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Our Ref: TC

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[REDACTED]
Mr Russell George, MS
Chair of Health and Social Care Committee
Welsh Parliament
Cardiff Bay
Cardiff CF99 1SN

Dear Russell,

Provisional Common Framework:

Public Health Protection and Health Security

Thank you for inviting the views of Public Health Wales (PHW) to inform the scrutiny of the *Public Health Protection and Health Security Common Framework* by the Health and Social Care Committee.

1 Background

By way of context, Public Health Wales has been involved in the development of the Common Framework and the related Health Security (European Union (EU) Exit) Regulations 2021, since 2018. This engagement commenced as part of the structured approach to the EU Transition and has continued as part of the agreed collaborative working arrangements for Health Protection across the four Nations.

During this time, we have worked closely with Welsh Government Officials. As such, our response cross references that of the Minister for Health and Social Services in order to not duplicate answers and assist the Committee in its work.

Our contribution commenced in 2018 through attendance at a Four Nations' Health Protection EU Transition Working Group that was

established to provide oversight for the health protection transition arrangements. This group included membership of public health agencies from Wales, England, Scotland and Northern Ireland, together with representatives from each corresponding Government department. Public Health Wales agreed to chair this Four Nations group, working with a secretariat in support from the then Public Health England (PHE). We continued to chair this group until the 1 April 2021 when the group was replaced, in accordance with the collaborative agreement outlined in the Common Framework, by a Four Nation Health Protection Oversight Group, reporting to a UK Health Protection Committee. Public Health Wales was asked again to chair this new Oversight Group in its inaugural year and we will continue to do so until April 2022.

These groups have facilitated consideration of the Common Framework and Regulations during the various stages of their development leading up to their formal submission. Public Health Wales has been able to participate fully, providing written responses and contributing to discussions and structured workshops. Our role has been to provide both technical and strategic advice in relation to the relevant health protection issues that are required to be addressed by the Common Framework. The Common Framework intention is to ensure close collaborative working between public health agencies on health protection.

The development of the Common Framework has been reported regularly to our Executive Team and Board during this period. The Board received the final draft at a meeting on the 11 August 2021. The Board was happy to recommend the draft for the next stage in the process and, in doing so, made some final comments which did result in changes that were also agreed by the Four Nations Oversight Group and included in the final submitted version.

In responding to the specific questions raised by the Committee, where appropriate, I have cross referenced the Welsh Government response, and Public Health Wales has contributed to this narrative where it was appropriate to do so.

In addition, for some questions, I have provided an additional response that is specifically relevant to Public Health Wales' role and actions.

2 General Questions

2.1 Why is a common framework needed for this policy area?

Please refer to the Minister for Health and Social Services Response.

Public Health Wales, as the National Public Health body in Wales responsible for health protection, agree that a framework is necessary to ensure the continuation of cooperation on serious cross-border health threats, acknowledging the importance of such cooperation in providing a

high level of UK-wide human health protection. It was also assessed as necessary to ensure that the UK can best meet its international obligations under the International Health Regulations Public Health Wales is committed to collaborative working with its partner public health agencies across the UK in relation to all health protection threats.

2.2 How will this common framework link up with frameworks in related policy areas, such as food and feed safety and hygiene and animal health and welfare?

Please refer to the Minister for Health and Social Services' Response.

2.3 The provisional framework sets out that the parties will develop a shared work programme. Will this shared work programme be published?

The shared work programme is being developed collaboratively by the Four Nations Health Protection Oversight Group and an initial draft work programme was received by the UK Health Protection Committee at its inaugural meeting in October 2021. The work programme is currently being finalised following comments from the Committee and collaborative discussions in relation to general issues of communication and publication are ongoing. In addition, the implementation of the Framework, including the work programme, will be considered in line with the review and amendment mechanism outlined. Consideration will also be given on how to update each of the 4 UK legislatures on the ongoing functioning of this framework, including the publication of the work programme, after the conclusion of this review process.

2.4 The framework sets out that part of its purpose is to manage potential divergence between different parts of the UK. Parties will seek to agree common approaches 'where agreeable'. How will the parties decide when divergence would be acceptable?

Please refer to the Minister for Health and Social Services' Response.

2.5 How would this framework affect the handling of any future pandemic?

Please refer to the Minister for Health and Social Services' Response.

Public Health Wales will also be engaged in the development of planning for future pandemics within Wales, including learning lessons from our current response. Public Health Wales is committed to working across the UK but also on an international basis in relation to this. We are a World Health Organization (WHO) Collaborating Centre on investment for health and well-being and are very active members of the International Association of National Public Health Institutes (IANPHI) and these

relationships provide a strong network for collective international sharing and learning.

3 UK and EU

3.1 Public Health Wales has previously raised concerns about the risks of leaving EU institutions for public health protection and health security. How are the Welsh Government and Public Health Wales mitigating these risks?

The Framework is intended to align with, and complement, the Health Security (EU Exit) Regulations 2021, which in turn are intended to support the implementation of the UK's arrangements with the EU for cooperation on health security under the Trade Cooperation Agreement.

Title 1 of Part 4 (Thematic Co-operation) of the Trade and Cooperation Agreement (TCA), supports effective arrangements and information sharing between the UK and the EU in the event of a serious cross-border threat to health which spreads or entails a risk of spreading across the borders of at least one EU Member State and the UK.

In summary, the Trade and Cooperation Agreement provides for the UK, the EU institutions and EU Member States to exchange information, assess public health risks and co-ordinate measures that may be required to protect public health.

As part of the Wales structured approach to EU Exit, Public Health Wales' preparedness work concentrated on being able to continue to deliver its critical services. The identification of health protection delivery risks formed part this. In addition, a Health Protection (including Health Security) sub Group was established, reporting to the Welsh Government Health and Social Care Leadership Group. This sub group, led by Public Health Wales, scoped the key system risks and mitigation requirements associated with health protection delivery. An example of a key risk identified by us related to the important relationship with the European Centre for Communicable Disease Control (ECDC) in relation to disease surveillance/ early alerting systems.

Working with PHE/UKHSA as the UK National Focal Point, over the last 12 months, Public Health Wales has participated in both the strategic and technical working groups maintaining and developing an ongoing relationship with ECDC. This mitigated the risk regarding surveillance/ early alerting, with revised arrangements agreed in 2021.

In addition, Public Health Wales has independently maintained and fostered relationships with key European public health agency partners through the IANPHI network, our WHO Collaborating Centre and through a number of bilateral contact with individual public health agencies. We have published a number of reports on the wider impact of the EU Exit.

These ongoing actions of our devolved public health/ health protection services were highlighted in the Public Health Wales Board response to the draft Common Framework, resulting in amendments to the final wording of relevant sections.

3.2 Under the Health Security (EU Exit) Regulations 2021, Public Health Wales and the Welsh Government have taken on some responsibilities formerly exercised at EU level, such as representing Wales at the new UK Health Protection Committee. Could you confirm what new responsibilities Public Health Wales and the Welsh Government will be undertaking and what resources have been allocated for this? How do the new arrangements differ from your previous arrangements when the UK was an EU Member State?

Public Health Wales is represented on the UK Health Protection Committee (by the National Director for Health Protection and Screening Services/Executive Medical Director) and Four Nations Health Protection Oversight Group (by the Deputy National Director for Health Protection and Screening Services). Support to these functions has been identified from within existing budgets. It should be noted that Public Health Wales currently provides the chair role for the first year of the Four Nations Health Protection Oversight Group. The chair of the UK Health Protection Committee in the first year is with England's Department of Health and Social Care. The chair of both the Committee and Four Nations Health Protection Oversight Group will rotate on an annual basis.

3.3 The UK Health Security Agency (UKHSA) will carry out some coordinating functions previously exercised at EU level. Is the Welsh Government content that the UKHSA has sufficient resources to carry out these functions?

Please refer to the Minister for Health and Social Services' Response.

4 International

4.1 Is the Welsh Government content that the framework takes into account its existing international commitments?

Please refer to the Minister for Health and Social Services' Response.

4.2 Please provide the Welsh Government's assessment of how the framework accommodates divergence and alignment between the four nations' international health commitments and activity, for example the Welsh Government's MOU with the WHO on health equity or its public health protection support to African nations during the pandemic.

Please refer to the Minister for Health and Social Services' Response.

4.3 Please confirm how existing international obligations were considered and incorporated into the framework and explain how future obligations will be incorporated.

Please refer to the Minister for Health and Social Services' Response.

4.4 Please provide more information on the role of the Welsh Government or Welsh bodies in delivering the framework's international aspects. For example, whether the framework provides opportunities for a devolved role in the development of UK foreign policy, as provided in other frameworks.

Please refer to the Minister for Health and Social Services' Response.

4.5 Please confirm whether the framework provides opportunities for Welsh representation at international forums, either by the Welsh Government or Welsh bodies.

Please refer to the Minister for Health and Social Services' Response.

Public Health Wales, will also continue to foster direct international links with other public health agencies relevant to health protection. This includes through the IANPHI network, our WHO Collaborating Centre and contact with individual public health agencies.

5 Disputes

5.1 Is the Welsh Government content that the dispute resolution mechanism for the framework is fit for purpose?

Please refer to the Minister for Health and Social Services' Response.

5.2 Who will be the final arbiter in the event of a dispute, and will there be a right of appeal in the event that one of the parties is dissatisfied with the resolution of a dispute?

Please refer to the Minister for Health and Social Services' Response.

Public Health Wales' experience of dealing with other public health agencies in the UK in relation to the delivery of health protection services, is that there is generally a high level of willingness to look for mutually acceptable solutions, and it is therefore anticipated that the arrangements provided for by the Framework will be sufficient to enable satisfactory outcomes in the vast majority of instances of potential dispute. If an exceptional and unforeseen circumstance were to arise in future where this was not possible, then the Common Framework allows issues to be referred to the Chief Medical Officers initially. Public Health Wales is

committed to supporting Wales' Chief Medical Officer in such circumstances.

5.3 Will the Welsh Government notify the Senedd of disputes raised through the framework?

Please refer to the Minister for Health and Social Services' Response.

6 Transparency and accountability

6.1 Did the Welsh Government and Public Health Wales engage with any stakeholders in Wales in developing the provisional framework? How does the provisional framework reflect the response of stakeholders?

Extensive consultation of, and engagement with, the devolved administrations and the UK public health agencies has taken place in the development the Framework and the Health Security (EU Exit) Regulations. The Four Nations Health Protection EU Transition Group, which consisted of representatives from the UK Government, Devolved Administrations and the UK public health agencies, was used as the main forum to discuss policy development. This included through three one-day workshops held in London, Cardiff and Belfast, as well as fortnightly meetings to progress work on both the Framework and the Regulations throughout 2020 and 2021.

Public Health Wales has reported the development of the Common Framework to its own Board and also to the Chief Medical Officer Health Protection Advisory Group. This multi-agency group includes representatives from Local Government, Health Boards (Directors of Public Health), Welsh Government officials across a range of portfolio areas and other key partners. Public Health Wales is continuing to keep Directors of Public Health updated through routine system leadership meetings

The England's Department of Health and Social Care led the stakeholder engagement exercise for the Framework, and this included Public Health Wales.

Public Health Wales made written observations and comments throughout the process and engaged in a number of specific conversations with the secretariat to ensure that issues relevant to Wales were considered. The Public Health Wales Board received the final draft at a meeting on the 11 August 2021. The Board was happy to recommend the draft for the next stage process and in doing so made some final comments which were accepted and resulted in changes to the final version.

6.2 How will the Senedd and stakeholders be updated on the continuing operation of the framework?

Please refer to the Minister for Health and Social Services' Response.

6.3 How will the Senedd and stakeholders be able to contribute to the review and amendment process for the framework?

The operation of the Framework will be reviewed at six months, one year, and three years from the date it comes into operation. Thereafter, a periodic review will take place every three years. Public Health Wales will participate fully in these reviews the first of which is scheduled for 2022.

Subject to the Committee's views, there may be an opportunity for it to align periodic scrutiny activity in relation to the Framework to the timeline of these reviews.

I hope that this response is helpful to the Committee and please do not hesitate to contact me if we can help in any way.

Yours sincerely,



Dr Tracey Cooper
Prif Weithredwr, Iechyd Cyhoeddus Cymru
Chief Executive

Copy: Sir Frank Atherton, Chief Medical Officer
Dr Fu-Meng Khaw, National Director of Health Protection and
Screening Services/Executive Medical Director, Public Health Wales