

Health Governance After Brexit: Law, Language and Legitimacy
ES/S00730X/1

Six month report for the steering group

February - August 2020

Here is a summary of what we have done in the last six months. If you would like further information about any of the items here, please get in touch with Ivanka Antova I. Antova@gub.ac.uk.

Staffing:

- During this period, the core team (Tamara Hervey, Mark Flear, Matthew Wood, Ivanka Antova) worked with two students, Natalia Miernik and James C Murphy, Sheffield (paid for by UK in a Changing Europe).
- Luke Pavoni continued to provide administrative support, working on the Twitterfeed and website.

Street ethnography, results and themes:

- Using a team coding method, outlined in the August 2019 report, we finished coding over 400 conversations from our field sites.
- The coding has revealed six key themes in the conversations, and multiple associated metaphors/narratives.
- Matthew Wood has submitted a journal article focused on the street ethnography to the *British Journal of Political Science*.

Elite semi-structured interviews: themes and continued co-produced outputs:

- Since the start of the project, we have now completed detailed legal and/or policy analysis and detailed briefings for:
 - Faculty of Public Health
 - Kidney Care UK
 - Cancer Research UK
 - British Medical Association (in Northern Ireland) x 2
 - Cancer Research UK
 - NHS Confederation x 2.
- Our Cancer Research UK briefing formed the background to their recommendations on the UK-EU negotiations, particularly concerning future clinical research.
- Our NHS Confederation briefings are informing the recommendations of the Brexit Health Alliance on the UK-EU negotiations, particularly concerning NHS and social care staffing.
- Matthew Wood wrote a research briefing for UK in a Changing Europe, 'Post-Brexit trade negotiations and health governance', July 2020.
- We remain open to further approaches from/co-production with our health policy sector collaborators, and others in the sector.

Outputs

- Academic conferences/workshops:
 - We presented papers at:
 - The LSE Department of Health Policy seminar series, held virtually, in May 2020

- The British Sociological Association Disability Studies Group seminar series, held virtually, in June 2020
 - The Northern/Irish Health Law and Ethics Network Seminar Series, held virtually, in June 2020.
 - We had two papers accepted at the Political Studies Association Annual Conference in Edinburgh, in March 2020; and one at the Law & Society Annual Conference in Denver, Colorado, in June 2020, but the former conference was cancelled and we withdrew from the latter which took place only virtually due to the COVID-19 pandemic.
 - We have a paper accepted at UACES, in Belfast, in September 2020, which we will deliver virtually.
- Public/policy engagements:
 - We have presented the project at:
 - The NHS Confederation, Wales, online webinar, on *COVID-19, EU Transition, and the Welsh health and social care sector* in June 2020.
 - Tamara Hervey was reappointed as Specialist Advisor to the House of Commons Health and Social Care Committee in March 2020, and continues to provide advice on matters related to Brexit and health.
 - blogs
 - Mark Flear, 'Coronavirus, Brexit and threats to health security' February 2020, UK in a Changing Europe blog.
 - Mark Flear, 'EU joint procurement – UK's delayed participation undermines the NHS and risks lives' March 2020 UK in a Changing Europe blog.
 - Tamara Hervey, Natalia Miernik and James C Murphy, 'How is Part Two of the Withdrawal Agreement (citizens' rights) enforceable in the courts' May 2020, EU Law Analysis: Expert insights into EU law developments blog.
 - Ivanka Antova, 'Disabled people's rights during the COVID-19 crisis' May 2020 QUB Policy Engagement blog
 - Tamara Hervey, 'The UK's "vaccine nationalism" over COVID-19' July 2020 UK in a Changing Europe blog.
 - Matthew Wood, 'Our trade deals will impact healthcare across Europe', July 2020, UK in a Changing Europe blog.
 - media engagements:
 - Mark Flear was interviewed for an article by Daily Telegraph on COVID-19 and UK access to the EU health security system in March 2020.
 - Mark Flear was interviewed for an article by Politico on UK's access to a COVID-19 vaccination in March 2020.
 - Mark Flear was interviewed for an article by Irish News on COVID-19 in March 2020.
 - Mark Flear co-wrote an article for The Guardian on Brexit and UK's response to a future pandemic in March 2020
 - Mark Flear co-wrote a letter on the EU's ventilator scheme that was published in The Guardian/Observer Online in March 2020
 - Mark Flear was quoted in an article by The Guardian on Brexit and COVID-19 vaccine on March 2020.

- Mark Flear was quoted in an article by The Express on Brexit and COVID-19 vaccine on March 2020.
 - Mark Flear was quoted in the New York Times Post on Brexit and COVID-19 in March 2020.
 - Mark Flear was interviewed by France 24 on COVID-19 in the UK in March 2020.
 - Tamara Hervey and Philippa Whitford MP recorded a podcast for UK in a Changing Europe, the Brexit Breakdown Podcast in May 2020.
- Publications:
 - Journal articles:
 - Wouters et al, 'Brexit and the European Medicines Agency—What Next for the Agency and UK Drug Regulators?' (2020) *JAMA Health Network*.
 - M Flear et al, 'Coronavirus shows how UK must act quickly before being shut out of Europe's health protection systems' (2020) *The British Medical Journal* 368:m400.
 - K P Purnhagen et al, 'More Competences than You Knew? The Web of Health Competence for European Union Action in Response to the COVID-19 Outbreak' (2020) *European Journal of Risk Regulation* 11 2, 297-306.
 - N Fahy et al, 'Assessing the potential impact on health of the UK's future relationship agreement with the EU: analysis of the negotiating positions' (2020) *Health Economics, Politics & Law* 1-18.
 - M C I van Schalkwyk et al, 'Risks to health & the NHS in the post-Brexit era' (2020) *The British Medical Journal* 369:m2307.
 - Other:
 - Darcy Foster, a project student intern from Sheffield, was selected to showcase her research on the project in the House of Commons in March 2020.

Documentary film:

- ShoutOutUK completed editing two versions of the film, entitled *Brexit, Health & Me* – a longer one for film festivals etc, and a shorter one for discussion-based events.
- The film was formally launched in QUB on 10 March 2020. Attendance was good, with about 30 people present, though because it was the start of the COVID-19 pandemic in the UK and Ireland, less so than it might otherwise have been. The public discussion after the screening raised a number of issues for further investigation and potential collaboration.
- With ShoutOutUK, we modified the original dissemination plan for the film.
- We used ShoutOutUK's online platform to showcase the film along with two sets of learning materials that we wrote. One is aimed at A-level politics students, and the other is for more general use with young people, to support remote learning during the time when COVID-19 meant schools were offering remote learning. We disseminated information about these learning materials to over 100 secondary schools across the UK.
- The University of Sheffield's, Centre for International and European Law hosted a 'Law Through a Lens' event, involving a screening of the film, and discussion with staff and students afterwards. 47 people registered, and we assume watched the film. 19 people attended the online discussion.

- ShoutOutUK is entering the film into some documentary film festivals.
- ShoutOutUK is negotiating with London Live, who have shown some interest in showing the film. This would involve some further editing to bring it up to date, and to 'balance' the commentary so that the film satisfies London Live's compliance unit.

Current work in addition to the above:

- The project team is now focusing on academic outputs, locating ourselves in various literatures, and contributing to methodological development in the field of social science:
 - Ivanka Antova has had an article accepted by the *Medical Law Review*, entitled 'Disability rights during COVID-19: emergency law and policy in England';
 - Matthew Wood has submitted an article to the *British Journal of Political Science*, entitled 'Researching "Left Behind Communities": the promise of ethnographic observation in post-Brexit UK';
 - Mark Flear and Ivanka Antova are working on two journal articles, on COVID-19 and health law post Brexit; and on responsabilisation for health post Brexit.
 - Tamara Hervey is working on a book proposal, provisionally entitled *Health Governance after Brexit: Law, Language and Legitimacy*. As part of the proposal, she has drafted the opening chapter.
- Tamara Hervey is working with the Nuffield Trust, who have secured funding from the Health Foundation for a pilot study, benchmarking health law and policy changes post-Brexit, which commences in August 2020.

Future work:

- Dissemination: We have applied to hold a virtual dissemination event as part of the UK Festival of Social Science. We are awaiting a decision from the University of Sheffield Faculty of Social Sciences. We have in principle agreement from UK in a Changing Europe to partner us in this dissemination event, which will be aimed at the health policy community, as well as the general public.
- We are still hoping to be able to hold dissemination events in each of our field sites, as well as an event in London. These are to be tailored to local needs and will mainly focused around Q&A and the film. Some events may involve collaboration with other Governance after Brexit teams and/or with UK in a Changing Europe. We have been unable to move forward with any of this type of dissemination because of the COVID-19 pandemic and associated restrictions. Delivering these planned events is contingent on us receiving COVID-19 follow-on funding from UKRI.
- Legal analysis: we will continue to carry out doctrinal legal research on health law after Brexit, working with our co-producers from the health policy field.
- Academic and scholarly activities: we had planned a team writing retreat to follow on immediately from the Political Studies Association conference in Edinburgh. If feasible, we will do this after PSA in Belfast in spring 2021. Having the team physically together, away from other distractions, will help significantly in terms of developing high quality scholarly outputs.
- We are working on a book proposal, led by Tamara Hervey, to be aimed at Hart Publishing's Law and Health series.

Practical:

- Budget: we are carrying out regular budget updates and have made sure to not overspend in our various activities. Our budget is healthy, because we have been unable to spend on conferences and travel

- As noted above, we will be applying to Sheffield University for our share of UKRI's COVID-19 follow-on funding, for projects affected by the pandemic. If successful, this will allow us to continue to employ Ivanka Antova for a further period of time, so as to complete the project as planned.
- Even if this is not successful, we are applying for a no-cost extension, to allow us to carry forward funding with the hope of attending in-person conferences in spring/summer 2021.