



Health Policy

Introduction

Wales has developed a distinctive health policy aimed at reflecting national aspirations, issues and resources. The country has some of the highest levels of ill health in the UK which tend to occur in concentrated pockets, scattered throughout the country. Rural Wales, with low population density and poor transport and communications, has specific problems in relation to accessing health services.

Following the 2007 Assembly Elections, the newly-formed Labour/Plaid Cymru Coalition Government produced *One Wales*,ⁱ its agenda for the next four years. Section 3 (p.8), *A Healthy Future*, set out six key objectives for the programme of government:

- Reviewing NHS reconfiguration
- Strengthening NHS finance and management
- Developing and improving health services in Wales
- Ensuring access to health care
- Improving patients' experience
- Supporting social care

These objectives build on previous Assembly Governments' strategies, *Designed for Life*,ⁱⁱ published in May 2005, and *Improving Health for Wales: a Plan for the NHS with its Partners* (2001),ⁱⁱⁱ and include specific objectives which both distinguish *One Wales* from its predecessor plans and typify the philosophy of the Assembly Government that underpins its vision for health in Wales, making it distinctive from other UK regions, particularly England. These include:

- Ending the internal market
- Eliminating the use of private hospitals by the NHS in Wales by 2011
- Ruling out the use of Private Finance Initiative in the Welsh NHS during the third term of government
- Seeking legislative competence in relation to mental health
- Maintenance of free prescriptions
- Reforming charges for hospital parking and in-patients' access to telephones and televisions
- Developing a democratic and localised consultation process for reconfiguration proposals
- Building up the Community Dental Service and employing more salaried dentists

Details of how the commitments will be achieved by 2011 and timescales are contained in the *One Wales Delivery Plan*.^{iv} In addition to the Assembly Government's strategic plan, all local authorities in Wales have Health, Social Care and Well-being strategies and work together with Local Health Boards to deliver health services for their communities. Local authorities in Wales also have responsibilities for delivering initiatives under *Health Challenge Wales*,^v the Assembly Government's overarching concept for health improvement policy initiatives and statutory obligations on local government.

One of the key features of health and health service delivery in Wales is that from the outset, a twin-track approach of improving health and providing better services was developed. The approach towards building a healthy nation is carried forward under the umbrella of the *Health Challenge Wales* programme, a concept that provides a focus for local government and health boards. *Health Challenge Wales* encourages individual and corporate participation in developing healthy lifestyles and working towards health gains.

Current and proposed legislative competence of the Assembly

Under the *Government of Wales Act 2006*, the National Assembly for Wales can seek legislative competence through Acts of Parliament or Legislative Competence Orders (LCOs) to make a piece of law in the form of an 'Assembly Measure'. Measures can only be made in a specific policy area (or 'Matter') added to one of the 20

'Fields' (or broad subject areas) which are contained in Schedule 5 of the Act.

As "Health and health services" is Field 9 of Schedule 5 to the Act, the National Assembly for Wales can seek Measure-making powers in this area.

In March 2008, *The National Assembly for Wales (Legislative Competence) (Conversion of Framework Powers) Order 2007* inserted Matter 9.1 "Provision for and in connection with the provision of redress without recourse to civil proceedings in circumstances in which, under the law of England and Wales, qualifying liability in tort arises in connection with the provision of services (in Wales or elsewhere) as part of the health service in Wales" into Schedule 5. ("Qualifying liability in tort" means liability in tort owed in respect of or consequent upon personal injury or loss arising out of or in connection with breach of a duty of care owed to any person in connection with the diagnosis of illness or the care or treatment of any patient.")

Forthcoming EU and UK primary legislation

The European Commission has no competence for health services other than public health. However, on 2 July 2008, as part of their renewed Social Agenda, the Commission adopted a proposal for a directive on patients' rights in relation to cross border healthcare. In addition, a Communication was issued on improving co-operation between Member States in this area. Despite several clear European Court of Justice rulings confirming that the EU Treaty gives individual patients the right to seek healthcare in other Member States and be reimbursed at home, uncertainty remains over how to apply the principles of this jurisprudence more generally. With this proposal the Commission aims to provide legal certainty on the issue.

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/08/1080&format=HTML&aged=0&language=EN&guiLanguage=en>

Key Welsh Government strategy documents and action plans:

One Wales: A progressive agenda for the government of Wales, 27 June 2007,

<http://new.wales.gov.uk/about/strategy/strategypublications/strategypubs/onewales/?lang=en>

One Wales Delivery Plan,

<http://new.wales.gov.uk/about/strategy/strategypublications/strategypubs/1walesdeliveryplan/?lang=en>

Designed for Life, May 2005, <http://www.wales.nhs.uk/documents/designed-for-life-e.pdf>

Improving Health in Wales, 2001, <http://www.triangleproject.org.uk/documents/NHSStrategydoc.pdf>

Useful links

- Local Government Health Improvement website: <http://www.wlga.gov.uk/english/health-improvement/>
- NHS Wales: <http://www.wales.nhs.uk/>
- Assembly Government Public Health and Health Professionals web-pages: <http://new.wales.gov.uk/about/departments/phhp/?lang=en>
- Welsh Centre for Health: <http://www.wales.nhs.uk/sites3/home.cfm?OrgID=568>
- Health Challenge Wales: <http://new.wales.gov.uk/hcwsuite/healthchallenge/?lang=en>
- NHS Direct: <http://www.nhsdirect.wales.nhs.uk/>
- Health-EU portal: http://ec.europa.eu/health-eu/health_in_the_eu/index_en.htm
- Chief Dental Officer for Wales: <http://new.wales.gov.uk/topics/health/professionals/dental/?lang=en>
- National Public Health Service Wales: <http://www.wales.nhs.uk/sites3/home.cfm?orgid=719>

Further information

For further information on health policy, please contact Carolyn Eason, Members' Research Service, (Carolyn.Eason@wales.gsi.gov.uk), 029 2089 8917

ⁱWelsh Assembly Government, *One Wales: A progressive agenda for the government of Wales*, 27 June 2007,

<http://new.wales.gov.uk/about/strategy/strategypublications/strategypubs/onewales/?lang=en>

ⁱⁱWelsh Assembly Government, *Designed for Life*, May 2005, <http://www.wales.nhs.uk/documents/designed-for-life-e.pdf>

ⁱⁱⁱNational Assembly for Wales, *Improving Health in Wales*, 2001, <http://www.triangleproject.org.uk/documents/NHSStrategydoc.pdf>

^{iv}Welsh Assembly Government, *One Wales Delivery Plan*, 2007

<http://new.wales.gov.uk/about/strategy/strategypublications/strategypubs/1walesdeliveryplan/?lang=en>

^vWelsh Assembly Government, *Health Challenge Wales*, <http://new.wales.gov.uk/hcwsuite/healthchallenge/?lang=en>