

HEALTH AND SOCIAL SERVICES COMMITTEE

REPORT TO PLENARY UNDER STANDING ORDER 9.9 LEGACY REPORT - 2003 to 2007

INTRODUCTION

i. The Health and Social Services Committee is one of the Assembly's seven subject committees. This report is made under Standing Order 9.9, which requires subject committees to report to the Assembly from time to time on their progress in fulfilling their work programme. The report is made separately from the Committee's annual report for 2006-07, and is in two parts. Firstly, it gives an overview of the strategic priorities and work activities of the Committee during the second Assembly. The second section of the report is a legacy to the relevant successor Committee(s) of the third Assembly, indicating key issues that those Committees may wish to consider.

ii. Copies of all the Committee's reports, agendas, papers, minutes and transcripts of meetings can be found on the National Assembly website.

1. STRATEGIC OVERVIEW

Remit and Responsibilities

1.1 The Committee's remit mirrors the portfolio of the Minister for Health and Social Services. Until 10 January 2005, this included responsibility for children's issues.

Work and Achievements

1.2 The Committee met 58 times during the second Assembly. It met jointly with the Education Lifelong Learning and Skills, Equality of Opportunity, and the Social Justice and Regeneration Committees on 27 January 2005, 13 March 2006 and 8 March 2007, to consider the annual reports of the Children's Commissioner for Wales. As part of its commitment to making its proceedings more accessible to the people of Wales, the Committee met in Carmarthen in December 2003 and Wrexham in July 2004.

1.3 The Committee's aim over the four year period has been to scrutinise the policies of the Welsh Assembly Government and to monitor their implementation to ensure that the people of Wales have access to services to improve their health and provide health and social care where it is needed.

1.4 The main priorities have been:

- the re-structuring of the NHS;
- reducing waiting times and delayed transfers of care;
- capacity;

- mental health;
- primary care strategy;
- standards and quality of social care;
- child protection.

1.5 The Committee has scrutinised eight Bills or draft Bills introduced by the UK Government and 61 pieces of secondary legislation. The Bills were:

The Children Bill (May 2004)

The Health Protection Agency Bill (May 2004)

The Draft Mental Health Bill (October 2004)

The Commissioner for Older People (Wales) Bill (May 2005)

The Children and Adoption Bill (November 2005)

The NHS Redress Bill (November 2005)

The Health Bill (January 2006)

Mental Health Bill (January 2007)

1.6 The Chair and two Members of the Committee gave evidence to the Parliamentary Joint Committee on the draft Mental Health Bill. The Committee also considered the Smoking in Public Places (Wales) Bill which Baroness Finlay of Llandaff introduced into the House of Lords. The Committee endorsed the principles of the Bill.

1.7 The Committee undertook three major policy reviews.

1.8 In October 2003 it undertook extensive public consultation on a review of the **Interface between Health and Social Care in Wales**. The Committee appointed Dr Vivienne Walters, Professor of Health Policy, Swansea University, as an expert adviser. As part of her work Dr Walters set up focus groups to gather evidence from service users and frontline providers in a less formal setting. Committee Members also undertook fact finding visits to service providers. The Committee's report was launched in March 2005 at the Forge Centre, Port Talbot. The Welsh Assembly Government accepted all of the recommendations. The Committee has subsequently monitored implementation, most recently on 7 February 2007.

1.9 In June 2004, the Committee agreed to undertake a review of **Standard 2 of the Mental Health National Service Framework**. Standard 2 covers user and carer empowerment. After written consultation and oral evidence from service users and providers in the statutory and voluntary sectors, the committee published its report in October 2005. The Minister accepted 10 of the recommendations in full and two in part. Implementation of the recommendations was monitored by the Committee on 7 February 2007.

1.10 Following preliminary consultation early in 2006, on 5 April the Committee agreed to undertake a policy review of **Cancer Services for the People of Wales**. The initial terms of reference were broad, but after written consultation, the Committee decided in September to narrow its focus to five aspects of service which were not already being developed actively and where there was felt to be scope to influence change. In view of the range of

technical and medical issues raised, the Committee appointed an expert reference group, under the chairship of Dr Andrew Fowell, to advise it. The group met four times, including a final meeting with the Committee in December 2006, when it advised on findings and recommendations. The Committee's report, with 17 recommendations, was published on 5 February 2007, and launched at the Wales Against Cancer Conference.

1.11 On 13 April 2005 Committee established a sub-committee under Standing Order 8.27. It comprised all members of the Committee, with the exception of the Minister. It was chaired by the Committee Chair, David Melding AM.

1.12 The purpose of the sub-committee was to scrutinise the Minister in more depth on the Welsh Assembly Government's performance in delivering policies and programmes within the Minister's portfolio;

1.13 The sub-committee met three times and looked at seven subjects:

16 June 2005	i. The NHS capital investment programme; ii. Performance of the Ambulance Service in Wales; iii. Services for looked-after children.
17 November 2005	i. Palliative Care ii. The direct payments scheme which enables care service users to purchase their own care.
5 April 2006	i. Implementation of the Townsend formula for the allocation of resources to the NHS; ii. The Welsh Assembly Government's policy for free home care for the disabled

2. LEGACY TO SUCCESSOR COMMITTEE(S)

Strategic Issues

2.1 It is recommended that successor Committee(s) should concentrate on the following high level strategic issues:

- ◆ The capacity of the NHS and its partners to meet the physical and mental health needs of the population, with particular regard to reducing waiting times and delayed transfers of care; emergency care services and the modernisation of the Ambulance Service.
- ◆ Improving health.
- ◆ Protecting the most vulnerable in the population, ie children, disabled and elderly adults

Cross-cutting issues

2.2 There are no specific issues outstanding, but the continuing links with education and the impact of poor housing on health should be kept in mind by

any successor committee. Similarly there is a need for all agencies delivering services for children to work closely together.

2.3 At the joint meeting of committees on 8 March to discuss the annual report of the Children's Commissioner for Wales, it was suggested that

Deleted:

- in future the Children's Commissioner's Annual Report should be scrutinised annually by a "Committee of the whole House"; and
- in the 3rd Assembly, a children's committee should be established to consider on a regular basis the full range of issues that can affect Children.

Other Items for Consideration

Primary Legislation

2.4 As indicated in para 1.5 above the Mental Health Bill is currently before Parliament. The Committee found that the Bill was fundamentally flawed and recommended that the Minister should seek framework powers for Wales. The Committee's report was debated in Plenary on 28 February. We recommend that a close watch is kept on developments to ensure that the provision for Wales is sustainable and compatible with the Mental Health Strategy and the National Service Framework.

Secondary Legislation

2.5 The Committee agreed a protocol for identifying and scrutinising significant pieces of secondary legislation. The following were identified for scrutiny, but were not available before the last meeting of the Committee

Title	Purpose	Estimated timing	Negative or affirmative resolution
The National Health Service Complaints Procedures (Wales) Regulations	To give a statutory basis to the NHS procedure introduced on 1 April 2003, presently contained in the Directions to the NHS	Not known	Affirmative
The Water Act 2003 (Commencement No 3) (Wales) Order	To bring into force s58 of the water Act 2003 for the purposes of introducing water fluoridation consultation regulations in Wales.	Not known	Negative
The Water Fluoridation (Wales Consultation) Regulations	To introduce regulations governing consultation arrangements for any fluoridation scheme(s) that might be introduced in Wales.	Not known	Negative
Shipman Inquiry Regulations	Changes to existing legislation in response to recommendations made in Shipman IV and V.	Summer 2007	Negative
The Care Standards Act 2000 - National Minimum Standards (NMS) for Care	Possibly to introduce a number of relaxations to the NMS for small care homes, ie	Not known	Not known

Homes for Younger Adults. The National Health Service (Pharmaceutical Services) Regulations	fewer than 3 residents. WP10 as a method of prescribing oxygen	Not known	Not known
The Food Additive Regulations (Wales)	To provide the replacement fro the Additives Framework Directive	May 2007	Negative.

Policy Reviews

2.6 The committee(s) of the Third Assembly may wish to monitor progress on the policy reviews of the first two Assemblies. The Committee recommends that, as a minimum, a Committee should scrutinise the Welsh Assembly Government on its response to the Health and Social Services Committee's Review of Cancer Services for the People of Wales, published in February 2007.

2.7. One of the issues raised in the review of cancer services was access to new drugs and therapies. The Committee's report recommended that the Welsh Assembly Government, in consultation with the UK Government, the Scottish Executive and other interested parties, should seek to establish a protocol for the appraisal of new drugs and therapies that will speed up the process and prevent unreasonable and uninformed public expectation. The Committee recommends that the National Assembly monitors progress on this and that a Committee should examine the relationship between the National Institute for Health and Clinical Excellence (NICE) and the All Wales Medicines Strategy Group and their respective roles.

2. 8 In October 2006 the Disability Rights Commission (DRC) presented their report for Wales "Equal Treatment :Closing the Gap". The Committee accepted that many of the recommendations would take time to implement, but it agreed that it should discuss the report again in March 2007 to check what progress had been made. The Welsh Assembly Government gave a detailed response to the report's recommendations and the DRC provided information on the response from other bodies. While much progress had been made, there were still gaps. The DRC would be reconvening its inquiry panel to review the recommendations later in the year.

2.9 The Committee recommends that the successor Committee should monitor progress later in 2007.

European Issues

2.10 The European Commission's Work Programme was published on 24 October 2006. It lists all strategic and priority items which the Commission will propose in 2007.

http://ec.europa.eu/atwork/programmes/docs/clwp2007_en.pdf

2.11 The Committee discussed the European Commission's proposed Community Framework for Safe and Efficient Health Services at its meeting on 14 March. There were other items in the Commissions work programme for 2007 that a successor committee my wish to discuss or monitor:

2.12 Communication on a European Strategy for Social Services of General Interest. This is a non-legislative Communication; however, it will consider the need and possibility of future EU legislation in this area. It is expected to be adopted in November 2007. The main objectives are to:

- Identify and recognise the specific characteristics of social services of general interest;
- Clarify the framework in which they operate and can be modernised; and
- Propose further steps to come to a systematic approach in the field of social services of general interest.

2.13 White Paper on health strategy: Health in Europe, a strategic approach.

This requires non-legislative action, and is expected to be adopted in Autumn 2007. The Health strategy aims at:

- developing a more comprehensive and coherent approach to all health actions and ensuring that the “health in all policies” approach is implemented;
- shaping a policy agenda on key health themes;
- helping address health inequalities and encourage health investment;
- developing EU capacity to respond to health emergencies / threats;
- strengthening co-operation between national health systems;
- strengthening the EU’s role in international health;
- monitoring progress with targets and indicators; and
- implementing mechanism and Community instruments.

2.14 White Paper on Nutrition. This requires non-legislative action, with an expected date of adoption in April 2007. The document will establish a strategy on nutrition and physical activity at EU-level. Its objective will be to promote healthy lifestyles in order to halt the rising prevalence of overweight and obesity and the chronic conditions that weight issues cause. It will promote a partnerships approach to implementation. It is the follow up to the Commission’s Green Paper on promoting healthy diets and physical activity to which the Health and Social Services Committee responded in February 2006.

Rhodri Glyn Thomas AM
Chair
March 2007