality, we risk creating a damaging blame game which sets the NHS and its staff up to fail and lets patients and the public down.

"We once again welcome the proposed targeted changes to the law which are aimed at enabling the integration of services while avoiding a substantial restructure of the NHS, and the continued commitment to a Health Service Safety Investigations Bill, a significant step forward in helping trusts to improve patient safety.

"But we need to see more detail on the future immigration system proposed after Brexit. It is vital that immigration policy supports the ability of the NHS and social care to recruit and retain skilled staff that it depends on.

"Now, with a substantial working majority, we need the government to be bold in its ambitions to tackle the issues impacting the NHS. This means turning today's words into action to find a sustainable solution to the social care crisis, reversing public health cuts, and empowering people to look after their health and keep people living well for longer at home and out of hospitals. That would be the real evidence of the government's real commitment to health and care."

Ends.

## Useful links

The [transcript of the Queen's Speech](#) and the [accompanying briefing documents](#) are available on the government's website [here](#).

## Annex: full list of bills and proposals announced

### Delivering Brexit

- European Union (Withdrawal Agreement) Bill
- Agriculture Bill
- Fisheries Bill
- Trade Bill
- Immigration and Social Security Co-ordination (EU Withdrawal) Bill
- Financial Services Bill
- Private International Law (Implementation of Agreements) Bill

### Supporting our public services

- NHS Funding Bill and NHS long term plan
- Health Service Safety Investigations Bill
- Medicines and Medical Devices Bill
- Social care reform
- Mental health reform
- Education

### Supporting workers and families

- Employment Bill
- Renter's Reform Bill
- Housing
- Building Safety Bill
- Fire Safety Bill
- Pension Schemes Bill
- Online harms
- Cost of living
- National disability strategy

### Strengthening the justice system

- Counter Terrorism (Sentencing and Release) Bill
- Sentencing Bill
- Serious Violence Bill
- Sentencing (Pre-consolidation Amendments) Bill

- Police Powers and Protections Bill
- Prisoners (Disclosure of Information About Victims) Bill
- Divorce, Dissolution and Separation Bill
- Domestic Abuse Bill
- Extradition (Provisional Arrest) Bill
- Foreign national offenders legislation
- Victims law reform
- Espionage legislation
- Royal Commission on the Criminal Justice Process

## **Infrastructure, Investment and Devolution**

- National infrastructure strategy
- Broadband legislation
- Air Traffic Management and Unmanned Aircraft Bill
- Airline insolvency legislation
- Railways (minimum service levels) legislation
- Rail reform and High Speed Rail 2 (West Midlands - Crewe) Bill
- National Security and Investment Bill 1
- Science, space and research
- English devolution
- Business rates

## **Protecting the environment and improving animal welfare**

- Environment Bill
- Climate change
- Animal welfare legislation

## **Strengthening the union and constitution**

- The Union
- Constitution and democracy

## **Other legislative measures**

- Windrush Compensation Scheme (Expenditure) Bill
- Thomas Cook Compensation Bill

- Birmingham Commonwealth Games Bill

### Other non-legislative measures

- The Armed Forces
- Public finances
- Boycotts by public institutions
- Integrated Security, Defence and Foreign Policy Review
- Foreign affairs
- Science, space and infrastructure