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HEALTH AND SOCIAL CARE BILL: Lords debates: Day 2 of Committee

Top News:

Day two of committee will continue to scrutinise the issue of the accountability of the Secretary of State. Liberal Democrat peers will argue today that the amendments on the powers of the Secretary of State and the 'autonomy' clause (Clause 4 in the Bill) should be considered together, so a package of amendments might be proposed at Report or 3rd Reading when final decisions will be made.

Liberal Democrat peers have consistently argued that there must be clarity and certainty about the role of the Secretary of State in ensuring that there is a national health service free at the point of use and accessible to all regardless of ability to pay. In order to ensure that the NHS has a firm foundation upon which to develop in future it is crucial that there is consensus on this matter, and if it takes time to achieve that, it would be in the best interest of the NHS to take more time and give it further consideration.

What this means:

There are two main backbench amendments put down for the first section of the debate today, all around the Secretary of State's duties.

- The '**Williams**' amendment, seeks to restore the original wording of the 2006 Act.
- The '**Mackay**' amendment, seeks to re-inforce the SoS's duties by confirming that the Secretary of State retains "ultimate responsibility to Parliament", while updating the operational responsibility of the SoS with practical realities.

Either amendments could be voted on if peers wish to do. However, convention in the House of Lords is that amendments at Committee stage are used to probe the Government on certain issues rather than impose changes through voting on them. The government has already accepted, in debates both in the House of Commons and Lords, that it is willing to listen to peers and re-consider the wording and make any necessary changes.

If Baroness Williams, nor Lord Mackay, nor indeed any other peers wishes to 'move' either amendment, it means there will be no vote on them, and the debates will move on the next parts of the Bill. In the meantime the Government will consult peers from across the House in order to develop a proposal which is acceptable to peers across the House.

How does it work?

The committee stage of a bill is traditionally the time for Lords to be able to do line-by line scrutiny of the Bill. It means that whether there are votes or not on any amendment, there are always opportunities at the later 'report' stage, to finalise peer's views, Ministers in the Lords are committed to listening to the points raised, and bringing back at report stage amendments they hope will address concerns. There are always knock-on affects of making amendments in one part of the Bill, on another. In the case of the Secretary of State's duties, Ministers are also keen to hear from Peers their views on a later clause, clause 4 on the 'autonomy' provisions. Therefore it is consistent with the aim of reaching a collective view in the Lords to consider voting on any amendments at a later stage.

What are Liberal Democrats in the Lords saying?

"The duties of the Secretary of State and the autonomy provisions are like two bookends on a shelf – they must be considered together so that the whole package of reforms make sense."

Baroness Judith Jolly, CoChair Lib Dems Parliamentary Party Committee on Health.

“I hope we can agree on an amendment to Clause 1 that will provide a proper basis for the future of the health service and will also command widespread support in the House. That is what I, and my colleagues from all sides, have been seeking. I am sure that if the Lords is left to do its job that is exactly what we will be able to do” **Baroness Shirley Williams**

“There is an inherent conflict between the Secretary of State’s overall responsibility, however expressed, and the duties to promote autonomy. This conflict must be addressed when we come to it, whatever we do about Clause 1(2). We are largely agreed that it is important to avoid micromanaging the bodies within the health service to whom power is to be devolved under this Bill. “ **Lord Marks QC**