**Health Board: Golden Jubilee Foundation**

**Completed by: Sandie Scott on behalf of Golden Jubilee Foundation Board**

**Date: 4 September 2018**

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| (1) How ready is your Board to deal with the potential operational impacts of EU withdrawal?; | EU withdrawal is a continually changing landscape with both direct and indirect consequences for the Golden Jubilee Foundation. We are unique as we also have a hotel on site which brings more business related challenges than is normal for the NHS.  As a Board, We have been monitoring EU withdrawal and the potential impact via our Horizon Scanning process since the decision was announced.  We have added EU withdrawal to our Corporate Risk register and have an Executive nominated to lead on this issue. |
| (2) Is your Board already seeing impacts of EU withdrawal and, if so, what are you doing to mitigate these impacts?; | Due to the lack of clarity to date on EU withdrawal, our Board has seen minor issues only in relation to workforce. This has not impacted the board operationally and appropriate recruitment plans are in place. |
| (3) What risks is your Board identifying as a result of EU withdrawal, how are these being recorded and what sorts of mitigating actions are being identified to deal with them?; | We have been monitoring EU withdrawal and the potential impact via our horizon Scanning process since the decision was announced. The lack of clarity is one of the biggest risks but i n scoping the different scenarios we have considered risk across our key clusters as follows.   1. **Workforce/Talent management**   Policy of freedom of movement and mutual recognition of professional qualifications mean we have a high percentage of EU workers within the NHS Scotland workforce. The Government have given verbal assurances that EU citizens will be able to remain in the UK however the actual detail of what post Brexit migration policy will look like is still unclear. The ability to retain existing EU staff but also recruit in future from these areas is also important.  **Golden Jubilee response**: We already have an existing risk related to workforce development on our Board ris register and this is being revised to take EU withdrawal into account. We have identified Medical staff and Hotel Housekeeping as being high risk areas.  A more detailed workforce risk register is currently being developed to illustrate each speciality and the risks for that service. We already collaborate with West College to explore opportunities for young people and this would mitigate our housekeeping risk in the hotel. .   1. **Potential impact of Brexit on supply and availability of medicines.**   **Regulation:** The UK has maintained a strong regulatory authority in the [Medicines and Healthcare products Regulatory Agency](https://www.gov.uk/government/organisations/medicines-and-healthcare-products-regulatory-agency) (MHRA) and they issue licences for 80% of medicinal products available in the UK. However, this relies heavily on the work of the European Medicines Agency (EMA). On 23 August, the Scottish Government issued an update on medicines following the possibility of a “no deal” EU exit.  **Golden Jubilee response**:  It is understood the UK Government are contacting medicine manufacturers inviting them to increase their stock pile of medicines with the aim that the UK has an additional six weeks supply on top of normal stocks.  It is expected that National Services Scotland / National Procurement will lead on the advice and response for NHS Scotland in this area. This would be a key area for a ‘Once for Scotland’ approach bearing in mind the huge degree of uncertainty and differing views on the impact of Brexit. Pharmacy will liaise with colleagues across Scotland as the Brexit negotiations continue and highlight any relevant risks / specific actions required for the Golden Jubilee Foundation.   1. **Research**   While it is not possible to anticipate the outcome of BREXIT negotiations, it is hoped that any resulting amended UK regulation will not disadvantage the UK. However, regulatory uncertainty or lack of alignment could make the UK less attractive as a location for clinical trials, and make it difficult for patients to participate in pan-EU trials.  Other potential issues could be loss of research funding (EU funding makes up 16% of UK university funding) and data sharing issues (e.g. if fall out of EU data protection regulations).  Less tangible issues are of concern, e.g. will the UK still be seen to be a good place for device and pharmaceutical companies to place research. The UK is currently perceived as high regulation in terms of healthcare research. This also means a perception of high quality. If the UK becomes a low regulation environment, quality is also affected which may mean that device and pharmaceutical companies place research in other (EU) countries.  **Golden Jubilee response:** The direct impact of BREXIT on research hosted by the Golden Jubilee is likely to have minimal impact on our research income given the low number of projects that are supported through EU funding.  The main concern is probably the perception of healthcare research in a non EU regulated environment. The Jubilee already has in place a Research Quality Framework and has an international reputation as a good (recruitment to target and on time) and efficient (quick approval times) place to do research.  In terms of recommendations, if the Golden Jubilee continues to work to the quality criteria set out in the Board’s Research Quality Framework, and continues to work with device and pharmaceutical companies efficiently, the impact of BREXIT may be lessened. The Jubilee is part of NHS Research Scotland (NRS) so will know of any BREXIT related issues that will impact healthcare research and should be able to deal with them as they arise.   1. **Procurement**   The Golden Jubilee is part of the NHS national Procurement community who have identified the following risks and mitigations. In late August, the UK Government announced that it plans to increase NHS centralised supplies of medical devices and clinical consumables and is discussing contingency plans with suppliers. It is unclear whether the items proposed to be stockpiled will meet Scottish requirements. NHS National Procurement represent our interests in these discussions  **Golden Jubilee response (as per National Procurement)**: Prepare a budget impact assessment based on potential EU tariffs; Prepare a resource impact assessment based on staffing and skills to deal with customs arrangements; Engage with NDC and key suppliers on potential lead time impacts and contingency planning  In terms of potential issues around access to ports of entry to the UK. The central team will engage with National Distribution Centre (NSS) and key suppliers on potential lead time impacts and contingency planning.  Against the risk of preferential rules of origin, an NHS position paper is being prepared to resource the administration of tariffs post BREXIT, as well as a budget impact assessment.  To combat the issue of low quality imports, NHS Scotland needs to understand the post Brexit regulator arrangements and build expertise for frameworks. In addition, we need to ensure bid assessment and call-off arrangements to maintain quality requirements   1. **Data frontiers and protection**   Transfers of data across Europe may be something that is necessary in the future. It would make considerable sense for the UK to maintain data protection laws that match those of the EU. In practice this means either adoption of the new European Data Protection Regulation (GDPR) or enactment of a law that provides the same level of protections with the GDPR. Currently, as a result of the EU Data Protection Directive (1995), transfers of personal data within the EU are acceptable without further data protection complications, as long as a basic data protection agreement is in place between the Controller and the Processor. This is based on the Directive creating “adequate level of data protection” within the EU.  **Golden Jubilee response**: We are developing two data processing agreements with third party data processors in the United States.  Both are Privacy Shield Certified and all appropriate risk assessments have been or are currently being carried out. However, it is worth noting, once we leave the EU next year, any data transfer to us may be seen as an International Transfer.  This is something that will be UK lead and we will take the lead from UK Government on this.  As a data controller, all of our data servers are based in the UK. |
| (4) What more needs to be done now to ensure operational readiness in your Board?; | As a Board, we will continue to keep up to date with new information as it becomes available through liaison with Scottish Government and NHS colleagues. This will ensure a consistent approach going forward in our key risk areas.  Our risk register and associated risks will continue to be reviewed on a regular basis through our Governance processes with appropriate mitigation.  Further work is required in relation to our workforce risks which will continue via existing processes and linking nationally and regionally. |
| (5) What is your Board doing to ensure it has the data it needs to (a) plan for the impact of EU withdrawal on your workforce and the local services you provide; and (b) consider the future immigration status of non-UK EEA staff?; | We have undertaken an initial scoping exercise based on the information we currently hold on our workforce. This has identified areas of risk (medical and hotel housekeeping staff).  The Golden Jubilee is about to commence a more detailed piece of intelligence gathering to provide a more robust plan around workforce. |
| (6) What is your Board currently doing to communicate with and support EU27 staff? | In addition to general awareness raising through Board, Senior Management Team and our standard communication  channels, we have directly communicated with affected individuals.  We have provided re-assurance and helpful questions and answers regarding Brexit. However, the key information staff are looking for is detail around what will actually happen regarding residency which is awaiting further clarity.  We have made a commitment to keep staff regularly updated and are preparing a guide for our staff to help with this. As an organisation, we have introduced processes to ensure individual concerns can be known and addressed. |
| (7) Have you assessed the potential financial implications for your organisation arising from EU withdrawal.  If so, what measures have you put in place to address these? | All the key areas noted above could potentially have financial implications and these have been taken into account as part of the overall risk.  In line with all public bodies. if the pound is devalued further as a result of Brexit this could raise our overall cost base.  Demand/limited access for certain core products could drive up the price. In addition, regular fluctuations in pricing could mean that we may need to react quite quickly to changes in the market  Particularly discussing our hotel, it is unclear how business will be affected. Rising costs and devalued pound could mean businesses will cut back on meetings and conferences (our core market). However, a weak pound may make the UK more attractive to tourists or non EU international conferences.  As a Board, we will continue to take account of all the potential assumptions/implications and associated risks associated with EU withdrawal. Our processes are adaptable and flexible so that we can ensure mitigations are quickly adopted once further information is available. |

**Return to** [**James.How@gov.scot**](mailto:James.How@gov.scot) **by 14 September 2018**