

## Agenda item 7. Update on the Health Bill

### House of Commons Second Reading, 1<sup>st</sup> June

The NHS Health Bill had its Second Reading on 1 June. The debate ran for more than four hours. Encouragingly, more than 20 MPs spoke up to oppose the abolition of Healthwatch or to call for the retention of independent patient voice, with crossbench support. In total 23 MPs raised concerns, many paying tribute to the work of their local Healthwatch. You can read the full debate on [Hansard](#).

The Shadow Health and Social Care Secretary, Stuart Andrew, described abolishing Healthwatch as a terrible mistake, and the Lib Dems' health and care spokesperson, Helen Morgan, warned that the plan would ultimately strip patients of their voice. MPs voted for the Bill to proceed to Committee Stage.

The bill provides that local authorities and ICBs would remain free to continue commissioning existing organisations where they are felt to be doing a good job. That recognition is welcome – but our position remains that discretionary local commissioning, without a consistent national framework, risks a postcode lottery in access to independent public voice.

Rachael Maskell MP has a letter in support of Healthwatch which 23 MPs have so far signed. Sian Berry, Green MP has signed this letter

### House of commons Select Committee, 2<sup>nd</sup> June

The House of Commons Health and Social Care Select Committee heard evidence on the Bill, including on the proposal to abolish Healthwatch. The strongest message from witnesses – drawn from health think tanks and representatives of councils and GPs – was that abolishing Healthwatch risks losing an independent patient voice at the very moment the Government says it wants to give patients and communities more power. The full [transcript is now published](#).

Witnesses raised concerns about whether a new patient experience directorate inside the Department would have the same independence or authority to challenge the system, the significant new powers the Bill gives the Secretary of State, and whether local authorities are set up to take on parts of the role. The Local Government Association's Wendy Taylor said it would be a big mistake to abolish local Healthwatch, highlighting the value of Enter and View powers in hearing directly from people in services, including care homes.

### Call for written evidence

The Public Bill Committee invited written evidence from anyone with relevant expertise, experience or a special interest in the Bill. We submitted evidence which is published on our [website](#). To support this, we published a report called [Why Independence Matters](#). Many other local Healthwatch teams and national bodies have submitted evidence.

The national Healthwatch Working group agreed a set of suggested amendments for Committee Stage. At their heart is the replacement of Clause 65 with a statutory duty on local authorities and ICBs to commission independent “Recognised Independent Local Public Voice” organisations, with ring-fenced funding, formal governance independence, and the right to engage directly with the Secretary of State and parliamentary committees. The Lib Dems also submitted amendments. Our amendments were not called by the Chair of the Committee to be debated, which is not unusual as it is normal in all bills for a large number of amendments to be submitted.

The Committee met for the first time on 16 June. The National Voices CEO spoke passionately in favour of Healthwatch. The HW England Chair also gave evidence. Numerous questions were asked about the government’s proposals to abolish Healthwatch and several Committee members spoke in favour of Healthwatch, whilst others supported its abolition. Following the debate, the Working Group developed a document shared with all Committee members which countered the arguments presented to Committee to abolish local HW. The Group is also preparing a Myth Buster.

On 8<sup>th</sup> July, the Committee debated:

- **Clause 64** – Abolition of Healthwatch England.
- **Clause 65** – Abolition of Local Healthwatch arrangements and transfer of functions to Integrated Care Boards (ICBs) and local authorities.

The Government won both votes because it held the majority on the Committee. The Government’s argument was that patient voice will have more influence if it sits inside the NHS and DHSC. The opposition argument, echoed by several external organisations and concerns raised by some Labour figures, was that independence is precisely what gives Healthwatch its credibility and public trust. While the Government won the vote (there were 6 votes against the abolition of local Healthwatch and 9 in favour), many of the arguments in favour of an independent patient voice were strongly represented throughout the debate and will almost certainly continue to be raised at Report Stage and in the House of Lords.

After the Public Bill Committee finishes its line-by-line scrutiny, the Bill returns to the whole House of Commons. The usual bill stages are:

1. **First Reading** (already completed)
2. **Second Reading** (already completed)
3. **Committee Stage** (currently underway)
4. **Report Stage** (expected before Parliament rises for summer recess on 16<sup>th</sup> July)
5. **Third Reading** (as above)
6. **House of Lords** (First Reading, Second Reading, Committee, Report, Third Reading)
7. **Consideration of Lords Amendments (“Ping Pong”)**
8. **Royal Assent**

## What happens next?

Report Stage is the next important next opportunity for Healthwatch supporters. At this stage, all MPs can vote, not just the small group of MPs on the Bill Committee, and MPs can table amendments to:

- remove Clause 64 (Healthwatch England abolition),
- remove Clause 65 (Local Healthwatch abolition),
- create alternative arrangements,
- strengthen independence protections.

This is the first time the entire House of Commons gets to vote on the detailed Healthwatch clauses.

Third Reading is usually a vote on the Bill as a whole. MPs can support the whole Bill, oppose the whole Bill, but cannot usually make major changes at this stage.

Based on the Committee debate, it is unlikely that government will be defeated because Labour has a large Commons majority unless a significant number of Labour MPs rebel, the Government itself agrees amendments, or Ministers decide to change course.

In practice there are three realistic pressure points:

1. Commons Report Stage as described above.
2. House of Lords. Many peers have backgrounds in NHS leadership, patient advocacy, social care, local government. The Lords often presses Governments hard on independence and accountability issues. The Working Group are already working with Peers to garner their support

If the Lords successfully amends the Healthwatch clauses, the Commons will have to vote again.

## Letter to the new Secretary of State for Health

The working group has sent a letter to the new Secretary of State, James Murray, urging him to take an early and fresh look at the proposals to abolish local Healthwatch. We have requested a meeting to discuss this further and share evidence from local communities.