

Health, Social Care and Sport Committee

2nd Meeting, 2022 (Session 6), Tuesday, 18 January 2022

Provisional Common Framework on Public Health Protection and Health Security

Note by the clerk

Introduction

1. At its meeting today the Health, Social Care and Sport Committee will take evidence on the provisional Common Framework on Public Health Protection and Health Security from Humza Yousaf, Cabinet Secretary for Health and Social Care and supporting officials.

Background

2. During its membership of the European Union, the UK Government and devolved administrations were required to comply with EU law. This ensured that in many policy areas, including some that are devolved, a broadly consistent approach was developed across all four nations of the United Kingdom.
3. Following its exit from the European Union on 31 January 2020, the UK entered a transition period which ended on 31 December 2020. Throughout the transition period, all parts of the UK had to comply with EU law. Following the end of the transition period, there is now a possibility of policy divergence between the four nations of the UK.
4. As a result of this situation, The UK and devolved governments agreed that common frameworks would be needed to ensure that, in certain policy areas, there would be no divergence between the nations of the UK where such divergence was considered undesirable.
5. Provisional versions of these common frameworks, covering a range of different policy areas, are currently at varying stages of development. The Committee has a role in scrutinising those common frameworks which address areas of policy falling within its remit.
6. On 2 November 2020, [the Committee received](#) the text of the provisional Common Framework on Public Health Protection and Health Security, accompanied by a covering letter from the Cabinet Secretary for Health and Social Care and an explanatory cover page about the Common Framework.

7. The explanatory cover page accompanying the provisional Common Framework describes its purpose as being: “to ensure continued cooperation on serious cross-border threats to health within the UK following the end of the Transition Period and a robust UK-wide regime on public health protection and health security”.
8. This Common Framework is underpinned by the Health Security (EU Exit) Regulations 2021 which, as explained by the explanatory cover page, “repeal retained EU law on health and security which no longer operates effectively in the UK, and introduce a standalone regime which requires the four nations to coordinate surveillance, prevention and control of serious cross-border threats to health”. At its meeting on 23 March 2021, the Committee’s predecessor took evidence on these regulations and agreed it was content with a Scottish Government proposal to give consent to the UK Government to legislate via these regulations using the powers under the European Union (Withdrawal) Act 2018.

Liaison with other committees

9. Given its overarching interest in the development of common frameworks and associated constitutional implications, the Committee wrote to the Constitution, Europe, External Affairs and Culture Committee to make that committee aware of its planned scrutiny of this common framework.
10. Given the subject matter of this particular common framework, the Committee has also written to the COVID-19 Recovery Committee to make that committee aware of its planned scrutiny and to invite any specific comments or input that committee might have regarding the contents of the provisional Common Framework.

Written evidence

11. On 17 November 2021, a [call for written evidence](#) was issued to the following stakeholders, which were previously offered the opportunity to provide input to the Scottish Government in response to a summary of the Common Framework in January 2021:
 - Animal and Plant Health Agency
 - Policy Scotland
 - Scottish Fire and Rescue Service
 - Scottish Environment Protection Agency
 - The Crown Office and Procurator Fiscal Service
 - The Care Inspectorate
 - COSLA
 - Directors of Public Health at NHS Boards
 - Food Standards Scotland

12. The call for written evidence closed on 6 December 2021 and the Committee received [one response](#).
13. A repeat call for written evidence was issued to the same organisations on 23 December 2021. The Committee received one further email response which can be viewed at Annex A. The Scottish Environmental Protection Agency responded to the repeat call for written evidence that it had “No Concerns” about the Common Framework.

Oral evidence

14. On 21 December 2021, the Committee took oral evidence on the Common Framework on Public Health Protection and Health Security from Nick Phin, Clinical Director and Director of Health Protection, Public Health Scotland.
15. Further to his appearance before the Committee, Nick Phin submitted follow-up correspondence and an accompanying presentation about the Common Framework, which can be viewed at Annex B.

Clerks to the Committee

13 January 2022

From: ORK feedback
Sent: 23 December 2021 15:47
To: Health, Social Care and Sport
Subject: RE: Call for views: Provisional Common Framework on Public Health Protection and Health Security

I have shared your correspondence with Louise Wilson, our Director of Public Health and provide the below response.

As a small territorial Health Board, NHS Orkney recognises the importance of collaborative working, especially in the field of public health. The proposed structure and MOU appear to provide a suitable framework for addressing public health protection, health security and serious cross border threats to health. Particularly welcome is the acknowledgement of the importance of mutual aid on a UK wide basis. The review and amendment process seems appropriately timed to incorporate learning from the operation of the framework.

Many thanks

Dear Convener,

Health, Social Care and Sport Committee meeting – Tuesday 21 December 2021

During a UK Government common frameworks exercise held in August 2017, health protection was identified as an area of considerable intra-UK coordination that was, in part, underpinned by our relationship with the EU and its associated agencies. Therefore, in the context of EU exit preparations, it was considered timely to consider the optimum operating model and governance arrangements to strengthen strategic and operational cooperation between the UK Government, the Devolved Governments and national public health organisations of the UK (the Parties to the Non-Legislative Framework (NLF)).

The Common Framework on Public Health Protection and Health Security has been developed jointly between UK Government, Scottish Government, the Welsh Government and the Northern Ireland Executive, supported by extensive technical engagement with the UK's national public health organisations (Public Health England (PHE); Public Health Scotland (PHS); Public Health Wales (PHW); and the Public Health Agency Northern Ireland (PHA)).

Throughout 2018-2020, the Parties participated in a series of technical policy development workshops to develop the scope of the framework. Scoping focused on improving the effectiveness of UK-wide arrangements for prevention and control of cross-border threats to health, including strengthening cooperation in areas of shared strategic importance for health protection and health security.

This included three one-day workshops held in London, Cardiff and Belfast, as well as a fortnightly series of virtual sessions undertaken since the COVID-19 pandemic. A workshop had been planned for early 2020 in Edinburgh but had to be postponed due to the pandemic. The main form of engagement has been via the Four Nations Health Protection EU Transition Group, which met regularly to discuss the framework over the last two years.

In October 2020, the Framework was scrutinised by a Review and Assessment Panel coordinated by Cabinet Office. Positive feedback, and minimal changes to the proposed framework, was unanimous across the Panel. The Panel also noted the extensive engagement and collaboration that had taken place over a prolonged period of time by the eight Parties to the Framework, as represented by the 4 Nations Health Protection Working Group.

Public Health Scotland and its predecessor organisation Health Protection Scotland have been closely involved through the 4 Nations Health Protection Working Group in contributing and shaping the content of the final version of the Common Framework on Public Health Protection and Health Security.

Public Health Scotland was asked, as one of the eight Parties to the framework, to formally approve the final version of the Framework (18 August 2021) which incorporated a change proposed by Public Health Wales that reference to the 'Four

Nations Public Health Non-Executive Group' should be removed from the governance chart as it is not a decision-making group, nor is it a sustainable entity.

The draft of the Framework (18 August 2021) and an explanatory note were considered by the Public Health Scotland Senior Leadership Team on 2 September 2021 and approved. Scottish Government and the Department of Health and Social Care were informed of the outcome subsequently.

The overarching aim of the Framework - to improve the effectiveness of UK-wide arrangements for prevention and control of cross-border threats to health and the strengthening cooperation in areas of shared strategic importance for health protection and health security – is one that we support and endorse.

Yours faithfully,

Nicholas Phin

Director of Public Health Science and Medical Director
Clinical and Protecting Health Directorate
Public Health Scotland

COMMON FRAMEWORK



Common Framework on Public Health Protection and Health Security - Origin

- As an EU Member State, the UK was bound to comply with EU law. Subsequently, in many nominally developed policy areas, the institutional and legal frameworks underpinning the operation of the EU ensured a near consistent set of rules and regulations across the UK.
- During a UK Government common frameworks exercise held in August 2017, health protection and health security was identified as one area of considerable intra-UK coordination that was, in part, underpinned by our relationship with the EU and its associated agencies.
- A programme of work was established between the UK Government and Devolved Governments to agree post-EU transition common UK-wide approaches in these areas, both through legislative and non-legislative means. As part of the UK Government programme, frameworks are required to pass through five programme phases.



This was completed by the joint UK Government and Devolved Governments project team between October 2017 and March 2018.

The allowed for the development of drafting instructions and outlines. These required approval from UKG and Devolved Governments' portfolio ministers.

This was a review and assessment stage where the framework was tested with key stakeholders and assessed against other frameworks to ensure alignment and consistency. The framework progressed on 11th November 2020 to the next stage and a provisional framework was approved by the Joint Ministerial Committee for EU Negotiations (JMC(EN)).

This stage allows formal consultation of stakeholders where necessary, including UK Parliament, and allows time for any implementation steps to be taken. At the end of this stage the JMC(EN) will formally sign off the framework.

Ongoing review and assessment of the framework. This phase will also include developing the agreed work programme.

Common Framework on Public Health Protection and Health Security – Policy area and definitions

- The Framework takes an “all hazards” approach to health protection and health security, including threats arising from infectious disease and non-infectious threats, such as radiation, chemical and environmental hazards.
- This is in line with existing national policies and the International Health Regulations (IHR) (2005).

Definitions for the key terms in this policy area are as follows:

- ‘Public Health Protection’ means protecting individuals, groups and populations from infectious disease and non-infectious public health threats including radiation, chemical and environmental hazards.
- ‘Health Security’ means the activities required, both proactive and reactive, to minimise vulnerability to acute public health events that endanger the collective health of populations living across geographical regions and international boundaries.
- ‘Serious cross-border threat to health’ means a life-threatening or otherwise serious hazard to health of biological, chemical, environmental or unknown origin which spreads or entails a significant risk of spreading across the borders of at least one Member State and the United Kingdom, or may necessitate a coordinated response by the UK authorities in order to ensure a high level of human health protection. This definition includes events that may constitute public health emergencies of international concern under the IHR and is aligned with the definition of serious cross-border threat to health agreed between the UK and the EU for the purposes of the UK-EU Trade and Cooperation Agreement (TCA).

Common Framework on Public Health Protection and Health Security - Overview

- Following discussions between UKG, Devolved Administrations and the UK public health agencies of England, Wales, Scotland and Northern Ireland on the goal of this work, and the most appropriate vehicles for implementing it, it has been decided that both legislative and non-legislative mechanisms are necessary to underpin the framework.
- The Health Security (EU Exit) Regulations 2021 came into force on 1 September 2021. The Regulations establish a standalone regime which will ensure all parts of the UK continue to coordinate on data sharing, epidemiological surveillance, and their approach to the prevention and control of serious cross-border threats to health. The Regulations also support the implementation of the UK’s arrangements with the EU for cooperation on health security under TCA in exercise of the powers conferred by section 31 of the European Union (Future Relationship) Act 2020.
- There will also be a non-legislative agreement, by way of a Memorandum of Understanding (MoU) between administrations to strengthen cooperation on public health protection and health security. The MoU will include:
 - Communication and coordination of health protection activities, including policy development, public campaigns and messaging and expert committees
 - Principles for coordinated use of mutual aid
 - International engagement
 - Workforce
 - Education and Training
 - Research
 - Data and Intelligence
- The framework’s operation will be underpinned by a work programme, which will be agreed by the UK Health Protection Committee (and developed by the Four Nations Health Protection Oversight Group). It will be aligned with, and complementary to, the Health Security (EU Exit) Regulations 2021.

Common Framework on Public Health Protection and Health Security - Governance

- The Framework formalises the existing UK Health Protection Oversight Group, which will be responsible for its implementation, including by developing the underpinning work programme.
- The Framework, through the Health Security (EU Exit) Regulations 2021, also establishes the UK Health Protection Committee. The UK Health Protection Committee will support and monitor the application of the Framework, as well as be responsible for a number of functions in the proposed Health Security (EU Exit) Regulations 2021, for example UK-wide surveillance of communicable diseases and related special health matters.

