HEALTH OF THE PEOPLE

THE HIGHEST LAW?

THE NUFFIELD TRUST
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It is a great pleasure to add to the Chairman’s welcome to this conference on *Health of the People – The Highest Law* and I am grateful to the UK Public Health Association and the Faculty of Public Health who have helped us organise this national conference to consider the question:

**does the UK need a Health of the People Act?**

The Nuffield Trust has had a long interest in public health and in recent years has intensified its activities in this area. The 1997 Rock Carling Fellowship was awarded to Professor Walter Holland whose monograph, *Public Health The Vision and the Challenge* was published by the Trust in 1998. Later that year, in addition to contributing to the celebration of the 50th Anniversary of the NHS, the Trust also marked the 150th anniversary of the Public Health Act of 1848 by convening a high level workshop at Christ Church Oxford where all the relevant interests were represented at a senior and authoritative level. The workshop concluded that, although the public health function in the United Kingdom could look forward with a sense of excitement and anticipation to the next millennium, there was a need to modernise and adapt its mission, structure and organisation. Concerns of the participants were encapsulated in the lack of a clear answer to the simple question: who is responsible for the control of communicable diseases in these islands? Enough is known about what is necessary to improve the health of the people of the UK: the challenge lies in finding ways of ensuring that it gets done.

Guided by these discussions the Nuffield Trust commissioned research from Stephen Monaghan and his team in Cardiff, overseen by the UK Partnership for Global Health, to review the current legal framework and to consider if new legislation, perhaps comparable in significance with the Public Health Act of 1848, could help to promote and secure improvement for the next 150 years. The Trust wishes to record its appreciation for their work. Much has happened since the Oxford meeting: progress through the House of Lords this week of the draft bill following the Chief Medical Officer’s report *Getting Ahead of the Curve – an Infectious Disease Strategy*; a WHO review of the international health regulations following the SARS outbreak in Hong Kong; and a WHO initiative on non-communicable diseases led by Derek Yach; the New Zealand government’s efforts to define public health law and non-communicable diseases; and finally the priority given by the Prime Minister, the Chancellor of the Exchequer and the Secretary of State for Health as illustrated by the second Wanless Review, which has a strong public health emphasis.

This meeting is part of the Nuffield Trust’s programme of work in progress to test out firstly whether the UK needs a new Health of the People Act within the context of a protective state, recognising globalisation, regionalisation and devolution as driving forces, and considering how to ensure the development of national resilience in health through assessment, prevention, preparedness, response and recovery; and secondly what brief should be given to Parliamentary Counsel on drafting the Health of the
People Bill, as we consider factors that affect the health of the people: the importance of law as an adjunct to public health policy; the different directions in which sovereignty is moving with differences in devolution; strengthening of the European institutions; the emergence of global influences on public health locally, so graphically illustrated by SARS in early 2003; the current WHO initiatives to modernise international health regulations.

Today we will consider the current state of public health law, the European perspective, issues of sustainability and the environment, health protection, health improvement and governance, public health interest, the scientific perspective, presentation of public understanding and trust, capacity issues and the challenge for the professions and we shall then ask ourselves why the law matters. This will be a participative meeting informed by a number of plenary and panel discussions and Stephen Hesford, at the end of the day, will sum up with a question of what do we do next?

John Wyn Owen CB
Secretary
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