

BREXIT AT A GLANCE...

Weekly news, views and insights from the Welsh NHS Confederation
Friday, 6 December

***Please cascade information where appropriate
to your workforce and care providers***

What Happened This Week...

In the final week leading up to the General Election, the issue of future trade agreements and the possible impact on the NHS post-Brexit continues to be a prominent topic. The Welsh Government's Council General and Brexit Minister took questions on that very topic on Wednesday in the National Assembly, which was followed by a Plaid Cymru debate on trade and if this could lead to privatization of the NHS in Wales.

Many factors make this an interesting topic for discussion – such as the different commissioner and provider governance structures across the UK, and the fact that trade is a central issue for the UK Government while trade health is devolved to the Welsh Government.

The NHS Confederation [published a briefing](#) on this matter in September and is a useful resource that examines future trade agreements and the NHS and does some myth busting as well. We are looking at developing a similar briefing to highlight the Welsh legislative and policy context around the NHS.

Another reoccurring theme this week was the impact that future UK immigration

policies could have on NHS staffing levels. There were articles of [WalesOnline](#) and a publication by the [Kings Fund](#) on how party manifestos for the General Election could impact non-UK staff in health and social care.

We value all European Union /European Economic Area (EU/EEA) nationals working in the health service and the contribution they make, not just as professionals, but to the communities they live in. We want to encourage and support EU nationals working in health and social care to apply for the [settled status scheme](#). The scheme is free meaning there will be no charge for applications. For complex cases www.eusswales.com details a range of third sector organisations that can provide free assistance.

The next edition of this newsletter will land in your inboxes on 20 December and will wrap up developments over that fortnight, including the outcome of the General Election.

As always, if you need any further information, please look at our [Brexit Preparedness Toolkit](#) and additional [annex](#), with all the latest guidance from UK and Welsh Government. Alternatively, you can email any questions to brexitfaqs@welshconfed.org. For more information and our latest resources visit [our website](#) or follow us on twitter [@welshconfed](#).

Nesta Lloyd-Jones,
Assistant Director, Welsh NHS Confederation



Welsh Government News and Guidance

Jeremy Miles [highlighted](#) 50,000 jobs created since the start of the EU Structural Funds programme.

Jeremy Miles is celebrating the success of more than a decade of EU funding in Wales, as well as looking ahead to potential future regional investment, as latest figures show almost 50,000 jobs have been created in Wales since the programme began.

For further information, please see the [Preparing Wales for a no-deal Brexit](#) website and [click here](#) for more information on Health and Social Care sector planning for a no-deal Brexit.

National Assembly News

First Minister's Questions – Tuesday, 3rd December

Trade

Raising concerns about the NHS being on the table in a future trade deal with the US, Adam Price urged the Welsh Government to support Plaid Cymru proposals for a constitutional veto on any trade deals that will “*imperial*” the NHS. He also called on the First Minister to back an NHS Protection Bill in the next Westminster Parliament. Mark Drakeford accused the Plaid Cymru leader of “*running Wales down*” in front of television audiences. He said Labour will not be supporting Plaid Cymru members in the way Mr Price suggests because the party is campaigning for a government that would render the bill unnecessary.

Wednesday, December 4

Brexit Questions – Wednesday, December 4

NHS

Lynne Neagle asked about the implications of Brexit on the Welsh NHS. Jeremy Miles said that Brexit will have effects on health and social care in both the short and long term, but the Welsh Government will work tirelessly to protect the NHS. Ms Neagle expressed concern that returning a Conservative government to Westminster will result in the NHS being ‘on the table’ when working on a future trade agreement with the USA and their private pharmaceutical companies. Mr Miles stated that he shared Ms Neagle’s concerns and claimed the UK Government either fully intends to sell off the NHS or has failed to make it clear to the US Government that the NHS is not for sale.

Trade Deals

Delyth Jewell raised concerns over a lack of engagement with the Welsh Government over the UK's decision to not extend the transition period. She discussed concerns around the NHS in a potential US-UK trade deal and called for the Welsh Government to support the solution in Plaid Cymru's [motion](#), which suggests repealing the section 82 of the Government of Wales Act and taking away Westminster's powers to force Welsh Ministers to implement directives on international agreements. She pointed to Belgium as an example of where this already occurs. Jeremy Miles agreed on concerns around a US trade deal, saying there is no prospect of arrangements being put in place at end of the transition period which are acceptable. However, he could support the motion's solution as the Welsh Government believes that proper mechanisms need to be put in place which ensure Wales has an influence over trade negotiation mandates. He dismissed the Belgium example, arguing that its constitutional arrangements are not comparable.

Foreign Nationals

Jenny Rathbone asked about the post-Brexit status of EU foreign nationals residing in Cardiff Central. Jeremy Miles said that he has regular meetings with the UK Government to discuss the EU Settlement Scheme and ensure that the rights of EU citizens in Wales are protected. Ms Rathbone said that many of her constituents are unsure how to apply for settled status and are anxious as they find the process confusing. Mr Miles stated that there are a substantial amount of online resources that people can access in order to help them, but acknowledged that not everyone is technologically literate, which is why there has been a concerted effort to spread advertising and information to social hubs across Wales to let people know that support is available.

Shared Prosperity Fund

Vikki Howells stated that a successor scheme to European structural

funding is crucial to protect the Welsh economy, and cited a recent joint statement signed by organisations such as NUS Wales, WCVA and Universities Wales highlighting the importance of a successor scheme with spending decisions to be made in Wales. Mr Miles said the number of organisations that have expressed their concern is testament to the failure of the UK Government in this regard, adding that he hopes they will listen to more consultation before finalising any proposals.

Mark Isherwood reiterated Conservative manifesto commitments on the Shared Prosperity Fund, accusing UK Labour of not outlining its plans to allocate funding. He also asked if a Welsh Funding Office could be established to ensure evidence of expenditure and project activity, in a potential UK single market. Jeremy Miles dismissed the commitment made by the Conservatives, saying previous announcements have not been supported by action. He said Welsh Labour has been clear in its priorities on regional funding, saying it aims national, regional and local bodies to work together to deliver on the ground. The Brexit Minister pointed to commissioned work undertaken by the OECD, which he said will inform how regional funds are developed and employed, adding that he hopes this work will lead to a consultation in the new year.

[Plaid Cymru Debate: Brexit and Future Trade](#) – Wednesday, December 4

Health Service

Delyth Jewell argued that the NHS is in dire peril, rejecting Donald Trump's assurances that the US has no plans to gain market access as lies. She told AMs that passing the withdrawal agreement will only be the end of the beginning, with negotiations on future relationships yet to begin. She pointed out that, during a visit to the UK in June, Donald Trump and US ambassador Woody Johnson said the NHS should be on the table.

She said gaining partial access to the NHS forms a big part of US trade objectives. The Plaid Cymru AM added that Foreign Secretary Dominic Raab confirmed that US companies could increase drug prices for the NHS through provisions likely to be in a future trade deal. Arguing that drug prices have been inflated to obscene levels in the US, she warned that a future trade deal could limit NICE's ability to decide which medicines patients can receive. She said the easiest way to remove the threat to the NHS is to remain in the EU. Ms Jewell advocated three measures to protect the Welsh NHS: a veto for devolved legislatures over UK trade deals that could affect devolved fields; an NHS Protection Bill due to be introduced in Parliament; and amendments to Section 82 of the Government of Wales Act 2006 to take away Westminster's powers to force Welsh Ministers to implement directives on international agreements.

'Scaremongering'

Mark Isherwood, for the Tories, accused Plaid Cymru of being in "*Brexit denial*", pointing out that Wales voted to leave the EU and arguing that the pattern was replicated in May's European elections. He criticised Plaid Cymru and Labour politicians for "*scaremongering*" and "*desperate fear tactics*". The North Wales AM stressed that the Tory manifesto clearly states that the NHS is not for sale. Brexit Party AM Mark Reckless suggested that the Plaid motion was a cynical effort to exploit the NHS ahead of the election. He warned of "*misconceived*" concerns about how the health market and regulation operates in the US. He said his party would support the Conservative amendments because trade policy is a reserved matter.

Over-prescription

Helen Mary Jones raised the opioid crisis in the US, which she said led to hundreds of thousands of people addicted to substances that they should

never have been prescribed and more than 400,000 have lost their lives in the past 20 years. She accepted David Rowland's point that thousands of people in the UK are also victims of over-prescription of drugs, but she argued that it has not happened on the same scale as the US.

Trade

David Rees focused on trade issues, highlighting the External Affairs and Additional Legislation's "*imminent*" report on international agreements. He agreed with Plaid Cymru that there is a threat to the NHS, but he argued against a veto on future trade deals. He called for a formal mechanism for the Welsh Government to have its say in the content and confirmation of trade agreements, especially where they engage devolved competencies. He cited Wales Centre for Public Policy research which highlighted that Belgium is the only example in Europe of a sub-state, namely Wallonia, preventing ratification of an international agreement.

Mental Health

Dai Lloyd pointed out that "*vast slices*" of mental health services are already privatised in England and run at "*huge*" profits for US healthcare companies. He said Welsh people can find themselves in such units for autism and learning disabilities. Dr Lloyd said US firms charge the earth from the NHS and local government. He told AMs: "*It's no good saying the NHS is not for sale – large swathes have already been sold.*"

Government Response

Jeremy Miles said the Welsh Government supports the original motion to a great extent and agrees that the current constitutional settlement is inadequate to cope with future challenges. The Brexit Minister said the damage of leaving the customs union and single market far outweigh the benefits of free trade deals with non-EU states. He also agreed with concerns about the assurances on the NHS offered by Boris Johnson and

Donald Trump. Mr Miles criticised a lack of transparency from the UK Government, saying it has not published a draft mandate for talks with the US, but months of secret negotiations have taken place. He argued that the Welsh Government needs a formal involvement in all aspects of trade negotiations. Mr Miles rejected the solution proposed by Plaid, saying the government favours an overhaul of the constitution so that it respects the authority of the four legislatures to deal with issues within their competence.

The motion, as amended by the Welsh Government which deleted the call for devolved parliaments to be given a veto over trade matters which have the potential to affect devolved fields, Welsh MPs to support the NHS protection bill due to be introduced in Westminster in the new term, and to repeal Section 82 of the Government of Wales Act 2006 which would take away powers from Westminster, was agreed.

Assembly Correspondence

- [External Affairs Committee to Jeremy Miles regarding follow up work on Brexit preparedness](#) (Welsh NHS Confederation mentioned after giving oral evidence to the Committee in November)

[Brexit Update](#)

By Senedd Research on Wednesday 4 December 2019

Senedd Research publishes a fortnightly Brexit update, for the Assembly's External Affairs and Additional Legislation Committee, on the latest government, parliament, EU and other relevant announcements and reports on Brexit.

Managing Brexit / EU withdrawal in health and social care in Wales: Frequently asked questions

Brexit Frequently Asked Questions

Visit the [FAQs page](#) to get the latest version as it's updated and send in any questions to BrexitFAQs@welshconfed.org

UK Government & NHS England Resources

Please visit the Brexit page on the [UK Government](#) website which provides information about EU Exit including the article 50 process, negotiations, and announcements about policy changes as a result of EU Exit, such as the [Prepare for EU Exit Campaign](#).

You can also view the [NHS England](#) Preparing for EU Exit page where you can find Guidance and correspondence, which includes [continuity of medicine supply frequently asked questions](#).

News and Reports

[Plaid Cymru: Law needed to stop Boris Johnson selling off the NHS](#)

A new law should be passed in Wales to protect the NHS from Brexit and privatisation, according to Plaid Cymru. The party's shadow health minister Helen Mary Jones AM has said that Brexit puts the NHS "at risk of privatisation

through a trade deal with the US”.

[Labour Vote Against Giving Themselves a Veto over NHS Privatization](#)

The Labour Welsh Government has voted against giving the Senedd a veto over international trade deals that could open up the NHS to privatisation. Plaid Cymru brought forward a motion calling for a Welsh veto and for the Wales Act to be modified to take away the power of the UK Government to force through changes in devolved fields against the will of the Senedd.

Labour’s reasoning was that it would not be appropriate for a devolved government to hold a veto over trade issues controlled by the state, neglecting the fact that the Belgian region of Wallonia holds such a veto which it has used responsibly to the benefit of the Belgian state.

The Brexit Minister Jeremy Miles also said it would be “outrageous” were the UK Government to use Section 82 powers to force Welsh Ministers to enact measures against their will, yet still voted against repealing that section of the Wales Act.

The Welsh Government also voted against supporting the NHS Protection Bill, which will be introduced by the SNP in Westminster in the new term with Plaid Cymru support.

Public Health Wales publication

Publication by Public Health Wales colleague Liz Green (Programme Director for Health Impact Assessment) on the [Public Health Implications of Brexit](#) in the European Journal of Public Health.

[Post-Brexit NHS faces staffing timebomb warns think tank](#)

"This analysis reveals just how international the NHS truly is and that without ... body to raise concerns about NHS staffing levels in a post-Brexit world. In a

briefing entitled '[Stopping the staff we need? Migration choices and the 2019 election](#)', the think tank warns main parties must "tread carefully with their migration policies."

[How a UK/US trade deal could affect price of drugs](#)

Dr Layla McCay, director of international relations at the NHS Confederation, has appeared on Sky News to give an easy-to-understand explanation of how a UK/US trade deal could impact the price of drugs.

[Health unions seek assurances after leak on trade talks and NHS](#)

Medics have called for guarantees that health will not be put at risk for profit after Labour released official documents that it said proved the NHS would be "on the table" in trade talks with the US. The leaked papers revealed that UK and US officials have repeatedly discussed dismantling protections that keep NHS drug prices down, undermining Boris Johnson's claim that healthcare is not on the table in trade talks.

Looking Ahead

UK Parliament will remain dissolved until after the general election on December 12th.

Monday 9 December

- 18.00 - 20.00 [EVENT: "Brexit, Devolution and the General Election" – the Wales Governance Centre Annual Lecture, delivered by Philip Rycroft](#)

Thursday 12 December

- General Election

- 12-13 December: European Council meeting

Friday 13 December

- 12-13 December: European Council meeting

NAW Christmas Break Monday 16 December 2019 – Sunday 5 January 2020

Monday 16 December

- EU Transitional SRO and Leadership meetings

Wednesday 18 December

- Brexit Health Alliance meeting

Friday 20 December

- Next edition of Brexit at a Glance Newsletter



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