

The Integrator: New health bill “more combustible” than Lansley’s

By Sharon Brennan 15 July 2021

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Insider tales and must-read analysis on how integration is reshaping health and care systems, NHS providers, primary care, and commissioning. This week by senior correspondent Sharon Brennan.

As expected, the Health and Care Bill passed its second reading this week by 356 votes to 219, with just three Conservative MPs voting against it: Philip Davies, Andrew Lewer and Esther McVey. Yet the debate showed that its passage through Parliament will be far from easy.

The Department of Health and Social Care’s own parliamentary engagement team are “struggling to succinctly explain the bill and its benefit for patients” to MPs, one source close to the Conservative party has told HSJ. The source said it would be “monumentally difficult” to argue the bill was addressing the most important issues facing the NHS during the third reading of the bill this autumn just as the service is dealing with a huge waiting list, a winter crisis in the NHS and the resurgence of flu and possibly another covid wave.

Indeed, during his introduction to the second reading debate, the health and social care secretary Sajid Javid did not attempt to explain how the legislation will make a difference to rising waiting lists, increased demand on cancer and mental health services, exhausted staff and a social care crisis.

Nor did the biggest piece of health legislation for a decade get a mention when Mr Javid laid out his health priorities during a speech in the Commons held on the very same day he later introduced the bill to Parliament. Instead he said his three priorities as health secretary were “busting the backlog”, getting out of the pandemic and stabilising social care.

One source close to the legislative process said: “This is a more combustible situation than the Lansley bill [was in]. The health secretary doesn’t seem to support it and I am not sure how that will play out. This bill is so big it’s going to get bogged down. It is not a stable situation that this bill has been launched into.

“The big issue is I don’t think there are any Conservatives that actually want this bill to happen. Most of the back benchers won’t yet know what it is and the first they’ll hear will be concerns about it. It must also be the first instance of a health bill introduced without the health secretary’s support.”

“We could see a world in six months’ time of lots of rows over this without it doing anything to help with waiting times, and MPs asking why are we doing this?”

Labour MPs stuck to the party line of “the wrong bill, at the wrong time” (although The Integrator has to ask if there is ever a right time for a wrong bill?), and the timing issue may be the one criticism that will strike home. The increased powers for the health secretary as expected caused much concern in the Commons debate too with Munira

Wilson MP, the Lib Dem health and care spokesperson, saying that after the failures around PPE and Test and Trace, “handing back power to the government is the opposite of what we need to do”.

On the local reconfigurations power grab, Labour shadow health secretary Jon Ashworth landed a punch when he asked Mr Javid “Does he really want these powers?” The answer is no and they are likely to be traded out or watered down as the bill progresses to win over worried MPs and get the health secretary out of a tight spot not of his own making.

If I was a betting woman, I would also guess that the growing row over redrawing boundaries of ICSs will also be one that Mr Javid has no interest in pursuing. At least three Conservative MPs raised concerns with him during the Commons debate about their desire for their local ICSs to be left as they are, while Mr Javid repeated the line from Ed Argar in an adjournment debate earlier this month that nothing has been decided on this issue.

Perhaps one of the biggest missteps is that the huge expansion of the health bill under Matt Hancock has left MPs feeling like it is a free-for-all on what also should be included in the bill. The strongest argument by far was made by Jeremy Hunt, chair of the Health and Social Care Committee, who pushed again for independent annual reviews of the workforce, saying a plan for future staffing is the “very least we owe.... [our] exhausted staff”.

His argument gained cross-party support and it’s pertinent to remember that Hunt raised this issue in the Commons despite being personally told by Mr Javid on 6 July that the health secretary was not pursuing this health committee recommendation.

HSJ’s Conservative party source said the “confusion” around integrated care boards, integrated care partnerships and the accountability mechanism behind each needs to be “explained so quickly to Parliament and the public so there is buy-in for the changes. It would be easier if we gave ourselves 18 months to do that”. They said the new health secretary’s team remains “lukewarm on the timing”. They added: “Different people in Number 10 have very different views on whether this [bill] is a good idea or not. Its health team are not united in advocating for this.”

....and, of course, the Bill is likely to come back from the House of Lord’s Christmas-treed with amendments and scarred by suggested deletions.

Whether all this controversy will actually endanger the plan of getting royal assent for the bill in time for integrated care systems to become a statutory body by April 2022 is very hard to determine. The government has certainly got the votes to force it through, but how much political capital will it have to - or want to - spend in doing so?

Mr Javid, of course, wrote to Boris Johnson to recommend delaying the bill, only to see his opinion overruled.

Of all the uncertainties which could affect the bill, covid is the greatest. Next week’s experiment on public unmasking goes could be the biggest decider of all on how the bill progresses.

One hospital chief executive said to our editor Alastair McLellan about the current situation facing the NHS, “the only one thing I can tell you for sure, is covid’s in charge”.