

Board of Directors

Thursday, 8 July 2021

Report Title:	EU Exit Update
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Previously considered by:	Executive Management Committee , Trust Board

Approval

Discussion

Information

Assurance

Executive summary

Overview

The UK exited the EU on 31 January 2020 and the subsequent transition period ended on 31 December 2020. This means that the UK has now left the EU Single Market and Customs Union and EU law no longer applies in the UK. The agreement was in place on 1 January 2021

The Trust established an EU Exit Implementation Group with senior responsible officer (SRO) leadership and cross department and division representation. This Group has been leading our response and ensures that the Board and the Executive Management Committee are briefed and assured.

At the Group meeting on 29 June 2021, it was agreed that the EU Exit Implementation Group meeting should be stepped down. Our COVID-19 Incident Coordination Centre (ICC) response remains in place aligned to the regional ICC. This is in line with the requirements set by the level 3 national incident response. As mandated by NHS England/Improvement (NHSE/I) nationally, these ICCs exist to respond to all ongoing incidents including EU Exit and therefore we retain the ability to cascade and respond to any requirements or information.

Risk Management

A full risk assessment has been conducted and regularly reviewed in line with updated information on potential disruptions to services caused by reaching the end of the transition period. The risk register was most recently reviewed and updated at the EU Exit Implementation Group meeting on 29 June 2021 and will be monitored in future through the Emergency Preparedness Resilience and Response (EPRR) Tactical Group and virtually with the EU Exit Implementation Group members. The risk has been revised down.

ESNEFT continues to monitor and update tested business continuity and EPRR plans in relation to the shifting political picture and regional updates.

A brief review of each of the key areas of our EU exit response is as follows:

Reciprocal Health Agreement

As part of the Brexit negotiations, the Government has come to an agreement with the EU about reciprocal healthcare arrangements. From 1 January 2021, people who travel from the UK to the EU (and EU travellers in the UK) will continue to be able to receive medically necessary treatment if they fall ill while abroad, but with some subtle differences in administration. The European Health Insurance Card (EHIC) will be replaced by the new UK Global Health Insurance Card (GHIC). Like the EHIC, the new card is also free. No impact to the Trust has been reported to date.

Employing EU Citizens in the UK

EU, EEA or Swiss citizens and their family members who lived in the UK by 31 December 2020 need to apply to the EU Settlement Scheme to continue living in the UK after 30 June 2021. There has been a lot of media attention recently about this, and immigration officials have begun issuing a 28-day reminder to apply to remain.

ESNEFT and OCS staff, who make up the bulk of the staff delivering services, have been engaged with the process from early on and all new staff that started after 1 December 2020 are reminded that they need to apply.

The Trust is protected by guidance from the Home Office which states that employers will maintain a continuous statutory excuse against a civil penalty for the duration of the individual's employment, providing the initial Right to Work checks were undertaken prior to employment and in line with Home Office guidance at the time.

It is not expected that staff will return home in any great number following the 1 July 2021 deadline. The main concern lies with our recruitment team around a potential reduction in applicants in roles such as housekeeping, portering, etc.; the team are monitoring the numbers closely.

Importing Goods

As a consequence of the UK leaving the Single Market and Customs Union, the way businesses in Great Britain trade goods with the EU has changed. Border controls for importing goods are being introduced in stages to give businesses time to adapt, with full customs checks applying from January 2022.

The UK now has autonomy over the technical regulations, standards and conformity assessment procedures required to place products on the UK market. To place goods on the UK market, there is a need to meet UK regulatory requirements.

The Medicines and Healthcare products Regulatory Agency (MHRA) is the UK's standalone medicines and medical devices regulator and continues to issue updates to guidance; the latest of which was on 30 March 2021. The Trust's pharmacy, research and EBME (electrical and biomedical engineering) teams continue to monitor the guidance updates and supply chain closely and are prepared to take appropriate action if necessary.

Estates and facilities have highlighted that they were expecting some delays in the delivery of goods to the construction sector, however suppliers appear to be mitigating this by using current stocks or sourcing new stock through UK suppliers. This is not causing delays in the Trusts capital development programme at this time.

No major impact on the Trust has been reported or is expected.

Participation in EU Programmes

The agreement supports continued partnerships between UK and European businesses, scientists, and researchers through the UK's participation in EU programmes. The process for applying for and receiving funding or contracts through these programmes remains similar to those experienced by UK beneficiaries in the previous programmes.

Adult Social Care

The combined effects of COVID-19 and EU Exit have put unprecedented pressure on the adult social care sector. The main risk for disruption to this sector remains provider failure although there is an awareness of the pressures caused by labour and workforce issues. We may see an increase in these pressures during the winter months and we will continue to monitor any changes.

Resilience forum members, our integrated care system (ICS) and wider system partners continue to monitor any impact of the UK's exit from the EU through risk registers and ongoing planning and testing.

Data Adequacy

The EU has now formally adopted 'adequacy decisions' for the UK. These allow for the ongoing free flow of personal data from the EU/EEA to the UK.

This means personal data can continue to flow freely between Europe and the UK following agreement by the European Union to adopt 'data adequacy' decisions. Formal adoption of the decisions under the EU General Data Protection Regulation (GDPR) and Law Enforcement Directive (LED) allows personal data to flow freely from the EU and wider European Economic Area (EEA) to the UK.

The decisions mean that UK businesses and organisations can continue to receive personal data from the EU and EEA without having to put additional arrangements in place with European counterparts, which is good news.

Conclusion

The content of this paper where it relates to government policy has been informed by the Summary Paper "*The UK's new relationship with the EU*" published on 8 June 2021. This information is provided to the Board for information and assurance.

Action Required of the Board		
To receive the update and to note the closure of the EU Exit Implementation Group.		
Link to Strategic Objectives (SO)		Please tick
SO1	Keep people in control of their health	<input type="checkbox"/>
SO2	Lead the integration of care	<input checked="" type="checkbox"/>
SO3	Develop our centres of excellence	<input type="checkbox"/>
SO4	Support and develop our staff	<input checked="" type="checkbox"/>
SO4	Drive technology enabled care	<input type="checkbox"/>
Risk Implications for the Trust (including any clinical and financial consequences)		There are potential risks to the Trust performance, service provision and the maintaining of critical activity, as a result of having exited the EU.
Trust Risk Appetite		Quality: The board will take minimal risks when it comes to patient safety, patient experience or clinical outcomes. Its tolerance for risk taking will be limited to decisions where the impact is low and the potential mitigations are strong
Legal and regulatory implications (including links to CQC outcomes, Monitor, inspections, audits, etc)		Compliance with the Civil Contingencies Act 2004 by ensuring the organisation is fulfilling its duties as defined in the document.
Financial Implications		There have been no known financial implications however if risks are realised it is expected that there will be increases in costs in relation to supply chain, procurement and labour provision.
Equality and Diversity		There are no implications for equality and diversity in this paper