NHS LEGISLATION

* NHS England to put forward final legislation proposals to Parliament and Government

Patient, staff and NHS groups have joined with NHS England to ask government to put forward an “NHS integrated care bill”, which would scrap big chunks of the last major piece of health legislation.

A joint board meeting of NHS England and Improvement on Thursday is expected to approve final proposals to government and Parliament.

Meanwhile, 18 senior health and care leaders – representing most national representative groups, including the Local Government Association and NHS Providers – have written a letter calling on the health secretary to bring forward the bill.

The proposals are described as “targeted” and oppose a wholesale structural reorganisation – yet they include removing competition rules and regulation central to Andrew Lansley’s Health and Social Care Act 2012, and giving NHSI’s remaining powers to NHSE to effectively merge the two.

Officials hope that signalling strong sector support will help ensure the bill is included in a forthcoming Queen’s Speech and government legislative programme, and win support from sufficient other MPs to get it through the Commons.

However, NHSE has previously cautioned – even before the latest political turmoil – that any new law is unlikely to come into force until April 2022.

The support from the sector comes after NHSE held further discussions and made several changes to its initial proposals. This followed an inquiry by the Commons health committee and NHSE’s own consultation on them.

Far-reaching proposals which were in the February consultation, and remain in the recommendations to government, include:

* Scrapping “section 75” procurement regulations, removing the NHS from public procurement law, and removing independent competition regulation;
* Removing the role of the Competition and Markets Authority in NHS mergers and pricing;
* Allow all NHS organisations, including foundation trusts, to work together by delegating decisions and budgets to joint committees. The committee could be used to make decisions across integrated care systems or groups of provider trusts; and
* Merging NHSE and NHSI – which in practice will mean abolishing Monitor and the NHS Trust Development Authority, with whatever responsibilities and powers are being kept given to NHSE.

Amendments to the original NHSE proposals include:

* Removing a proposal to give NHSE/I power to force foundation trusts to merge, in response to opposition from NHSP and others;
* Restrict a proposed power to direct when FTs can spend their capital to more tightly defined cases;
* Stress the role of local government and importance of wellbeing and communities, following concerns from councils;
* Ask government to review national oversight and funding of education and training;
* State that statutory guidance will require ICSs to meet in public and hold annual general meetings, and set governance requirements for them;
* Since independent price and competition regulation will be abolished, to include a process for challenging tariff proposals and appealing over patient choice to NHSE/I; and
* Remove proposals to give the secretary of state a broad power to amend arm’s-length bodies’ roles.