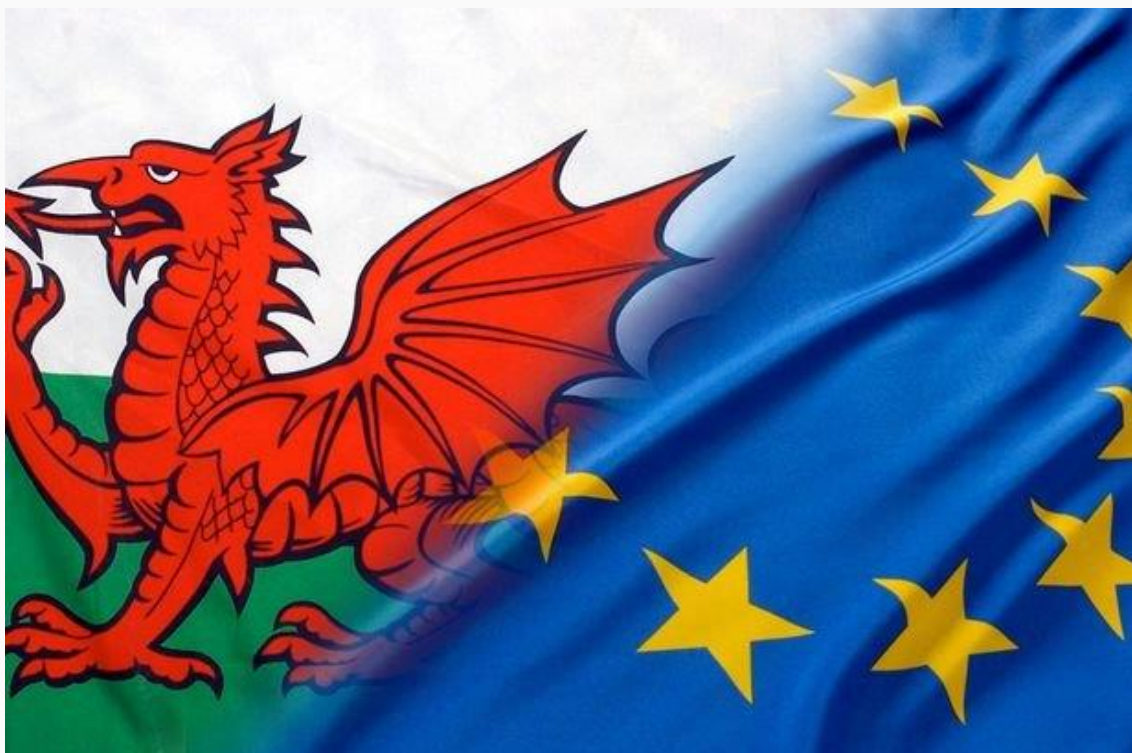


BREXIT AT A GLANCE...

Weekly news, views and insights from the Welsh NHS Confederation
Friday, 21 June



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

What Happened This Week...

This week has been busy, both in terms of our work to support members and of course all the developments in the Tory Leadership race.

This week we attended the Cardiff University's Wales Governance Centre *Brexit and Devolution* event. The event marked the two-year anniversary of the publication 'Brexit and Devolution' and it was an opportunity for the Institute for Government, Counsel General and Brexit Minister Jeremy Miles, and a panel of industry professionals to discuss how Brexit has and will change the context of Wales' devolution within the larger UK context. In this event the Minister warned that a chaotic no deal Brexit threatens the future of the UK.

We also attended the Welsh Government's Health Social Services Brexit Communications meeting. During the meeting there was a discussion around how the communication cascade system that was introduced as part of the no-deal planning can be improved to better facilitate the spread of information to front line professionals and the public, especially when no-deal planning is reactivated. The Brexit Communications Plan will also be examined and updated to better reflect the current context and how things have changed since earlier in the year.

We spent two days at Confed19, the annual NHS Confederation's conference, in Manchester – which was a hit all round! There were lots of great speakers and the opportunity to meet with individuals doing great work across the Confederation and the NHS as a whole system. Dr Layla McCay, Director of International Relations, chaired a workshop on Brexit which examined NHS preparedness from three perspectives (an NHS Trust, emergency planning and patient experiences) and how we can ensure that the health sector is as prepared as it can be for Brexit. They discussed building communications, emergency and continuity plans, impact on social care and the impact on the EU workforce. What is clear from the discussions is the sector across the UK is deeply concerned for the impact leaving the EU without a deal would have on health and care. The team in Wales will continue to work with our colleagues from across the Confed to support members and stakeholders so that we are as prepared as we can be for whatever happens on 31 October.

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

Nesta Lloyd-Jones,
Interim Director, Welsh NHS Confederation



Welsh Government News and Guidance

Latest Welsh Government Brexit Bulletin

This Brexit bulletin is a summary of the issues affecting health and social care in Wales. This issue is focused on the latest political developments at Westminster and the importance of continuing with our 'no deal' Brexit preparations.

Current situation

On 15 April UK Government confirmed that a further extension of Article 50 had been agreed with the EU to 31 October 2019. But, the legal default remains that until a deal is agreed and ratified, there is still a risk of a no deal exit at the end of the extension period on 31 October 2019.

Welsh Ministers have made clear that the risk of ignoring the threat of 'no-deal' is very great and that it is not enough to simply take the chance that parliament or the EU will put a stop to it at the last minute, once again.

Preparations must continue

The current parliamentary impasse, and the lack of any national consensus about a way forward, have significantly increased the threat of a disorganised Brexit.

Safeguarding the interests of the people of Wales remains the absolute priority and all sectors, including our own health and social care sector, must continue to prepare as robustly as possible to manage the impact of a potential no deal exit on Wales.

Current actions

Welsh Government is currently undertaking a review of our preparations and contingency arrangements. This will provide a formal summary of how work has progressed so far, and will identify any actions that still need to be taken.

The development of a 'no deal activation plan' is also in progress, which will set out how 'no-deal' arrangements will be re-activated if we leave without a deal

on 31 October.

Vaughan Gething, Minister for Health and Social Services, message:

I want to take this opportunity to thank you for your commitment and hard work over the last few months. In particular the joint working between health and social care has been a distinctive and hugely important part of our preparations in Wales. Unfortunately I do have to emphasise that we remain on high alert to the possibility of a disorganised Brexit on 31 October. That would be a shameful betrayal of our hard working staff and cause real harm to communities across Wales. We will redouble our efforts to protect and prepare our services from the disruption a no-deal exit would inevitably cause.

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.



Cardiff & Vale UHB ✓

@CV_UHB

Following



We're asking all staff to register their nationality on ESR so we're able to provide support and information to EU national staff in the lead up to the UK leaving the EU.



5:05 AM - 20 Jun 2019



National Assembly Developments

National Assembly Committee changes

Tuesday saw a significant reshuffle of Assembly committee memberships to accommodate the changes necessitated by the creation of the Brexit Party group. A full rundown of the changes can be found [here](#).

Welsh NHS Confederation mention but the External Affairs and Additional Legislation Committee

The Welsh NHS Confederation was [mentioned](#) in a letter from the Chair of the External Affairs and Additional Legislation Committee to the Counsel General and Brexit Minister Jeremy Miles regarding Brexit Preparedness in Wales.

Common UK Policy Frameworks

Progress on Common Frameworks

David Rees asked the witnesses about current progress on common frameworks. Akash Paun, Institute for Government, told AMs that there has been some progress over the past six months, pointing to intergovernmental activity and work taking place at a civil service level. Professor Jo Hunt from Cardiff University said progress is dependent on how a common framework is defined. Prof Hunt suggested there has been positive development taking place on the setting of principles and governance structures. Hedydd Phylip of Cardiff University pointed to Brexit-related statutory instruments and said the latest framework analysis mentioned that these may form the basis for long-term cooperation on common frameworks.

Intergovernmental Forums

Akash Paun recognised that there is a problem with the lack of transparency around what is being negotiated and agreed between the governments. In terms of a solution, Mr Paun said it is difficult but that there is a role for each of the individual legislatures to hold their own ministers to account in what they are negotiating in intergovernmental forums. He recognised the need for stronger interparliamentary cooperative working.

Transparency

Huw Irranca-Davies asked whether it would be better for UK citizens to have a clear, transparent, understandable ownership of what is taking

place, particularly when the frameworks are being devised. Mr Irranca-Davies added that one of the criticisms of the European Union is that legislation comes out of the Commission and Parliament and people question where it has come from and how to engage with it. Mr Paun said there will always be aspects of this that are highly technocratic and not designed for a general public audience. He said this could be something to consider if common frameworks end up being a new tier of governance within the UK constitution. Hedydd Phylip agreed that the public should have as much say as possible and said this is something to consider in light of the Legislation (Wales Bill) and its attempt to make Welsh law clearer and more accessible.

Intergovernmental Framework

Delyth Jewell asked about the legal impact of how common frameworks will be implemented or developed given that the Scottish Government is not a signatory to the Intergovernmental Agreement. Mr Paun said it could lead to significant difference in the event that section 12 orders are imposed. Prof Hunt added that there has not yet been a need to use section 12. Hedydd Phylip said the Welsh Government is seemingly happy with the way the intergovernmental side of agreements are pushing forward and may not see the need to bring forward much primary legislation in terms of common frameworks.

Dispute Resolution Mechanisms

Responding to Delyth Jewell, Mr Paun said the challenge is to create more robust and transparent dispute resolution mechanisms that move away from the current principles as set out in the memorandum of understanding and dispute resolution protocol that operates through the JMC, *“which effectively leaves the UK Government as the judge and jury”*.

Alun Davies called for a rules-based structure where everyone is treated

equally, arguing that the EU is a successful union due to a rules-based structure. Prof Hunt said there is a need for trust in the structures and agreed that this needs to be rules-based.

Responding to David Melding on interparliamentary relations, Ms Phylip said there is scope to enhance the role of the interparliamentary forum in a way that complements the work of the House of Lords. She said the informal nature makes it difficult for proper scrutiny but stressed that there is a role for increased information sharing.

Internal Market

David Melding said the use of the single market concept is problematic and asked whether this has been seen in practice regarding common frameworks. Prof Hunt agreed and Mr Paun said a lot will depend on the UK's eventual relationship with the EU. He said the starting point within government on developing an internal market is to look at what will be lost post-Brexit, highlighting the institutional arrangements and principles around non-discrimination and processes for notification for new regulations that the European Commission currently enforces across the EU. He said it is hard to answer this definitively until the nature of the relationship is known.

Statutory Instruments

Mandy Jones asked how the Assembly should monitor the policies and legislation under common frameworks. Ms Phylip said SIs form part of the common framework issue and spoke on the complexities of this. She said it would be helpful to have more information when the SIs are introduced. On the unclarity around common frameworks, Mr Paun said they will all look different, noting that some will be legislative and some non-legislative as an example. There was discussion on the need for different approaches to scrutiny and accountability in this regard.

Progress on Common Frameworks

Professor Michael Keating from the University of Aberdeen said there has been little progression on common frameworks from a Scottish perspective. Prof Keating questioned how the devolved governments would handle the implications of international agreements. He pointed to a difference in approach between the Scottish and Welsh Governments. There was discussion on the different mechanisms of common frameworks. Prof Keating suggested it is inconsistent and that it would be useful to have some basic principles.

Dispute Resolution

David Rees asked whether there is a sufficient understanding of the internal market within the UK and the resolution of disputes. Prof Keating said there is not a sufficient understanding and noted that UK Government was discussing the UK single market like the European single market initially. He said this is a misleading analogy, noting that the European single market has a particular mechanism, adding that the Commission, Council of Ministers and Court have a role to make sure that decisions are taken collectively. He noted that the European Court of Justice will arbitrate on disputes, adding that these do not exist in the UK devolution system.

[Brexit Party Debate: Leaving the EU](#) – Wednesday, June 20

Brexit Party

Raising the Brexit Party's first debate in the National Assembly, Mark Reckless said Wales voted to leave the European Union "*not if the EU agrees or subject to getting a great deal*". The Brexit Party group leader said the UK should leave the EU on October 31 with or without a deal. Mr

Reckless criticised the Welsh Conservatives' *"delete all"* motion, saying his former party would choose no Brexit over no deal. He also attacked the Labour Party for *"agitating to reverse the result of the referendum to block Brexit and deny democracy"*. He told AMs that the UK does not owe £39bn to the European Union, saying there is no obligation to pay anything beyond what is required by the Article 50 process.

'Economic Vandalism'

Lynne Neagle criticised the motion for specifically calling for a no-deal Brexit *"and to hell with the consequences"*. The Torfaen AM said she remains on the side of manufacturers who see any form of Brexit as harmful and a no-deal scenario as *"straight forward economic vandalism"*.

Violence and Intimidation

Ms Neagle condemned a Brexit Party AM for allegedly sighing and saying *"Oh God"* when she raised the tragic death of Jo Cox at the hands of a far-right terrorist. The Labour backbencher urged the Brexit Party to unequivocally denounce threatening and intimidating rhetoric and behaviour. Mr Reckless denounced political violence and intimidation and denied that he had used the word *"traitor"*.

Government Response

Jeremy Miles criticised the UK Government for failing to deliver on the most important issue in the country's peacetime history and failing to heal the rifts in society. The Brexit Minister said the Leave campaign was built on powerful images but little substance. He said unsuccessful attempts to deliver Brexit have already cost the UK billions of pounds that could have been spent on public services. Mr Miles warned that analysis shows that the UK economy would be between 6% and 9% smaller in a no-deal scenario, and as much as 8% smaller in Wales. He said the British Retail Consortium has estimated that families could have to pay an additional

£1,000 a year for food. He argued that Leave voters did not vote to trash the economy in the way that a no-deal outcome would. Mr Miles warned that the Conservative Party leadership contest has shown that “*by design or default*” the next PM will take the UK towards a no-deal exit.

Vote

AMs rejected the Brexit Party motion, with 45 against and only four in favour.

News and Reports

[Threshold? Which threshold? How many non-EU workers actually have to meet the £30,000 minimum income requirement?](#)

According to a short commentary from the Migration Observatory, the £30,000 salary requirement for non-EU citizens currently coming to the UK under Tier 2 (general) and shows that 25% of workers hired in 2018 did not have to meet it, primarily due to the exemption for nurses (from being a ‘public service occupation’). *“In other words, the current policy debate about a single “£30,000 threshold” is too simplistic. It makes more sense to think of current Tier 2 salary requirements as a set of multiple thresholds rather than a single amount.”*

[No such thing as a ‘clean and simple’ no deal – Hywel Williams MP](#)

Following a failed attempt to take control of House of Commons business on Wednesday 12 June, which sought to put legislative steps in place to protect the UK against the threat of a no deal exit, Hywel Williams MP has refuted claims by Brexiteer Conservative Party leadership contenders that achieving a ‘clean and simple’ no deal Brexit is possible.

[Post-Brexit funding could make Wales poorer – and widen inequality within this breaking union](#)

One of the failures of the 2016 referendum campaign was that it failed to tell the people of Wales how they benefited from membership of the EU. Now, we know similarly little about how those benefits will be replicated if and when we leave.

[Chaotic no deal Brexit threatens the future of the UK warns Jeremy Miles](#)

Brexit Minister Jeremy Miles warned that a chaotic no deal Brexit threaten the future of the United Kingdom.

[Brexit 'major influence' in racism and hate crime rise](#)

[Brexit abuse: Swansea MP and Deputy Leader of Welsh Labour Carolyn Harris considered quitting](#)

[Leave EU without Brexit deal if need be - Alun Cairns, Secretary of State for Wales](#)

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

THE WELSH NHS CONFEDERATION
CONFEDERASIWN GIG CYMRU



ADSS Cymru
Yn arwain Gwasanaethau
Cymdeithasol yng Nghymru
Leading Social Services in Wales



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

UK Government & NHS England Resources

Overview from Westminster

- 18 June: Second ballot of Conservative MPs in the leadership election.
- 19-20 June: Subsequent rounds of balloting, on each occasion the candidate with the fewest votes was eliminated until two candidates remained, Boris Johnson and Jeremy Hunt.

- 20 - 21 June: European Council [summit](#) at which EU leaders reviewed progress of the UK's exit from the EU.

| | Round 1 | Round 2 | Round 3 | Round 4 | Round 5 |
|----------------|---------|-----------|-----------|-----------|----------|
| Johnson | 114 | 126 (+12) | 143 (+17) | 157 (+14) | 160 (+3) |
| Hunt | 43 | 46 (+3) | 54 (+8) | 59 (+5) | 77 (+18) |
| Gove | 37 | 41 (+4) | 51 (+10) | 61 (+10) | 75 (+14) |
| Javid | 23 | 33 (+10) | 38 (+5) | 34 (-4) | |
| Stewart | 19 | 37 (+18) | 27 (-10) | | |
| Raab | 27 | 30 (+3) | | | |
| Hancock | 20 | | | | |
| Harper | 10 | | | | |
| McVey | 9 | | | | |
| Leadsom | 11 | | | | |

UK Parliament

[Publication: Notices of Amendments as at 19 June 2019](#)

Immigration and Social Security Co-ordination (EU Withdrawal) Bill: Notices of Amendments as at 19 June 2019. Amendments relating to detention, bail hearings, **time limit on immigration detention for EEA and Swiss nationals, EU Settlement Scheme: removal of deadline, Recourse to public funds: EEA and Swiss nationals with children, Application system for EEA and Swiss nationals granted settled status to apply for British citizenship.**

[Brexit: future UK-EU cooperation on asylum and international protection inquiry](#)

The EU Home Affairs Sub-Committee explores the implications of Brexit for future UK-EU cooperation in the field of asylum and international protection. **This links to a summary of oral evidence given.**

Guidance

[EU Settlement Scheme employer toolkit: Welsh materials](#)

Welsh communications materials that employers can use to support EU citizens and their families to apply to the EU Settlement Scheme. **Updated briefing pack, introduction document and leaflets 1 and 2.**

[EU Settlement Scheme community leader toolkit: Welsh materials](#)

Welsh communications materials that local authorities and community groups can use to support EU citizens and their families to apply to the EU Settlement Scheme.

[EU Settlement Scheme: ID document scanner locations](#)

Locations where you can go to get your biometric ID document scanned if you do not have an Android device with near field communication (NFC). Locations in Lewisham, Truro and Bristol added. **There are two locations in Wales (Caerphilly and Bridged).**

[Costa Amendment: Correspondence with the EU Institutions](#)

Secretary of State Steve Barclay and European Chief Negotiator Michel Barnier have exchanged letters on ring-fencing the **citizens' rights** part of the Withdrawal Agreement whatever the outcome of negotiations with the response from Secretary of State Steve Barclay.

[Government publishes details of immigration advisory groups](#)

The Home Office is undertaking a year-long engagement programme around the future skills-based immigration system.

- Employers' Advisory Group – consisting of groups representing major employers across the UK (**NHS Employers is a member along with ABPI**)
- Education Sector Advisory Group – made up of groups representing universities and colleges (Welsh Government is a member)
- Crossing the Border Advisory Group – composed of organisations representing the aviation, maritime and rail sectors

- National Advisory Group – consisting of groups representing organisations from England, Northern Ireland, Scotland and Wales **(The Welsh NHS Confederation is a member along with Social Care Wales)**
- Vulnerability Advisory Group – made up of organisations representing vulnerable individuals

[The UK's future skills-based immigration system: engagement programme](#)

Over 2019 the government is engaging across the UK and internationally to listen to the views of a range of stakeholders, to shape the future immigration system.

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

Looking Ahead

Tuesday 25 June

- [Wales and Brexit: Three years on](#), at the Pierhead

Wednesday 26 June

- Welsh NHS Confederation Policy Forum meeting

- Home Office event focusing on how the proposed Immigration White Paper could impact social care in Wales

Thursday 27 June

- Brexit Health Alliance meeting

Friday 28 June

- National Advisory Group meeting on Skilled Worker Route (proposed Immigration White Paper)
- Theresa May due to attend a G20 summit in Osaka



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