

EU Exit

Introduction

The United Kingdom exited the European Union on 31 January 2020 and remained in a transition period until 31 December 2020. On Christmas Eve 2020 a trade and cooperation agreement was reached between the United Kingdom (UK) and the European Union (EU). In preparation for the end of the transition the Director of Corporate Affairs and Company Secretary, as SRO for EU exit, formed an EU exit working group of senior managers to assess the potential for issues in key areas such as continuity of supply, workforce, data sharing and to take any necessary actions at a local level to supplement national planning.

Continuity of supply medicines and vaccines, medical devices and clinical consumables and non-clinical consumables, goods and services

The plan set out by DHSC in November and December 2020 to ensure the continuity of medical supplies for the UK at the end of the transition period remains in place. This included a request of suppliers, where possible, to ensure a target level of 6 weeks' total stock on UK soil, re-routing and air freight of medicines with short shelf lives, if required. In addition, the government worked with suppliers to ensure adequate mitigations were in place for non-clinical goods and services, such as hospital food and laundry. Covid-19 personal protective equipment (PPE) continues to be available via the PPE Portal.

At Trust level the procurement team supplemented national planning by writing to suppliers, who were not listed on the centrally managed lists, to request assurance regarding business continuity arrangements. The Trust communicated national messages that organisations must not stockpile over and above business as usual levels. The Senior Strategic Procurement Manager issued a summary guide to tenders and contracts post EU exit for OHFT teams.

Reciprocal healthcare

Reciprocal healthcare arrangements are agreed. On 11 January 2021 the Government launched the global health insurance card (GHIC) which will replace existing European health insurance cards (EHIC). This means UK resident' rights to emergency and medically necessary healthcare will continue when travelling in the EU. Providers can continue to use processes already in place to recover these costs from EU member states.

Research and clinical trials

Clinical Trials of Investigational Medicinal Products (CTIMPs) taking place in the UK already have a Sponsor or legal representative in the UK or EEA. The UK will continue to accept these arrangements as the EU/EEA are on the [approved country list](#), so there is no need for amendment to studies in the UK. The head of research and development confirmed that all open OHFT trials have medicinal products in stock and supplies for new trials which came from Belgium arrived without incident.

Data sharing, processing and access

Data adequacy is not included in the agreement. The EU still must decide whether to deem the UK's data protection regime adequate, although it is more likely to now a deal is reached. A temporary arrangement has been agreed to allow continued EU-to-UK transfers from 1 January 2021 for four months (extendable to six) to prevent organisations having to rely on alternatives such as standard contractual clauses. DHSC advice remains to maintain, or to continue to put in place, alternative transfer mechanisms to mitigate against any disruption to data flows in the future.

The IM&T Service Development Manager undertook a full review of all cloud-based systems hosted on data centres outside of the UK. Of the twenty-five systems identified, only six relied on secondary

data centres (used for resilience purposes only) within the EU and of those six, only two also had primary data centres outside of the EU. On that basis, considering the above the overall risk posed to the Trust remains low.

Workforce

Any EU citizen currently living in the UK needs to apply before July 2021 for the UK government-run EU settlement scheme, to ensure they will have the right to stay legally in the UK in future. The human resources department has contacted all EU nationals working in the Trust to ensure they are aware of the EU Settled Status scheme and to offer support and guidance, specifically:

- offering to reimburse colleagues their settled status fee when there was a fee (the fee was subsequently withdrawn)
- providing android devices for individuals to apply for their settled status when the system was not compatible with iPhones
- members of the human resources department have been available to help guide colleagues through the application process
- a bespoke support e-mail address to respond to any EU Exit related queries or concerns
- EU national colleagues have been communicated with individually at times throughout the UK's withdrawal from the EU and transition period by the CEO, most recently in November 2020. Part of this communication invited individuals to express an interest in forming an EU support network; six individuals have so far expressed an interest.
- updates on developments through the Trusts intranet and e-bulletin

Health security cooperation

Access to the EU early warning and response system will be available when necessary and requested, which will allow the UK to share and receive information on public health threats. The agreement also provides for a future memorandum of understanding between the European Centre for Disease Prevention and Control and the relevant UK body.

Conclusion

Despite the agreement's provisions, the new relationship between the UK and EU will result in more complex and time-consuming procedures compared with the rules that applied when the UK was a member of the EU.

This is particularly true in the area of the supply of medical products, where the most obvious day-one changes took place. Continuity of supply preparations undertaken by DHSC will remain in place to help mitigate against potential disruptions caused by new customs and border processes. This will help to ensure that the NHS will continue to be able to access medicines and medical products as needed.

Despite the agreement of a deal, there remains a risk of disruption at the border associated with the UK leaving the Single Market and Customs Union. For this reason, the Trust, along with all NHS Trusts will keep in place the plans and mitigations stood up for the end of the transition period until further notice.

In terms of what we can expect from the next weeks and months, the focus has shifted from negotiating a deal to its implementation. There may be a tough period immediately ahead for the NHS as we all look to manage the impact of new arrangements operationally, as COVID-19 continues to surge and facing the usual winter period of highest-pressures. However, the contingencies put in place and tested this year are robust and we expect further information and support to emerge from the government and NHS England and NHS Improvement.