

PWYLLGOR CYNLLUNIO POBL A SICRWYDD PERFFORMIAD
PEOPLE PLANNING AND PERFORMANCE ASSURANCE COMMITTEE

DYDDIAD Y CYFARFOD: DATE OF MEETING:	17 December 2020
TEITL YR ADRODDIAD: TITLE OF REPORT:	European Union (EU) Transition (Brexit)
CYFARWYDDWR ARWEINIOL: LEAD DIRECTOR:	Huw Thomas, Director of Finance
SWYDDOG ADRODD: REPORTING OFFICER:	Huw Thomas, Director of Finance

Pwrpas yr Adroddiad (dewiswch fel yn addas)

Purpose of the Report (select as appropriate)

Er Sicrwydd/For Assurance

ADRODDIAD SCAA
SBAR REPORT

Sefyllfa / Situation

The European Union (EU) transition (Brexit) period will end on 31st December 2020. The agreement to determine what the United Kingdom (UK) and EU's relationship will be after that date was due to conclude by October 2020. Negotiations continue to be undertaken. However, as the deadline approaches, the likelihood is that any agreement reached will be a 'light deal'.

If there are no or limited agreements regarding health issues, the impact for the NHS and Hywel Dda University Health Board (HDdUHB) could potentially affect patients.

The Brexit Steering Group (BSG) has been reviewing the emerging situation and ensuring that mitigation actions are in place to address issues where possible.

The People, Planning & Performance Assurance Committee (PPPAC) is asked to note the measures being taken for assurance.

Cefndir / Background

The HDdUHB BSG was reconvened on 12th August 2020, which is chaired by the Director of Finance, providing a senior level, multi-professional forum, utilising a risk management approach, for planning, preparing and responding to the consequences of EU transition within HDdUHB. The Group is currently focusing on the review of existing arrangements, risk assessments and contingencies with an extra focus on any additional impact and learning from COVID-19. The BSG reports directly to the Executive Team. HDdUHB participates in:

- Brexit Senior Responsible Officer (SRO) Group (national planning).
- Wales Brexit Communications Group (national planning).
- Welsh Government Health & Social Care Civil Contingencies Group (national planning).
- Dyfed Powys Local Resilience Forum (LRF) Brexit Group (regional planning).
- Dyfed Powys LRF Risk Group (regional planning).

In addition, the Procurement Team links into national planning via NHS Wales Shared Services Partnership (NWSSP) arrangements. Professional leads participate in planning for

EU transition via their professional leads' fora and all work streams feed back into the HDdUHB BSG.

The key areas for consideration by the BSG are:

- Contingency planning - directorate business continuity plans had been developed to address a no deal Brexit. These were put into place to deal with the response to COVID-19. An exercise has been undertaken to understand the relationship between the contingency plans for Brexit and COVID-19 to assess if any changes are required from what has been learnt to date.
- Supply Chain including Medicines Management – potential delays due to the impact of new border controls.
- Workforce – impact of new immigration arrangements and settled status for current employees; potential knock on-effect to health for Social Services issues.
- Reciprocal health arrangements – impact for patients and administrative burden.
- Financial – it is likely that there will be an additional cost, however quantifying the extent of this is challenging.
- Communications – how and when should we engage with our staff, patients and wider public.

Asesiad / Assessment

The measures of compliance outlining the work that has been reviewed by the BSG are encompassed in the following:

- Corporate Risk Register – Risk 635.
- Hywel Dda Brexit Corporate Risk Summary (Appendix 1).
- Assurance Log (Appendix 2).
- Business Continuity Plans.

The main areas from each are as follows:

Risk 635

Corporate Risk Register – Risk 635 – this risk was reviewed and updated by the BSG in November 2020. There is a risk of disruption to patient care across acute, community, primary and mental health services in HDdUHB. The risk is now assessed as 12. Following the UK leaving the EU on 31st January 2020, the compounding effect of a Brexit no-deal scenario with winter plans, maintaining the COVID-19 response and the increasing concern regarding the fragility of the independent social care sector requires the likelihood to remain at 4 and the impact score to remain at 3 to reflect the additional mitigating actions required at a national, regional and local level.

Hywel Dda Brexit Corporate Risk Summary

There are 4 areas highlighted on the risk register:

- Supply Chain - Unavailability, or delay, of critical consumables, components and medicines.
- Financial Impact – The financial impact of Brexit is not currently known.
- Workforce - Retention of EU nationals and recruitment to vacancies from EU countries.
- Social Care - Negative impact on Social Care providers could result in a knock-on impact to the HDdUHB.

The risks are regularly reviewed and a corresponding Assurance Log has been developed to reflect practical issues and actions being put in place to mitigate. This will be updated as further information becomes available.

Assurance Log

- Supply Chain – work is progressing on developing resilient stock levels for medical devices and clinical consumables at national, regional and local levels. The lessons learnt from the recent Operation Artful are being reviewed and processes amended as required.
- Medicines – work is being led by the UK Government on maintaining availability of medicines. The key message is to prescribe and dispense as normal, not to stockpile locally and to reassure patients that extra medication is not required.
- EU nationals settled status – HDdUHB has recorded the nationality of 98% of staff on the electronic staff record (ESR) system allowing HDdUHB to identify where potential issues may arise. However, responsibility to apply is that of the employee. In addition to circulating guidance notes on the Global communication, the Workforce & Organisational Development Department are to target information to managers with identified EU nationals to ensure information is readily available and staff can be signposted if requested. Newfields Law will be utilised in 2021 to engage with EU staff for guidance and support in completing settled status applications – organisations will request that EU colleagues complete the data field for settled status when they have completed the application; this should provide HDdUHB with some assurance of compliance.
- Reciprocal Health Arrangements - depending on the outcome of the current negotiations, there may be changes to reciprocal healthcare arrangements from 1st January 2021. Further information is awaited.

Business Continuity Plans

Directorate Business Continuity Plans have been developed to deal with COVID-19. Service leads were requested to review to ascertain whether any changes were required to reflect a no deal Brexit. Very few changes were identified

Communications

Communications will derive from WG in the first instance, and will be distributed to senior leaders within the NHS and social care, or from professional leads to their networks as appropriate. For any urgent information and onward sharing across Wales, WG will aim to communicate within 24 hours.

Argymhelliad / Recommendation

The People, Planning & Performance Committee is requested to take assurance from the measures being taken to mitigate the risks identified from the EU transition.

Amcanion: (rhaid cwblhau)

Objectives: (must be completed)

Committee ToR Reference: Cyfeirnod Cylch Gorchwyl y Pwyllgor:	4.8 Seek assurance on the management of principal risks within the Board Assurance Framework (BAF) and Corporate Risk Register (CRR) allocated to the Committee and provide assurance to the Board that risks are being managed effectively and report any areas of significant concern e.g. where risk tolerance is exceeded, lack of timely action.
Cyfeirnod Cofrestr Risg Datix a Sgôr Cyfredol: Datix Risk Register Reference and Score:	Risk reference: 635 Score: 12

Safon(au) Gofal ac Iechyd: Health and Care Standard(s):	Governance, Leadership and Accountability
Amcanion Strategol y BIP: UHB Strategic Objectives:	Not Applicable
Amcanion Llesiant BIP: UHB Well-being Objectives: Hyperlink to HDdUHB Well-being Objectives Annual Report 2019-20	10. Not Applicable

Gwybodaeth Ychwanegol: Further Information:	
Ar sail tystiolaeth: Evidence Base:	Updates from Brexit SRO Group
Rhestr Termiau: Glossary of Terms:	Included within the body of the report
Partïon / Pwyllgorau â ymgynhorwyd ymlaen llaw y Pwyllgor Cynllunio Pobl a Sicrwydd Perfformiad: Parties / Committees consulted prior to People Planning and Performance Assurance Committee:	Brexit Steering Group

Effaith: (rhaid cwblhau) Impact: (must be completed)	
Ariannol / Gwerth am Arian: Financial / Service:	The risks associated from a no-deal Brexit are outlined in the paper but cannot be assigned a specific value. There is likely to be a cost implication.
Ansawdd / Gofal Claf: Quality / Patient Care:	HDdUHB is working with partner organisations to minimise the impact of the consequences of a no deal Brexit.
Gweithlu: Workforce:	HDdUHB is providing information to staff and signposting the Settlement Scheme to EU nationals.
Risg: Risk:	These are noted in the attached appendix.
Cyfreithiol: Legal:	Not applicable
Enw Da: Reputational:	HDdUHB is providing information to staff and working with partner organisations to minimise the impact of the consequences of a no deal Brexit.
Gyfrinachedd: Privacy:	Not applicable
Cydraddoldeb: Equality:	Not applicable

Hywel Dda Brexit Corporate Risk Summary

Version: 24/11/2020

Issue	Risk	Mitigation/Contingency			Impact	Impact Reviewed On Date
		Local	Regional	National		
CORPORATE RISK SUMMARY: TOP 5 ISSUES						
1. Supply Chain	Unavailability, or delay, of critical consumables, components and medicines.	<p>Local stock management in accordance with WG guidelines to ensure local stores and services stock levels high but not stock piled. SGM's emailed to follow up with Departmental leads.</p> <p>Critical Stock Line exercise reviewed for stock and non-stock items for acute site and community high risk areas by local Procurement Team. Supply Chain staff to review stock levels for Bridgend / IP5 supplied lines.</p>	<p>Review of contingency planning with Pembroke and Fishguard Ports underway via LRF to reduce potential delays and disruption.</p> <p>Social Care included in NHS Wales contingency arrangements with stock lines held in IP5.</p>	<p>Fully engaged with NWSSP supply chain negotiations at WG & UK level, and response model which gives 12 weeks stock availability for MDCC if necessary. Additional warehousing at Picketston to be brought online for additional stockpiling of critical medicines. Fully engaged with NWSSP supply chain negotiations at WG & UK level, and response model which gives 12 weeks stock availability for MDCC if necessary. Additionally working with DHSC NWSSP Medical Sourcing have broken down critical lines and identified those already held in NWSSP warehousing and those supplied by Green rated suppliers. The balance "non-stock" not held by NWSSP or DHSC stockpiling will be considered to add to NWSSp stockpile, however, data shows majority to be low use items or a stocked alternative available.</p> <p>Extensive work undertaken to ensure continuity of supply of medicines. Medicines Shortage Advisory Group set up to manage medicine shortages. Contingencies and therapeutic substitutions identified as part of response arrangements.</p> <p>Local Procurement Team participation in NWSSP table top exercise on 06 Nov to test response model with a further exercise scheduled later in the month. Post Op review meeting 19/11/20 to identify lessons learned.</p> <p>24 hour response arrangements developed by NWSSP accessible via Local Procurement Team in hours and during the out of hours periods via the Exec on-call.</p>		17.11.20
2. Financial Impact	<p>Financial impact of Brexit not currently known.</p> <p>Main risk areas that could affect costs have been identified as Supply Chain including Medicines. Areas of potential cost increase have been flagged as additional freight costs and general inflationary increases but it is not possible to quantify impact with any degree of accuracy. For context an increase of 1% of costs in the following areas would result in additional annual spend of</p> <p>Primary Care Prescribing £0.8m Secondary Care Prescribing £0.4m Non – pay Spend £0.9m</p>	Tracking process in place requesting any known issues to be flagged to Finance Team if these can be attributed to Brexit.		<p>Enquiries made of NWSSP and Finance Delivery Unit to inform us of any costs being flagged by others.</p> <p>Director of Finance sits on NWWSP Committee and receives regular updates. Additional discussion held at Directors of Finance meeting .</p> <p>The UK Government is working with the pharmaceutical industry to ensure a continuity of medicine supply in the event of a no-deal and to minimise any increase in prices.</p>		17.11.20

3. Workforce	Retention of EU nationals and recruitment to vacancies from EU countries.	<p>ESR Data gap reduced significantly with 98% of the workforce with an identified nationality recorded. 5% of overall workforce of EU origin, excluding Irish (approx 250 people).</p> <p>Regular staff bulletins providing information on Settled Scheme and signposting to Brexit information. National information cascades circulated.</p> <p>Staff Brexit intranet page to signpost to all Brexit information, managers toolkit and Preparing Wales etc.</p> <p>Settled Status application support via a series of drop-in clinics run by Newfields Law.</p> <p>Closed Facebook Brexit group.</p> <p>No current evidence of impact on staff recruitment or retention.</p> <p>Points based immigration model being introduced following cessation of settled status programme. May impact on future recruitment.</p> <p>Newfield's Law to run a series of support packages for all EU staff, dedicated messages to EU nationals identified on ESR will go out early 2021 offering support to complete settled status applications. These messages will start in 2021 to gain greater engagement when communication due to COVID will reduce. These support packages included face to face clinics and virtual meetings. All EUs will be encouraged to complete the settled status field on ESR so health board have a valid number of completed applications across the organisation.</p>	Workforce issues identified as one of the LRF wider community risks and will be included in contingency mitigation on a multi-agency basis.	Links to All Wales Workforce Directors Group.		17.11.20
4. Social Care	Negative impact on Social Care providers could result on a knock-on impact to the Health Board.	<p>Continued concern around the fragility and resilience of the independent sector.</p> <p>Health Board Long Term Care Team previously worked with sector to develop strategies to increase resilience. Concern that negative impacts of brexit (such as fuel & food price rises) on a fragile sector may lead to providers returning their contracts (or using Brexit as an excuse to do so).</p> <p>Knock on impact to Health Board significant.</p>	Local Authorities participating in LRF level preparedness	<p>Social Care representatives on WG level Brexit Groups (SRO and Civil Contingencies Groups).</p> <p>Details of planning undertaken across Social Care in Wales included within the SRO's Group.</p>		17.11.20

Appendix 2

EU Transition (Brexit) - Assurance Log

Date identified	Owner	Theme	Local /National	Issue	Assurance	Further action	Open /Closed
5.11.20	Alan Binks	Supply Chain	Local	Stock levels to be kept at 'maximum' comfortable without stockpiling	<ul style="list-style-type: none"> E-mail sent to General Managers by Procurement 10.11.20 Meeting with NWSSP Supply Chain 18.11.20 to ask that Bridgend supplied stock is re-checked by Hospital Stores teams. 	Need confirmation that action is being taken	Open
5.11.20	Alan Binks	Supply Chain	National	Medical Devices and Clinical Consumables - stock items	NWSSP holding 8 weeks of stock (circa 1000 lines) at IP5 in addition to regional warehouses and ward/department stocks – paper re EU Exit Preparedness 1.10.20 (Confirmed by NWSSP 18.11.20)	None at present	Closed
5.11.20	Alan Binks	Supply Chain	National / Local	Medical Devices and Clinical Consumables - stock items	Operation Artful post op review of what worked well and not so well undertaken 19.11.20.	Re-tests on Supply Disruption Service Center process and Local Resolution. HDdUHB to work with Swansea Bay	Open
5.11.20	Alan Binks	Supply Chain	National / Local	Food - recommendation from Health & Social Care Contingency Group that Health Boards 'stock up'	<ul style="list-style-type: none"> WG working with DEFRA on maintaining continuity of food supplies. HDdUHB re-contacting Castell Howell regarding our orders. Castell Howell 	Need confirmation that action is being taken	Open

					<p>is providing warehousing space to NWSSP on foods.</p> <ul style="list-style-type: none"> Confirmation from Assistant Specialist Manager (Facilities) - as of week commencing 23.11.20 we will start to up our stock levels making sure we have at least 3 to 4 weeks extra stock in place (providing we have enough storage space). 		
5.11.20	Alan Binks	Supply Chain	National / Local	Linen	Linen is sourced from Non EU Countries so supply should not be affected. Additional linen has already been purchased in response to Covid and will reevaluate when needed.	None at present	Closed
5.11.20	Jenny Pugh - Jones	Medicines	National	Availability of medicines	All suppliers contacted and preparedness RAG rated. 30 (unspecified) products high risk – work continuing to mitigate.	Update from WG 9.11.20	Open
5.11.20	Jenny Pugh - Jones	Medicines	Local	Availability of medicines	Top 20 critical care items stocks increased (as response to Covid) continued.	Asked not to increase stock levels locally.	Closed
5.11.20	Rob Blake	Workforce	Local	EU nationals settled status – employers cannot ask if current staff have applied for or received settled status.	Nationality of staff is 98% complete on ESR allowing the Health Board to identify where potential issues might arise. However, responsibility to apply lies with employee.	In addition to circulating guidance notes on global communication, W&OD to target information to managers with identified EU nationals to ensure information is readily available and staff can be signposted if requested. Newfields Law will be used in 2021	Open

						to engage with EU staff for guidance and support in completing settled status applications – organisation will request that EU colleagues complete the data field for settled status when they have completed, this should provide Hywel Dda with some assurance of compliance.	
5.11.20	Will Oliver	Patient Treatment	National	EHIC – no clarity as to what happens after 31 December 2020	Awaiting guidance from WG Meeting re Brexit/EEA 19.11.20 - no firm decision.	Another meeting scheduled for mid - December.	Open
5.11.20	Will Oliver	Patient Treatment	National	Treatment Overseas (EEA) policy – lack of clarity regarding when treatment needs to take place, from date of approval, further complicated by Covid restricting ability to travel.	<ul style="list-style-type: none"> • Small number of approvals made locally minimising risk. • Update re Brexit/EEA meeting 19.11.20 – As it stands policy will cease as of the 31.12.20. If prior approval has been granted then this will be honoured in line with the extant Policy and will remain valid for a period of 6 months from the date of notification of approval with applications for reimbursement required within 3 months of the date of treatment. If a patient has requested reimbursement, as long as the procedure was received on or prior to the 	Another meeting scheduled for mid - December.	Open

					31.12.20 and the claim submitted within 3 months then this can still be considered.		
5.11.20	Will Oliver	Supply Chain	National / Local	Lessons learnt from disruption to 'just in time contract'	<ul style="list-style-type: none"> • Longer shelf-life - hold 6 weeks stock compared with 4 weeks previously • System tested – mutual aid across Wales worked well • Daily stock takes in labs – no surprises • Work continuing on National basis to prevent future issues 	Disseminate good practice internally	Open
17.11.20	Anthony Tracey	Information Governance	National	Personal Data Flows - transfers of personal data from the EEA to the UK will be deemed illegal without suitable mitigations being put in place to secure their transfer in the event of the UK not receiving a positive adequacy decision by the end of transition.	Compliance with WG produced guidance required to help with end of transition preparation.	The Information Governance Team have contacted respective Information Asset Owners (IAO) for any specific updates. We have also provided an update to Welsh Government on any information flows that are deemed to be within scope. All flows have been investigated and where necessary data sharing agreements have been put in place to mitigate the risk.	Closed
17.11.20	Rhian Bond	Primary Care		Negative impact on Primary Care contractors could result on a knock-on impact to the Health Board.	Primary Care Team previously scoped potential risks with Primary Care Contractors and sought levels of assurance. No significant issues or impacts identified.		Closed

					Local Brexit discussions previously held with Local Medical Committee, Local Dental Committee and Community Pharmacy Wales and Brexit being raised again to ensure additional or new impacts identified.		
30.11.20	Alan Binks	Supply Chain	National / Local	Health & Social Care Non-Medical/Non-Clinical	Overview shared with SRO Group of preparedness activities taking place within Wales for non-clinical products and services.	Local check to take place of any issues not already covered that need to be highlighted at all Wales level/	Open