

## BREXIT AT A GLANCE...

Weekly news, views and insights from the Welsh NHS Confederation  
Friday, 10 January

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

### **What Happened This Week...**

I hope that you all had a fun and festive break over the Christmas period. Now that 2020 is well and truly in swing, there have been quite a lot of developments on the Brexit front.

Before the UK Parliament entered Christmas recess the Withdrawal Agreement Bill (WAB) passed its Second Reading. This version had some amendments including weakening of workers' rights, the removal of MP scrutiny of trade agreements and ruling out any extension to the transition period. This week the WAB was subject to multiple days of debates, with none of the proposed amendments being adopted. The WAB will now enter the House of Lords next week.

From its current position, the threat of the UK leaving the EU without a deal at the end of January looks all but eliminated. Once the WAB receives Royal Assent (most are speculating this will happen in or around January 23), the UK can start to negotiate a future trade agreement. Phase 2 of the negotiations is where the real work begins to define the detail of our future relationship. We hope the time-limited period available will be used to focus on early agreements on areas that protect the NHS, supply of medicines, rights to treatment in the EU and wider public health, which all have stakes

in a future trade deal.

This week we've updated our [FAQs](#) to reflect the most current position of the WAB through parliament.

In Wales, we continue to support members to ensure the Welsh NHS is prepared for Brexit. Now that the imminent threat of a no-deal occurring in the middle of (this) winter has passed, we will continue to work across health and care in Wales throughout the transition period.

If you have any questions about the Brexit process, please see our [FAQs](#) page for more details which have been updated today, or email any questions to [brexitfaqs@welshconfed.org](mailto:brexitfaqs@welshconfed.org). Please visit [our website](#) for more information and resources on current developments.

Nesta Lloyd-Jones,  
Assistant Director, Welsh NHS Confederation



## Welsh Government News and Guidance

### Oral Statement: Update on Trade Policy

On 7 January 2020, the Minister for International Relations and Welsh Language made an oral statement: [Update on Trade Policy](#)

As the UK prepares to enter into a new phase of negotiations that could fundamentally alter the Welsh and UK economies for decades to come, trade policy has come to the fore.

Across the whole of the UK, we must build a shared vision, based on what we want our economy and future trading relationships to look like in future.

When the UK Government reintroduces the Trade Bill, which deals with replicating existing EU trade agreements, we will press the UK Government to preserve the amendments that led to this Senedd giving its consent. But, if they now introduce legislation to provide a basis for the negotiation of new international treaties, we will demand that we too will have a role as devolved institutions and that that role is then embedded in the new legislation.

### **Minutes:**

- [Cabinet Sub-Committee on European Transition: November 4](#)

### Update on developments:

'No-deal' was now considered a significantly less likely outcome, although preparations would need to be updated and maintained. In addition, planning for winter pressures such as serious weather events and the increased demand on health services should be factored in to updated preparedness planning. The contribution of volunteers for the ECC(W) was recognised and it was agreed that future demands on the same staff be minimised where possible.

### Future migration policy:

It was clear that the current UK government was intent on introducing a points-based migration system, similar to Australia. It was imperative that the Welsh Government was in a position to seek to influence UK government policy so that, if this policy were to be pursued, the most damaging impacts on Wales were mitigated.

The Sub-Committee discussed the proposed salary threshold for migrants, which was currently at £30,000 per annum, and noted that if a salary threshold remained as a proposed part of future migration policy, then a lower threshold of £20,000 per annum would be more appropriate in Wales.

### **Freedom of Information:**

- [Brexit impact](#) (Welsh only)

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**

### **[Counsel General and Brexit Minister's response regarding Brexit preparedness](#)**

Jeremy Miles responds to the External Affairs and Additional Legislation Committee early December letter on Brexit preparedness and accepts all Committee responses on ports and transport, food and farming, and the transition period and the risk of 'no deal'.

### **[Minister expresses support for future trade agreements referencing human rights](#)**

Whilst believing developing links with other nations is appropriate, Huw Irranca-Davies AM (Lab, Ogmore) raised concerns that in the post-Brexit scramble for trade deals, UK human rights commitments would be "watered-down" as EU obligations become void.

**Monday 6<sup>th</sup> January 2020**

## **Legislation**

- Legislative Consent Memorandum: [European Union \(Withdrawal Agreement\) Bill](#)

## **External Affairs and Additional Legislation Committee**

### **Scrutiny Session with the First Minister**

#### **Post-Election**

On future plans to engage with the EU Withdrawal Agreement, Mark Drakeford stated that as a result of the recent general election, the UK will definitely leave the EU at the end of January, but that this will not be the end to Brexit, as the future relationship will have to be negotiated. Mr Irranca-Davies asked whether the First Minister has had the opportunity to express his concerns over Brexit to the Prime Minister since the election. Prof Drakeford responded that he has had a brief conversation with the PM since the election, and while brief it covered the main issues that the Welsh Government is concerned about, including ensuring as full access to the single market as possible, the protection of citizen's rights, and Wales' continued participation in European programmes such as Horizon and Erasmus+. The First Minister also expressed concern about the new UK Government's attitude towards immigration, arguing that Welsh public services rely on immigration to function.

#### **Shared Prosperity Fund**

Delyth Jewell asked whether the Welsh Government has received any further details surrounding the Shared Prosperity Fund from the UK Government. Prof Drakeford stated that he has received no further details, but that he is optimistic after listening to the commitments from the new Secretary of State for Wales, Simon Hart, that he wants to help build a consensual and dynamic relationship between the Welsh and UK Governments. Prof Drakeford said that he also

hopes the Shared Prosperity Fund is something that the Welsh Government has an active role in developing, rather than something that is imposed upon it.

### **LCM on the Withdrawal Agreement**

Committee Chair David Rees asked the First Minister when he expects the Legislative Consent Motion on the Withdrawal Agreement to be debated by AMs in the Siambr. Prof Drakeford responded that the National Assembly for Wales's timetable on this issue is subject to that of Westminster, but currently he expects the LCM to be laid before AMs on January 14 and debated on January 21.

### **New Brexit Stance**

Huw Irranca-Davies asked how the Welsh Government will make its new Brexit stance clear to the Welsh public, since it had so vocally backed Remain prior to the election. Prof Drakeford admitted that the fact of Brexit is now no longer up for debate and it will happen, but what is still up for debate is the form that Brexit will take.

### **English Devolved Authorities**

Prof Drakeford said that he has had a post-election discussion with Nicola Sturgeon, but has not yet had the chance to engage with devolved authorities in England. However, the First Minister acknowledged that the Welsh Government's relationship with devolved English authorities will play an important role in the constitutional future of the UK, as he predicts there will be a nationwide increase in subsidiarity and devolution powers.

### **Constitutional Crisis**

The First Minister stated that while the Welsh Government will not be granting consent to the Agreement, their objective is not to create a constitutional crisis, adding that even if the Assembly does not grant consent, the UK Government will continue proceedings regardless, as they did when the Scottish Parliament refused to grant consent to the 2018 Bill. To this end he outlined his belief that the Sewel Convention should be legally enshrined and codified, in order to make the UK a more equal family of nations. Alun Davies asked for an update on the Welsh Government's current legislative programme. Prof Drakeford stated that

the legislative programme is admittedly very packed and includes even more Brexit-related legislation.

**Tuesday 7<sup>th</sup> January 2020**

### [First Minister's Questions](#)

#### **Shared Prosperity Fund**

Huw Irranca-Davies said the Regional Investment Wales Steering Group that he chairs has been scoping proposals and notes the need to work in a cross-border way on funding and initiatives across the UK and Europe in the future. Mr Irranca-Davies sought assurance that Mark Drakeford and Jeremy Miles would seek constructive and urgent engagement with the UK Government on the clear terms of *“not a penny less, as was guaranteed to us, and not a power lost”*. Mark Drakeford said the new Secretary of State for Wales, Simon Hart, has given assurance that he is committed to working in a consensual way with the devolved administration, saying that he looks forward to meeting with Mr Hart to discuss the Shared Prosperity Fund and other areas of mutual interest. On regional economic policy, Prof Drakeford argued that responsibility for the deployment of money should be as close as possible to the place where the difference can be made, adding that the OECD agrees and that the work of the steering group chaired by Huw Irranca-Davies has been supported by the FSB, the WLGA, Universities Wales, HEFCW and the WCVA.

Russell George noted that Structural Funds are only available in certain parts of Wales, asking whether the First Minister agrees that the Shared Prosperity Fund provides a new opportunity to invest in parts of Wales outside of the valleys and the west of Wales. Mark Drakeford said that, done properly, a shared prosperity fund would have the potential to offer new flexibilities in the way that regional economic funding could be spent in Wales, and that this could be geographical. He warned that this would have to be carefully thought through and agreed with delivery partners in Wales to ensure they do not have unintended negative consequences as well as potentially new positive impacts.

## **Brexit Bill**

Delyth Jewell raised concern over the lack of restriction on the power that the Ireland-Northern Ireland Protocol gives the Secretary of State as it would allow them, in theory, to amend the Government of Wales Act without the Senedd's consent. The Plaid AM sought assurance that the Welsh Government will make clear to the UK Government during Thursday's meeting of the JMC (EN) that this is wholly unacceptable and demand that the Bill be amended so the power can never be used. Prof Drakeford agreed this is a "*completely unacceptable power*" and it ought not to be in the Bill, adding that it would be no cost to the UK Government to make it clear that it does not intend to use the power in relation to the Assembly. He gave assurance that Jeremy Miles has written to Stephen Barclay on this matter and it will be a subject for this week's JMC (EN). The Brexit Party's Mandy Jones asked what the consequences will be if the Assembly refuses legislative consent. Mark Drakeford said that this is an exercise of the democratic rights of the National Assembly and acknowledged that there will be consequences if the UK Government decides to override the democratically expressed view of the Assembly. Prof Drakeford agreed with David Rees that the changes in the most recent version of the Bill make things worse from Wales' point of view.

## [Counsel General Questions](#)

### **Shared Prosperity Fund**

Dawn Bowden asked when the Counsel General anticipated the legal arrangements for the fund will be available for scrutiny. Jeremy Miles responded that the Welsh Government is still awaiting proposals and does not wish to seek conflict with the UK Government. He added that there is intent to bring forward a consultation informed by the work of the committee chaired by Huw Irranca Davies, saying he hopes the UK Government will take the offer to put forward proposals and work with the Welsh Government to respect the devolution settlement.

## Legislation

- [Timetable – Legislative Consent Memorandum on the European Union \(Withdrawal Agreement\) Bill](#)

On 7 January 2020, the Business Committee agreed to invite the External Affairs and Additional Legislation Committee and the Constitutional and Legislative Affairs Committee to consider and report on the Legislative Consent Memorandum for the European Union (Withdrawal Agreement) Bill. The Committee should report to the Assembly by 17 January 2020.

## Thursday, January 9th 2020

### [Economy, Infrastructure and Skills Committee](#)

#### **Budget scrutiny with the Minister for Economy and Transport**

#### **European Funds**

Joyce Watson asked what sort of analysis has been done in terms of the removal of European funds and the impact this could have if it is not matched by the UK Government. The witnesses gave the assurance that a lot of analysis has been undertaken over the last three years. They said the Higher Education Brexit Working Group includes further education providers and work-based learning providers and said through this group, analysis has been undertaken on the financial contribution that comes from EU Structural Funds.

### [Brexit Negotiations Monitoring Report](#)

#### **By Senedd Research on Tuesday 7 January 2020**

In Wales, the First Minister described the UK Government's commitment to reach agreement on a future relationship with the EU by the end of 2020 as 'dangerous and misleading'. The Welsh Government recommended against the Assembly granting consent to the October version of the Withdrawal Agreement Bill, on the grounds that the Political Declaration does not provide assurance of a close

relationship between the UK and the EU and that it leaves open the possibility of 'no deal' if agreement on the future relationship is not reached by the end of the transition period.

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### **Press releases**

[Paul Davies AM: 'The First Minister should stop dithering over Brexit'](#)

Commenting on the First Minister's aim – published in a BBC Wales News story (January 6) – to vote down Boris Johnson's Brexit Bill when it comes to the Senedd, Paul Davies AM/AC, Leader of the Welsh Conservatives, said:

“Rather than engage in dithering, the First Minister and Welsh Labour should get behind our Brexit deal to unleash Wales' potential, because his call for the National Assembly to vote against the Prime Minister's deal reveals just how hopelessly out of touch Labour is.

“There is no other credible deal than Boris's; Wales voted to leave the EU, and the Conservatives will deliver on the electorate's wishes.”

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

## Brexit Frequently Asked Questions

We have updated our Brexit FAQs again this week to include information on where the WAB is currently in its parliamentary process.

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

## UK Government & NHS England Resources

### Overview from Westminster

- Toplines from the [Queen's Speech](#) include:
  - the Government's priority is the UK's exit from the EU on 31 January
  - a commitment to enshrine in law extra funding for the NHS
  - 30 bills announced, seven which relate to Brexit
  - On immigration, there will be increases to the surcharge immigrants pay towards the NHS and a fast-track reduced-fee visas for NHS doctors, nurses and allied health professionals. Although not expected to, it did not say if this would apply to social care workers.
- The Department for Exiting the European Union (DExEU) will be dissolved on 31 January

- The newly elected House of Commons took its first steps towards passing the WAB into law. It voted to approve the WAB by [358 to 234 votes](#) (a majority of more than 120) at second reading and began three days of debates in the House of Commons.
  - **Day 1:** three votes related to EU citizens' rights and the procedure for applying for settled status, but the amendments proposed by Labour, the SNP and Lib Dems were voted down by majorities of 90, 86 and 92 votes respectively.
  - **Day 2:** saw seven votes on amendments proposed by a variety of opposition parties, all of which were defeated (by majorities of between 75 and 96).
  - **Day 3:** MPs voted to give the Third Reading to the European Union Withdrawal Agreement Bill by a majority of 99. The bill will now move onto the House of Lords next week.

#### **House of Commons research updates:**

##### [The new EU \(Withdrawal Agreement\) Bill: What's changed?](#)

Sets out some of the key differences between this new Withdrawal Bill and an earlier Bill introduced in October 2010.

##### [Withdrawal Agreement Bill: The financial settlement](#)

Focuses on how the UK and EU will settle their outstanding financial commitments to each other.

##### [Removal of workers' rights in the new EU \(Withdrawal Agreement\) Bill](#)

Overview of the removed clauses on the protection of EU-derived workers' rights and what this might mean for workers' rights in the UK

##### [Trade in services: Parting with the EU?](#)

Leaving the EU will change how UK service businesses like law firms, banks, insurers, architects and tour operators trade with the EU

#### **Guidance**

The [guidance](#) was updated on EU Document Scanner locations and EUSS application processing times.

Visit the Brexit page on [UK Government](#) providing 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](#).

**NHS Confederation publication:** [Time to Delivery: Priorities for the new government](#)

The impact of Brexit on the health of the population must be minimised, and patient safety and access to life-saving drugs must be preserved upon the UK's exit from the European Union. In order to ensure access to medicines and preserve the UK's global position as a centre of medical and technological excellence, those stakeholders with expertise in these areas must be part of discussions over future arrangements between the UK and EU.

**News:** [NHS reduces no-deal Brexit planning and looks to transition period, Dr Layla McCay says](#)

Layla McCay, director of international relations at the NHS Confederation, has appeared on BBC Points West to discuss what happens next for the NHS now that the risk of a no-deal Brexit has diminished.

She said: "My understanding is that it's now very unlikely [that we will see a no-deal Brexit] so that planning has been reduced. We will need to be prepared for everything just in case, but it's quite likely no-deal Brexit is a much smaller risk than it was before.

"During the transition period, things will feel pretty similar. It's during that period that everything must be discussed and negotiated, so all the things that we were worried about in the event of a no-deal Brexit because they were immediately going to stop...we will still have until the end of the year. The negotiating period is going to figure out what's going to happen after that."

**Looking Ahead**

Next week, the House of Lords will begin its scrutiny of the legislation.

### Monday 13 January 2020

- 13 - 16 January: Plenary session of the European Parliament.
- [External Affairs and Additional Legislation Committee](#)
- House of Lords: European Union (Withdrawal Agreement) Bill - Second reading

### Tuesday 14 January 2020

- House of Lords: European Union (Withdrawal Agreement) Bill - Committee stage (day 1)

### Wednesday 15 January 2020

- [Delivery in a Post-Brexit World webinar](#)
- House of Lords: European Union (Withdrawal Agreement) Bill - Committee stage (day 2)

### Thursday 16 January 2020

- [Exploring the Impact of Brexit on BME Communities in Wales](#)
- House of Lords: European Union (Withdrawal Agreement) Bill - Committee stage (day 3)



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**Our mailing address is:**

Welsh NHS Confederation

8

Cathedral Road

Cardiff, Wales CF11 9JL

United Kingdom

[Add us to your address book](#)