

From: La'Verne Montgomery
Director of Corporate Management



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Dear Colleague

PREPARING FOR EU EXIT

As you will be aware, the UK Government has agreed with the EU an extension of the Article 50 period to 31 October 2019. The Department of Health (DoH) has been leading a programme of work across the Health and Social Care system to make preparations for EU exit. This work has included developing contingency measures for a “no deal” exit from the EU. I am writing to you to provide an update and reassurance about the work underway and to highlight areas which may be of particular interest.

Work to support this aim has focussed on three particular areas: the Healthcare Supply Chain (including medicines and devices); Cross-border Movement and the Free Movement of People; and Patient and Service User Information.

Healthcare Supply Chain

Since the Acting Chief Pharmaceutical Officer’s last correspondence to providers on 3 July 2019, further intensive planning has been completed and is continuing on arrangements to maintain the supply of medicines, medical devices and other medical supplies for patients in Northern Ireland should the UK leave the EU ‘without a deal’.

The Department has been working with the UK Government to ensure that the needs of our patients are fully met within national planning decisions.

We have also been working with colleagues in other NI Departments and across the Health and Social Care system on arrangements to maintain supplies and support the normal day to day running of our health and social care services.

For you as providers of health and social care, the main points of advice have not changed:

- **The safety and well-being of people receiving health and social care services in Northern Ireland is our top priority.**
- **Patients using health and social care services do not need to do anything new or different.**
- **Patients should order prescriptions and take their medicines as normal, there is no need to order extra supplies.**
- **Hospitals, community pharmacies, GPs, dentists, care homes and other health and social care services should not stockpile supplies of medicines.**
- **Prescribers should not issue additional prescriptions.**
- **Patients in Northern Ireland will have access to supplies of medicines, medical devices and clinical consumables that are being stockpiled in the UK, if needed.**
- **Arrangements are in place to rapidly transport into the UK, including by air, items that cannot be stockpiled, that is items with a 'short shelf life'.**
- **The UK Government has stated that, if there are delays at the UK Border, medical supplies will be given priority for entry into the UK.**
- **Enhanced processes have been put in place in Northern Ireland to deal with any potential disruption in supplies quickly, and to minimise any impact on patient care until supply is restored to normal levels.**
- **Within health and social care, well tested arrangements for dealing with emergencies are ready to respond if needed.**

Cross-border Movement and the Free movement of People

Reciprocal Healthcare

Current arrangements for reciprocal healthcare (which includes the use of EHIC cards, S1 and S2 routes, and the Cross-Border Directive) will continue until 31 October 2019 and all healthcare professionals should continue to support individuals who apply for authorised

treatment or maternity care in another member state. In the event of a 'no deal' exit this may change and these arrangements may no longer apply, unless the UK is able to arrange a bilateral agreement to continue them.

Cross border Services

The Department expects that all cross border services which are arrangements between Northern Ireland and health and social care providers in the Republic of Ireland to continue unaffected as they do not rely specifically on EU legislation to function. This includes the Paediatric Congenital Heart Service, cross-border radiotherapy service in Altnagelvin, the North-West Maxillo-Facial Surgery Service and many other services.

Movement of people

You should consider the impact on travel for both staff and patients. It is not anticipated that there will be any border disruption relating to the movement of people; either staff or patients. However, you should reflect if staff are likely to be crossing the border in the course of their normal business that you consider the guidance on driving in the EU after exit. Further information can be viewed at <https://www.gov.uk/guidance/prepare-to-drive-in-the-eu-after-brexit>

Workforce

You should consider any potential impact of EU Exit on staffing and workforce, including making staff aware of the EU Settlement Scheme. If the UK leaves the EU without a deal, the deadline for applying is 31 December 2020. Further information on the EU Settlement Scheme can be viewed at <https://www.gov.uk/settled-status-eu-citizens-families>

Patient and Service User information

The Department and HSC organisations have been working with EU partners (and in particular the Department of Health (Ireland) & the Health Service Executive (HSE) in the Republic of Ireland to ensure arrangements are in place to enable exchange of required health and social care information.

The UK government has already indicated that there are no barriers to UK organisations continuing to transfer health and social care information to EU partners. EU partners wishing to transfer data to the Department or HSC organisations have to ensure that they meet the requirements of Chapter V of GDPR.

In the absence of the EU making an adequacy decision to cover EU citizens' personal data going to the UK, the Department and HSC have been working closely with our counterparts in the Republic of Ireland to identify the relevant Chapter V basis for ongoing international transfers. In most cases these transfers will take place through updated contracts and MOUs with Standard Contractual Clauses and provisions within administrative agreements. Other transfers can continue to take place on the basis of established international agreements.

In some ad-hoc data sharing instances, for example, for emergency care, transfers by EU partners may take place in line with the derogations listed under Article 49, Chapter V, GDPR; including transfers necessary for important reasons of public interest, or to protect the vital interests of the data subject or of other persons.

If you, as a service provider regularly treat patients from the Republic of Ireland you must ensure your contracts/MOUs have the standard contractual clauses updated. The Information Commissioner's Office (ICO) has released guidance on "international data transfers" in a 'no deal' scenario, which can be found at <https://ico.org.uk/for-organisations/data-protection-and-brexit/data-protection-if-there-s-no-brexit-deal/>

Operational Readiness/Business Continuity

Updated Operational Readiness Guidance was issued to the Health and Social Care system by the Department on 30 August 2019 and it is available on the Department's website <https://www.health-ni.gov.uk/department-health-ni-eu-exit-operational-readiness-guidance>. This builds on guidance issued by the Department for Health and Social Care (London). This guidance has been sent to all health and social care organisations, including independent providers, to ensure that the health and social care system as a whole is prepared. All providers are advised to use this guidance as a prompt to test their own contingency plans.

Structures have been put in place to deal with any potential disruption caused by the UK leaving the EU 'without a deal'. Should it be required, the Department of Health has established a Departmental Operations Centre which will report into the Northern Ireland HUB being established by The Executive Office. Alongside this, the HSC Board and HSC

Trusts will have an Operational Support Structure for EU Exit, in line with existing emergency planning arrangements, which are well-tested for dealing with emergencies whether that emergency is triggered by EU Exit or not.

You will receive further or updated health and social care specific guidance through the usual channels as this becomes available. This information will also be published on the Department's website EU Exit page <https://www.healthni.gov.uk/articles/eu-exit>. For wider public information, you may also wish to refer to <https://www.nidirect.gov.uk/campaigns/brexit>.

Yours sincerely

A handwritten signature in black ink, appearing to read 'La'Verne Montgomery', written in a cursive style.

LA'VERNE MONTGOMERY