
Committee Stage: Tuesday 14 September 2021

Health and Care Bill (Committee Stage Decisions)

This document sets out the fate of each clause, schedule, amendment and new clause considered at committee stage. A glossary with key terms can be found at the end of this document.

First to Sixth Sittings

FIRST AND SECOND SITTINGS

Edward Argar

Agreed to

That—

1. the Committee shall (in addition to its first meeting at 9.25 am on Tuesday 7 September) meet—
 - (a) at 2.00 pm on Tuesday 7 September;
 - (b) at 11.30 am and 2.00 pm on Thursday 9 September;
 - (c) at 9.25 am and 2.00 pm on Tuesday 14 September;
 - (d) at 11.30 am and 2.00 pm on Thursday 16 September;
 - (e) at 9.25 am and 2.00 pm on Tuesday 21 September;
 - (f) at 11.30 am and 2.00 pm on Thursday 23 September;
 - (g) at 9.25 am and 2.00 pm on Tuesday 19 October;
 - (h) at 11.30 am and 2.00 pm on Thursday 21 October;
 - (i) at 9.25 am and 2.00 pm on Tuesday 26 October;
 - (j) at 9.25 am and 2.00 pm on Wednesday 27 October;
 - (k) at 11.30 am and 2.00 pm on Thursday 28 October;
 - (l) at 9.25 am and 2.00 pm on Tuesday 2 November;
2. the Committee shall hear oral evidence in accordance with the following Table:

Date	Time	Witness
Tuesday 7 September	Until no later than 10.30 am	NHS Employers; Health Education England
Tuesday 7 September	Until no later than 11.25 am	NHS England and NHS Improvement
Tuesday 7 September	Until no later than 2.30 pm	NHSX
Tuesday 7 September	Until no later than 3.15 pm	NHS Providers; NHS Confederation

Date	Time	Witness
Tuesday 7 September	Until no later than 4.00 pm	Care Quality Commission; Healthcare Safety Investigation Branch
Tuesday 7 September	Until no later than 4.45 pm	Local Government Association; Faculty of Public Health
Tuesday 7 September	Until no later than 5.15 pm	Welsh Government
Thursday 9 September	Until no later than 12.15 pm	UNISON; British Medical Association
Thursday 9 September	Until no later than 1.00 pm	Royal College of General Practitioners; Royal College of Nursing; Academy of Medical Royal Colleges
Thursday 9 September	Until no later than 2.45 pm	The King's Fund; Nuffield Trust
Thursday 9 September	Until no later than 3.15 pm	Gloucestershire Integrated Care System; NHS Confederation's ICS Network Advisorate
Thursday 9 September	Until no later than 4.00 pm	Centre for Governance and Scrutiny; Centre for Mental Health
Thursday 9 September	Until no later than 4.30 pm	Healthwatch England
Thursday 9 September	Until no later than 5.15 pm	Association of Directors of Adult Social Services; British Association of Social Workers;

3. proceedings on consideration of the Bill in Committee shall be taken in the following order: Clause 1; Schedule 1; Clauses 2 to 13; Schedule 2; Clauses 14 to 16; Schedule 3; Clauses 17 to 25; Schedule 4; Clause 26; Schedule 5; Clauses 27 to 38; Schedule 6; Clauses 39 to 41; Schedule 7; Clauses 42 to 59; Schedule 8; Clauses 60 and 61; Schedule 9; Clauses 62 to 66; Schedule 10; Clause 67; Schedule 11; Clauses 68 to 72; Schedule 12; Clauses 73 to 93; Schedule 13; Clauses 94 to 106; Schedule 14; Clauses 107 to 118; Schedule 15; Clauses 119 to 125; Schedule 16; Clauses 126 to 135; new Clauses; new Schedules; remaining proceedings on the Bill; and
4. the proceedings shall (so far as not previously concluded) be brought to a conclusion at 6.00 pm on Tuesday 2 November.

Edward Argar

Agreed to

That, subject to the discretion of the Chair, any written evidence received by the Committee shall be reported to the House for publication.

Edward Argar

Agreed to

That, at this and any subsequent meeting at which oral evidence is to be heard, the Committee shall sit in private until the witnesses are admitted.

The following Witnesses gave oral evidence:

Danny Mortimer, Chief Executive, NHS Employers, and Dr Navina Evans CBE, Chief Executive, Health Education England

Amanda Pritchard, Chief Executive, NHS England, and Mark Cubbon, Chief Operating Officer, NHS England & NHS Improvement

Simon Madden, Director for Data Policy, NHSX

Saffron Cordery, Deputy Chief Executive, NHS Providers, and Matthew Taylor, Chief Executive, NHS Confederation

Ian Trenholm, Chief Executive, Care Quality Commission, and Keith Conradi, Chief Investigator, Healthcare Safety Investigation Branch

Cllr James Jamieson, Chair, Local Government Association, and Professor Maggie Rae, President, Faculty of Public Health

Eluned Morgan, Minister for Health and Social Services, Lyn Summers, Head of Health and Social Services Central Legislation Team, and Mari Williams, Senior Lawyer (Health), Welsh Government.

THIRD AND FOURTH SITTINGS

The following Witnesses gave oral evidence:

Sara Gorton, Head of Health, UNISON; Dr Chaand Nagpaul CBE, Chair of Council, British Medical Association

Professor Martin Marshall, Chair of Council, Royal College of General Practitioners; Pat Cullen, General Secretary & Chief Executive, Royal College of Nursing; Professor Helen Stokes-Lampard, Chair, Academy of Medical Royal Colleges

Richard Murray, Chief Executive, and Nick Timmins, Senior Fellow, Policy, The King's Fund; Nigel Edwards, Chief Executive, Nuffield Trust

Dame Gill Morgan, Chair, Gloucestershire Integrated Care System and NHS Confederation's ICS Network Advisorate; Louise Patten, ICS Network Lead, NHS Confederation's ICS Network Advisorate

Ed Hammond, Deputy Chief Executive, Centre for Governance and Scrutiny; Andy Bell, Deputy Chief Executive, Centre for Mental Health

Sir Robert Francis QC, Chair, Healthwatch England

Stephen Chandler, President, Association of Directors of Adult Social Services (ADASS); Gerry Nosowska, Chair, British Association of Social Workers

FIFTH AND SIXTH SITTINGS

Justin Madders

Withdrawn after debate 18

Alex Norris

Karin Smyth

Mary Kelly Foy

Jonathan Ashworth

Margaret Greenwood

Clause 1, page 1, line 5, at end insert—

“(1A) The Board of NHS England shall be made up of—

- (a) a Chair appointed by the Secretary of State,
- (b) five other members so appointed of which—
 - (i) one shall be appointed to represent Directors of Public Health,
 - (ii) one shall be appointed to represent the Local Government Association,
 - (iii) one shall be appointed to represent the interest of patients,
 - (iv) one shall be appointed to represent the staff employed in the NHS, and
 - (v) one shall be appointed to represent the Integrated Care Partnership.
- (c) one further member shall be appointed by the Secretary of State after being recommended by the Health Committee as a person with appropriate knowledge and experience
- (d) executive members as set out in Schedule 1 of the Health and Social Care Act 2012.

(1B) In making the appointments in (1A) (a) and (b) above the Secretary of State must have due regard to—

- (a) the need to ensure diversity and equality of opportunity and must publish a list of at least 5 persons considered for each appointment and the reasons why the particular individual appointment was made, and
- (b) that no person who could be perceived to have a conflict of interest by virtue of their current or recent employment or investment holding in any organisation with any role in the

delivery of services to the NHS may be considered for appointment.”

Clause agreed to.

Schedule 1 agreed to.

Justin Madders Alex Norris Karin Smyth Mary Kelly Foy Jonathan Ashworth Margaret Greenwood	Withdrawn after debate	36
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Clause 2, page 1, line 9, at end insert—

“(1A) In subsection (1), leave out “it” and insert “the Secretary of State”.”

Clause agreed to.

Justin Madders Alex Norris Karin Smyth Mary Kelly Foy Jonathan Ashworth	Negatived on division	19
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Clause 3, page 2, line 12, leave out paragraph (e) and insert—

“(e) after subsection (6) insert—

(6A) The Secretary of State may revise the mandate should urgent or other unforeseen circumstances arise.

(6B) If the Secretary of State revises the mandate, the Secretary of State must publish and lay before Parliament the mandate as revised with a written explanation of the urgent or other unforeseen circumstances that justify the revision and an impact assessment of the proposed change.”

Justin Madders **Not called** 20
 Alex Norris
 Karin Smyth
 Mary Kelly Foy
 Jonathan Ashworth

Clause 3, page 2, line 30, at end insert—

“(6) No mandate may be laid before Parliament unless the Secretary of State has supplied a statement on how the mandate will be funded.”

Clause agreed to.

Justin Madders **Negatived on division** 21
 Alex Norris
 Karin Smyth
 Mary Kelly Foy
 Jonathan Ashworth

Clause 4, page 3, line 5, at end insert—

“(d) health inequalities.”

Justin Madders **Not called** 22
 Alex Norris
 Karin Smyth
 Mary Kelly Foy
 Jonathan Ashworth
 Margaret Greenwood

Clause 4, page 3, line 5, at end insert—

“(1A) In making a decision about the exercise of its functions, the health and well-being of the people of England must be NHS England’s primary consideration.”

Clause agreed to.

Margaret Greenwood **Not selected** 73
 Clause 6, page 3, line 38, leave out “person” and insert “relevant public body”

Margaret Greenwood **Not selected** 74
 Clause 6, page 3, line 40, leave out “person” and insert “public body”

Margaret Greenwood **Not selected** 75
 Clause 6, page 4, line 2, after “employees”, insert “, within their terms and conditions of employment,”

Margaret Greenwood **Not selected** 76
 Clause 6, page 4, line 9, at end insert—
 “(5) In subsection 1(a) “relevant public body” means a public authority listed under the title “Health, social care and social security” in Part 1 of Schedule 19 to the Equality Act 2010.”

Clause agreed to.

Clauses 7 to 12 agreed to.

Justin Madders **Not selected** 92
 Alex Norris
 Karin Smyth
 Mary Kelly Foy
 Jonathan Ashworth

★ Clause 13, page 8, line 19, leave out from beginning to end of line 20 and insert—

- “(3) The area for which an integrated care board is established—
- (a) must not coincide or overlap with the area of any other integrated care board,
 - (b) must not be such that it fails to include the entire area of any local authority,
 - (c) must be agreed by all local authorities within the area for which the integrated care board is established, and
 - (d) must be approved by resolution of each House of Parliament before an order may be made under subsection (2).”

Justin Madders **Withdrawn after debate** 49
 Alex Norris
 Karin Smyth
 Mary Kelly Foy
 Jonathan Ashworth
 Margaret Greenwood

Clause 13, page 8, line 34, after “board”, insert “NHS trust, NHS foundation trust, trade union, patient representatives and local authority”.

Edward Argar **Agreed to** 10

Clause 13, page 9, line 44, leave out from beginning to end of line 12 on page 10 and insert—

- “(1) NHS England may, in connection with the abolition of a clinical commissioning group under section 14Z27, make a scheme for the transfer of the group’s property, rights or liabilities to NHS England or an integrated care board.
- (2) NHS England may, in connection with the establishment of an integrated care board, make a scheme for the transfer of property, rights or liabilities to the board from—
- (a) NHS England,
 - (b) an NHS trust established under section 25,
 - (c) an NHS foundation trust, or
 - (d) a Special Health Authority established under section 28.
- (2A) NHS England may, in connection with the variation of the constitution of an integrated care board or the abolition of an integrated care board, make a scheme for the transfer of the board’s property, rights or liabilities to NHS England or an integrated care board.
- (2B) The reference in subsection (2A) to the variation of the constitution of an integrated care board is to its variation by order under section 14Z25 or under provision included in its constitution by virtue of paragraph 14 of Schedule 1B.”

Edward Argar **Agreed to** 11

Clause 13, page 10, line 13, after “(1)” insert “or (2A)”

Justin Madders **Withdrawn after debate** **38**
 Alex Norris
 Karin Smyth
 Mary Kelly Foy
 Jonathan Ashworth

Clause 13, page 11, line 10, at end insert—

“Accountability

14Z28A Reporting: duties on integrated care boards and the Secretary of State

- (1) Integrated care boards must report annually to the Secretary of State on their actions and policies and the outcomes for patients of the services they commission.
- (2) The Secretary of State must prepare and publish a report each year on the actions and policies of integrated care boards and the outcomes for patients of the services they commission and must lay a copy of the report before Parliament.
- (3) A Minister of the Crown must, not later than one month after the report has been laid before Parliament, make a motion in the House of Commons in relation to the report.”

Clause, as amended, agreed to.

Justin Madders **Withdrawn after debate** **48**
 Alex Norris
 Karin Smyth
 Mary Kelly Foy
 Jonathan Ashworth

Schedule 2, page 119, line 18, at end insert—

- “(c) the process by which any proposed changes to the policies of the clinical commissioning groups within the area for which the integrated care board is established will be consulted upon and agreed.”

Anne Marie Morris **Not selected** **1**

Schedule 2, page 119, line 24, leave out “three” and insert “five”

Justin Madders **Negatived on division** 31
 Alex Norris
 Karin Smyth
 Mary Kelly Foy
 Jonathan Ashworth

Schedule 2, page 119, line 28, leave out from “for” to end of line 29 and insert “an initial chair to be appointed by NHS England, with the approval of the Secretary of State, for a period of no more than 2 years and for subsequent chairs to be elected by the voters in the area for which the integrated care board is established in accordance with regulations made by the Secretary of State for that purpose”

Justin Madders **Negatived on division** 50
 Alex Norris
 Karin Smyth
 Mary Kelly Foy
 Jonathan Ashworth

Schedule 2, page 119, line 29, leave out “, with the approval of the Secretary of State”.

Justin Madders **Not called** 51
 Alex Norris
 Karin Smyth
 Mary Kelly Foy
 Jonathan Ashworth
 Margaret Greenwood

Schedule 2, page 119, line 29, at end insert—

“4A The constitution must provide for all members of the integrated care board to be consulted, and for any views expressed to be taken into account, before a chair is appointed.”

Justin Madders **Not called** 52
 Alex Norris
 Karin Smyth
 Mary Kelly Foy
 Jonathan Ashworth
 Margaret Greenwood

Schedule 2, page 120, line 2, at end insert—

“(1A) The constitution must provide for all members of the integrated care board and of the integrated care partnership to be consulted, and for any views expressed to be taken into account, before a chief executive is appointed.”

Anne Marie Morris **Not selected** 6

Schedule 2, page 120, line 26, at end insert—

“(d) one member nominated by the mental health trust or trusts that provide mental health services for the purposes of the health service within the Integrated Care Board’s area; and

- (e) one member nominated jointly by the NHS Trust or Trusts and local authority or local authorities that provide social care services within the Integrated Care Board's area."

Justin Madders **Negatived on division** **32**
 Alex Norris
 Karin Smyth
 Mary Kelly Foy
 Jonathan Ashworth
 Dr Philippa Whitford

Schedule 2, page 120, line 26, at end insert—

- "(d) at least one member nominated by the mental health trust or trusts that provide mental health services within the integrated care board's area;
- (e) at least one member nominated by the Directors of Public Health that serve each local authority within the integrated care board's area;
- (f) at least one member nominated jointly by any NHS trust, NHS foundation trust and local authority that provides social care services within the integrated care board's area;
- (g) at least one member nominated by the trade unions representing the health and social care workforce that serves the integrated care board's area;
- (h) at least one member appointed to represent the voice of patients in the integrated care board's area."

Anne Marie Morris **Not selected** **57**

Schedule 2, page 120, line 26, at end insert—

- "(d) one member with specific expertise in commissioning and uptake of medicines and medical devices innovations."

Justin Madders **Withdrawn after debate** **30**
 Alex Norris
 Karin Smyth
 Mary Kelly Foy
 Jonathan Ashworth
 Margaret Greenwood

Schedule 2, page 120, line 26, at end insert—

- "(2A) The constitution must prohibit representatives of GP practices with active Alternative Provider Medical Services contracts from becoming members."

Justin Madders			Not called	33
Alex Norris				
Karin Smyth				
Mary Kelly Foy				
Jonathan Ashworth				
Dr Philippa Whitford				
Mike Amesbury	Rachel Hopkins		Barbara Keeley	
Anneliese Dodds	Rosie Cooper		Margaret Greenwood	
Paula Barker				

Schedule 2, page 120, line 26, at end insert—

“(2B) Representatives of private providers of healthcare services, other than general practitioners who hold a contract for the provision of primary medical services in the area, may not be appointed to integrated care boards.”

Adjourned until Thursday at 11.30am

Glossary

Added: New Clause agreed without a vote and added to the Bill.

Agreed to: agreed without a vote.

Agreed to on division: agreed following a vote.

Negated: rejected without a vote.

Negated on division: rejected following a vote.

Not called: debated in a group of amendments, but not put to a decision.

Not moved: not debated or put to a decision.

Question proposed: debate underway but not concluded.

Withdrawn after debate: moved and debated but then withdrawn, so not put to a decision.

Not selected: not chosen for debate by the Chair.
