

EU Exit planning update

Letter to adult social care providers from Jonathan Marron, Director
General of Community & Social Care

This letter is being shared with you by CQC on behalf of the
Department of Health & Social Care



Department
of Health &
Social Care

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To: Adult Social Care Providers

09 October 2019

Dear Colleagues,

Brexit: Actions to help adult social care get ready for Brexit on 31 October 2019

I am writing to you to update you on steps the Department of Health and Social Care (DHSC) has been taking to get ready for Brexit on 31 October 2019, and to provide some practical information on what you can do to support your preparations.

Steps we have taken:

Over the last year, DHSC has been working across the health and social care system, with adult social care providers, local authorities, commissioners, regulators, and other national, regional and local partners to understand emerging areas of risk in the adult social care sector, and ensure that robust contingency plans are in place.

I would like to welcome the recent report from the National Audit Office (NAO) into the Department's preparations in the event that the UK leaves the EU without a deal. I am grateful that the NAO recognises the enormous amount of work already undertaken by the Department, and our partners in industry and the health and care system, in preparation for leaving the EU. To add to this,

Government and industry continue to work together on raising assurance and this in turn enhances our knowledge of readiness. We are better prepared for leaving without a deal than many realise, and on 31 October we will be ready for Brexit, whatever the circumstances.

Our approach to continuity of supply for adult social care has followed the same principles as our contingency approach for the NHS. However, given the structure of the adult social care market is fundamentally different to the NHS there are differences. For medicines, clinical consumables and medical devices, our stockpiles cover people within both the NHS and the adult social care system. For non-medical supplies, we have been working with major suppliers on their contingency plans regardless of whether they supply directly to NHS services or adult social care providers.

We have taken a multi-layered approach to support the continued supply of medicines and medical products if the UK leaves the EU without a deal. As part of our assurance process and, as recognised by the NAO, the latest findings from our medicines data collection exercise show that:

- 96% of medicines suppliers within scope of the programme have responded;
- this represents 98% of the market;
- 82% of products within scope have a 6-week stockpile in place

These numbers are constantly rising and will do so until 31 October 2019, providing an ever-clearer picture and greater levels of assurance.

Steps we recommend you take:

In line with existing guidance for the adult social care sector, we recommend that you:

- ✓ **Check with your local suppliers about their contingency plans in the case of disruption – e.g. food suppliers**
- ✓ **Update your business continuity plans accordingly to prepare for any disruption**
- ✓ **Do not stockpile any medicines or medical products**
- ✓ **If you have any maintenance of machinery or equipment (e.g. lift services) due in the next few months, consider bringing this forward before 31st October, if your contractual / leasing provisions allow, where you think there may be an EU touchpoint – e.g. lift parts that come from Germany**
- ✓ **Review your contracts with suppliers to identify any potential Brexit issues**
- ✓ **Encourage your employees and the people receiving your services to consider whether they should apply for the EU Settlement Scheme**
- ✓ **Contact your local authority to identify relevant Brexit leads (this may include your Director of Adult Social Services and/or Brexit Lead Officer)**
- ✓ **Make contacts across your region or local area to share best practice and ways of working ahead of 31 October. Essential individuals/organisations could include your local Association of Directors of Adult Social Services (ADASS), Local Government Association (LGA), local care regulator, local authority commissioners, NHS partners, trade body associations, or local care associations**
- ✓ **Stay abreast of any local or regional adult social care events which may be taking place in your area to offer guidance and support on how to prepare for the UK leaving the EU**

Further detail is provided below on vital areas where you should consider taking action at a local level, as well as a brief outline of the steps taken by Government nationally.

I am extremely grateful for your engagement and cooperation on Brexit planning and preparation to

date. I hope this information is useful and provides direction to further inform your own preparedness planning and arrangements.

Please ensure you cascade this letter to your staff, principal stakeholders, and any other interested parties.

Yours sincerely,



JONATHAN MARRON

Director General, Prevention, Community and Social Care

Medicines and medical products

The Government has been working directly with suppliers and pharmaceutical companies to help ensure there is a continued supply of medicines and medical products such as syringes, wheelchair parts and incontinence products to the UK if the UK leaves the EU without a deal. There is no reason for you to stockpile any medical products or devices.

If you experience a disruption in supply:

- ✓ For medicines, you should continue to manage medicines supply issues as per your current processes. You should continue to report any issues via your community pharmacist and they should know the latest on any supply disruptions.
- ✓ For medical devices and clinical consumable products, in the first instance you should follow any business as usual processes. In practice, this means checking with the supplier or where relevant, with other branches in your organisation, to make alternative arrangements. In the event of any disruption, have you considered if alternative products are available – e.g. alternative incontinence products?

Workforce

The Government hugely values the contribution of the 169,000 EU staff currently working in the NHS and adult social care sector. The Prime Minister has made it clear that we not only want them to stay but feel welcomed and encouraged to do so. We have taken steps to ensure existing EU staff are able to remain working and living in the UK post Brexit, through the launch of the EU Settlement Scheme, and steps to ensure qualifications from the EU will continue to be recognised. EU nationals working in the NHS and adult social care can obtain their long-term status in the UK through the simple and straightforward EU settlement scheme. This will remain open until December 2020, even if we leave the EU without a deal, for all EU citizens who have arrived in the UK before 31 October 2019.

In preparation for the UK leaving the EU:

- ✓ Have you ensured your staff are aware of whether they need to apply for Settled Status and how they can do this?
- ✓ Have you familiarised yourself with the EU Settlement Scheme Employers Toolkit, which has practical advice on how to support employees with applications? This is available at the following link: <https://www.gov.uk/government/publications/eu-settlement-scheme-employer-toolkit>

Food

The Government are working closely with the food industry to support preparations for leaving the EU. If we have to leave the EU without a deal, we believe there will not be an overall shortage of food in the UK. However, if key trade routes are temporarily disrupted, there may be reduced availability and choice of certain food products, including some of the fresh produce we import from the EU.

We recognise that the NHS and adult social care providers already adapt to seasonal variations and short-term shortages for food items and ingredients, for example in the case of a poor harvest. While we continue to engage with national suppliers, we recommend that you check with your local supplier about the contingency plans they have put in place in the event of disruption.

To prepare in advance of disruption in supply:

- ✓ Have you contacted your local food supplier to discuss their specific operational requirements with their suppliers about any anticipated supply disruption of specific food items or ingredients?
- ✓ If you are not fully satisfied by the contingency plans that your usual supplier has put in place, have you checked whether there are other local suppliers that you could use in the event of any disruption?

If you experience disruption in supply:

- ✓ Are you developing flexible menus to compensate for any shortage of specific ingredients or food items in the event of disruption? We advise substitutions reflect the Government's nutrition advice to ensure you continue to provide a balanced diet to those in your care. This guide can be accessed online at: <https://www.gov.uk/government/publications/the-eatwell-guide>
- ✓ When using substituted food items, have you considered those in your care who may have special requirements (e.g. specific dietary requirements or allergies)?

Other goods and services

DHSC continues to engage with a range of providers of other non-clinical goods and services at a national level – e.g. we know that some suppliers source their lift parts from Germany and Spain. DHSC has also engaged with a range of suppliers both internally and externally to the health and care system. These engagements have covered linen stocks, detergents, machinery spares, packaging and logistics.

To prepare in advance of disruption in supply:

- ✓ If you have any maintenance of machinery or equipment (e.g. lift services) due in the next few months, have you considered bringing this forward before 31 October, if your contractual / leasing provisions allow, where you think there may be an EU touchpoint (e.g. lift parts that come from Germany)? Does your local area have any plans in place to provide support or assistance if a piece of equipment fails?
- ✓ In the event of a disruption to laundry-related services and products, have you identified local suppliers that could provide products such as detergents and linen? Have you considered whether

your laundry washing and processing equipment require maintenance in the near future and whether your contractual / leasing provisions allow this to be brought forward before the end of October if there is an EU touchpoint?

Contract management

DHSC's general advice is that, given the market has been aware of Brexit and its potential implications for some time now, organisations may wish to consider limiting their response to any contractual performance or pricing issues raised. Requests to increase pricing should be underpinned by evidence of the additional costs being incurred, and organisations may wish to consider limiting additional payments to those exceptions that sit outside of the normal balance of risk assumed by the contract.

Contractual positions with respect to force majeure will depend upon the circumstances and relevant contract clauses in each case. In most cases, however, it will be difficult for suppliers to make a case for relief of performance (under force majeure provisions) or frustration of contract as the likely consequences of Brexit have been widely aired in public for some time – and accordingly suppliers have had ample time to plan for the continuation of service, and the performance of contracts should still be possible in most cases.

To prepare in advance of disruption in supply:

- ✓ Have you reviewed the position with respect to your specific operational requirements with suppliers?
- ✓ Have you reviewed your contracts with suppliers to identify any potential Brexit issues (particularly if the UK leaves the EU without a deal)?
- ✓ Have you considered your ability to make use of additional or alternative suppliers where contractual performance may be at risk?
- ✓ You may wish to consider a pragmatic approach to the performance management of Brexit related issues, potentially recognising suppliers' efforts to maintain continuity through substitution etc. by (for example) providing temporary relief from specific performance measures.
- ✓ Have you considered whether you need to seek legal advice with respect to specific contractual queries or risks?

National Supply Disruption Centre

The Department has established the National Supply Disruption Response (NSDR). This will include a 24/7 call centre that will coordinate between suppliers, health services, adult social care organisations and central Government. It will specifically monitor the supply situation and coordinate actions to address supply disruption incidents that occur after Brexit where normal procedures are unable to provide a resolution and offer logistics trouble-shooting to suppliers whose consignments are stuck in border disruption.

We will issue communications to Care Providers in mid-October to advise on how to access the NSDR.

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