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Dear Frank

As you know, we have today tabled a package of amendments to the Bill for Report stage in the House of Lords, which begins on 8 February. I wanted to share with you the details of these amendments and to address the concerns you have raised. In particular, I wanted to highlight the amendments we have tabled in relation to the status of Directors of Public Health, which I hope you will regard as a positive step in clarifying our plans.

We have published the full set of amendments, as well as briefing notes on each of these to explain them in more detail, on the Department's website:

<http://healthandcare.dh.gov.uk/category/health-and-social-care-bill>

As you are aware, we are pulling together every aspect of Government to improve our nation's health. At the national level, this will be through Public Health England, which we have proposed should be established as an executive agency of the Department of Health, and by delivering concerted cross-government action through the dedicated public health cabinet sub-committee that we have established. At the local level, this will be by putting local authorities in charge of driving health improvement, pulling together the work done by the NHS, social care, housing, environmental health, leisure and transport services.

The reforms give Secretary of State a duty to take steps to protect the health of the people of England. At the national level there is a clear rationale for accountability for health protection to rest with central Government, as the nature of various threats to health are not generally

amenable to individual or local action. Instead, they require clear “command and control” arrangements, resting on a clear line of sight from the centre of Government down to local services.

To do this the Bill abolishes the Health Protection Agency (HPA) and transfers its functions to the Secretary of State. Abolishing the HPA is part of a wider programme of reform that abolishes several other public health organisations in order to streamline a fragmented public health system. The aim of the reform is to exploit synergies across services and reduce inefficiencies due to overlapping responsibilities. Public Health England will bring together a range of organisations into one organisation in a public health system directly accountable to Secretary of State.

At the local level, the Bill gives local authorities the responsibility for improving the health of their local populations. The Bill says that local authorities must employ a director of public health, and they will be supported by a new ring-fenced budget. The Bill requires directors of public health to publish annual reports that can chart local progress.

The Government believes that many of the wider determinants of health can be more easily impacted by local authorities, who have overall responsibility for improving the local area for their populations. Local authorities are well-placed to take a very broad view of what services will impact positively on the public's health, and combine traditional "public health" activities with other activity locally to maximise benefits. The NHS will continue to have a critical part to play in securing good population health. The public health system will support the NHS at every level to do this, for example by supporting and encouraging GP practices to maximise their impact on improving population health.

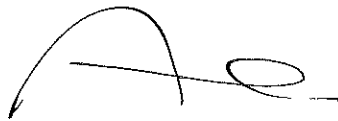
In response to concerns that you – and Peers in the House of Lords – have raised about the status of Directors of Public Health, we have tabled amendments that clarify this and other related matters. Given the importance of the leadership position of the Director of Public Health, we would expect the Director of Public Health to be of Chief Officer status with a direct line of accountability to the Chief Executive of the local authority. Having listened to the concerns raised with us, on reflection we agree that the status of the Director of Public Health needs a stronger statutory basis and the amendment we have tabled amends the Local Government and Housing Act 1989 to add the Director of Public Health to the list of politically restricted posts under that Act.

In addition, we are extending the powers of the Secretary of State to issue guidance in relation to the employment of the Director of Public Health. This amendment would require local authorities to have regard to guidance given by the Secretary of State in relation to its Director of Public Health, including guidance as to appointment and termination of appointment, terms and conditions, and management.

We have also responded to concerns about the employment of other public health specialists. We are amending the Bill to ensure that the Secretary of State is able to issue guidance to local authorities in relation to the appointment of officers of the local authority to discharge public health functions and to the terms and conditions of management of such officers. This power will allow the Secretary of State to produce guidance to which the local authority must have regard in relation to the employment of professional appraisal process for public health specialists employed by local authorities.

We believe that these amendments, as well as others we have tabled in other areas today, strengthen and improve the Bill. I would like to thank you for your ongoing discussions with us about these areas, and look forward to continuing dialogue with you as we move forward. I hope that you feel that we have listened to our concerns that that the changes we are making in particular help to address them. I hope that you will feel able to support these amendments.

Best wishes



ANNE MILTON