

HEALTH AND SOCIAL SERVICES COMMITTEE

REPORT TO THE ASSEMBLY

1. Introduction

1.1 Standing Order 9.9 requires subject committees to report to the Assembly on their progress in fulfilling their forward work programme. This report covers the period 3 June 2003 to 31 March 2004.

2. Membership

2.1 During the year membership was:

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|------------------------------|---|
| David Melding (Chair) | Val Lloyd |
| Jocelyn Davies | Jonathan Morgan |
| John Griffiths | Gwenda Thomas |
| Jane Hutt (Minister) | Rhodri Glyn Thomas (from November 2003) |
| Ann Jones | Kirsty Williams |
| Dai Lloyd (to November 2003) | |

3. Meetings

3.1 During the period the Committee met formally 13 times. All meetings were held in public. In receiving evidence for its review of the interface between health and social care services, the Committee met in Carmarthen.

4. Remit and Responsibilities

4.1 The Committee's remit is based on the portfolio of the Minister for Health and Social Services, which covers all aspects of health care; food safety; social services and social care; children and young people, including childcare. The Committee's portfolio is attached at Annex 1.

4.2 The responsibilities of subject committees as set out in Standing Orders are attached at Annex 2.

5. Aims and Objectives

5.1 The Committee set out its aim in the Strategic Forward Work Programme for the period from June 2003 to December 2004, which it approved on 11 June 2003. The aim 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 are provided with health and social care when it is needed.

5.2 The Committee agreed that in reviewing and developing policy it would make recommendations that would lead to high quality, cost effective services that were properly regulated and inspected.

6. Progress

6.1 The Committee has concentrated on the scrutiny of legislation and its policy review. It has also received regular reports from the Minister on priorities identified in the Strategic Forward Work Programme.

7. Policy Development and Review (Standing Order 9.7)

Review of the Interface between Health and Social Care Services

7.1 The Committee's consideration of the Review of Health and Social Care in Wales (the Wanless Report) influenced its decision to carry out a review of the interface between health and social care services and, as part of its early evidence gathering, Derek Wanless was invited to put his views based on the findings of the report to the Committee.

7.2 An extensive public consultation exercise began in October. 67 responses were received. 12 individuals/organisations have given oral evidence to the Committee and a further two sessions are planned for the summer, one of which will take place in Wrexham. The organisations represented a wide range of interests, including voluntary organisations, NHS, and local authorities.

7.3 The Committee appointed Professor Vivienne Walters, Professor of Health Policy at the National Centre for Public Policy at the University of Wales, Swansea, as expert adviser to support its work. In addition to the formal evidence sessions, Professor Walters has held a number of informal focus groups to obtain the views of service users, carers, volunteers and service providers.

7.4 The Committee will consider the evidence it has received over the summer and report to the Assembly later in the year.

Other Issues of Policy Development and Review

7.5 The Committee discussed the Welsh Assembly Government's responses to Lord Laming's report of the inquiry into the death of Victoria Climbié and the UK Government's green paper "Every Child Matters".

7.6 The Advisory Group established by the Minister, and chaired by the Deputy Minister presented its proposals for a Commissioner for Older People to the Committee.

7.7 The Committee considered reports of two Committees of the first Assembly:

- Gypsy Traveller Review (Equal Opportunities Committee)
- Participation in Sport and Physical Exercise (Culture Committee)

7.8 It also followed up the progress in implementing the recommendations of the previous Health and Social Services Committee's report on the implications for Wales of the Phillips (BSE) Inquiry Report.

7.9 Following discussion of the review of the Adult Mental Health National Service Framework, the Committee may look further at Mental Health Services for adults and / or children and adolescents, and consider the possibility of undertaking a policy review of some aspect of the service.

8. Scrutiny of Legislation (Standing Order 9.8 (i))

8.1 The previous Health and Social Services Committee had agreed that when it examined proposed secondary legislation it would focus discussion on amendments proposed and notified in advance by members. At its first meeting in June 2003, the Committee agreed a protocol that continued this practice and extended it to the consideration of primary legislation, unless there was agreement to waive it in exceptional circumstances.

8.2 The Committee regularly receives a schedule of secondary legislation proposed by the Welsh Assembly Government, from which Members identify any items they consider should be scrutinised by the Committee.

8.3 The Committee has considered 18 pieces of secondary legislation, including three that were referred to the Committee by the Deputy Presiding Officer in accordance with Standing Order 22.5 (now Standing Order 24.6).

8.4 The Committee also considered the Smoking in Public Place (Wales) Bill, introduced into the House of Lords by Baroness Finlay, and gave its unanimous support to the principles of the Bill, which would give the Assembly the power to ban smoking in pubs, restaurants and other public places.

8.5 Two Bills were referred to the Committee following the plenary debate in December on the Queen's speech to Parliament. Both these Bills, the Children Bill and the Health Protection Agency Bill will be considered by the Committee on 5 May.

9. Monitoring and Scrutiny (Standing Order 9.7 (ii) and (iii))

9.1. The Committee has scrutinised the Minister on the Welsh Assembly Government's performance through the ministerial report she provides. It considered the protocol for improving social services for children and young people in the City and County of Cardiff and has continued to monitor progress.

9.2. The Committee scrutinised the Care Council for Wales on its annual report for 2002-03 and its plans for the future. It also scrutinised the annual reports of the Chief Inspector of Social Services and the Children's Commissioner for Wales.

10. Appointments (Standing Order 9.8)

10.1 David Melding and Val Lloyd have been the Committee's nominees for public appointments. They have been on the interview panel for the post of Chair to Pontypridd and Rhondda NHS Trust, and have been consulted about 79 other appointments.

10.2 The Minister for Health and Social Services was also involved on the appointment panel.

11. Budget (Standing Order 9.8)

11.1 The Committee considered and commented on the Assembly Government's proposed budget for 2004-2005. The Chair's letter conveying the Committee's recommendations is attached at Annex 3.

12. Cross-cutting Issues

12.1 The Committee has worked closely with other committees. It was invited to nominate a representative to take part in the Local Government and Public Services Committee's consideration of the Civil Contingencies Bill, and asked Ann Jones (chair

of LGPS Committee) to bring any health aspects to that Committee's attention. Similarly, representatives were sought to take part in the European and External Affairs Committee's consideration of the implications of the European Commission consultation on working times. Jonathan Morgan and Rhodri Glyn Thomas, who are both members of that Committee, were asked to bring any matters relating to health back to the Committee.

11.2 The Committee resolved that David Melding should represent its interests in the Education and Lifelong Learning Committee's policy review of special education needs.

13. The Statutory Schemes

13.1 The Committee has taken account of the National Assembly's statutory schemes for relations with the local authorities and the voluntary sector, and the sustainable development scheme in the course of its work. Similarly it has had regard to the requirements of the Race Relations Act.

14. The Future Programme

14.1 The Committee's priorities for 2004-2005 are set out in the Strategic Forward Work Programme. Key subjects include:

- ◆ Services for the mentally ill;
- ◆ The implementation and effectiveness of the Primary Care Strategy and the new general medical services contract;
- ◆ The implementation of the recommendations of the Review of Health and Social Care in Wales (*"The Wanless Report"*);
- ◆ Social Care - Standards and Quality:
 - ◆ Future of Joint Inspections between SSIW and Audit Commission,
 - ◆ Child Protection, and
 - ◆ The Care Standards Inspectorate;
- ◆ Mental Health Bill which the UK Government is proposing to publish for pre-legislative scrutiny; and
- ◆ Scrutiny of secondary and other primary legislation.

David Melding
Chair

The Committee's Portfolio

In accordance with s57(4) of the Government of Wales Act 1998, the Committee's portfolio follows that of the Assembly Minister:

- ◆ All aspects of the National Health Service in Wales, including general practice and primary care, **other than** (i) oversight of the medical professions; (ii) policy on surrogacy, xenotransplantation, embryology and human genetics; and (iii) licensing of medicines. (These matters are not devolved to the National Assembly).
- ◆ Charges for NHS services, including prescription, dental and ophthalmic and optical charges.
- ◆ The provision of services in Wales to the mentally ill.
- ◆ All aspects of public health in Wales, including food safety.
- ◆ The regulation of poisons.
- ◆ The activities of the Food Standards Agency in Wales.
- ◆ Genetically-modified food (**but not the cultivation of genetically-modified crops - this is for the Minister for Environment, Planning and Countryside**).
- ◆ Oversight of the Audit Commission's activities so far as relating to the National Health Service in Wales.
- ◆ Policy on care in the community.
- ◆ Policy on the provision of social services for children, including the regulation of playgroups, activity centres and childminding.
- ◆ Oversight of the social services activities of local authorities in Wales including the issuing of statutory guidance.
- ◆ Oversight of
 - ◆ the Care Council for Wales;
 - ◆ Health Professions Wales;
 - ◆ the Wales Centre for Health;
 - ◆ the Healthcare Inspectorate Wales;
 - ◆ the Children's Commissioner for Wales;
 - ◆ the Care Standards Inspectorate for Wales.
- ◆ Regulation of private care and nursing homes in Wales.
- ◆ Inspection of, and reporting on, the provision of social services by local authorities in Wales (via the Social Services Inspectorate for Wales).
- ◆ Adoption and fostering services in Wales (**but not adoption of children by UK residents abroad**).
- ◆ Cross-cutting responsibility for children, health improvement, and older people and carers.

Duties of the Committee

The Health and Social Services Committee is one of seven subject committees. The responsibilities of the subject committees are set out in the National Assembly's Standing Orders :

"9.7. Each subject committee shall

- i. contribute to the development of the Assembly's policies within the fields for which the relevant Assembly Minister is accountable to the Assembly;
- ii. keep under review the expenditure and administration connected with their implementation; and
- iii. keep under review the discharge of public functions in those fields by public, voluntary and private bodies.

Each subject committee shall also, within the relevant fields,

- i. advise on proposed legislation affecting Wales, including performing its functions under SO22 (now SO24);
- ii. provide advice to the Assembly Cabinet on matters relating to allocation of the Assembly's budget in accordance with Standing Order 19 (now SO21);
- iii. perform its functions under Standing Order 21 (complaints) (now SO23);
- iv. perform any functions assigned to it under the Code of Practice on Public Appointments Procedure made by the Assembly under Standing Order 20 (now SO22); and
- v. consider matters referred to it by the Assembly within its fields."

Standing Order 9.9 requires the subject committee to maintain a rolling programme of work covering periods of at least 12 months.

Pwyllgor Iechyd a Gwasanaethau Cymdeithasol

Health and Social Services Committee

Bae Caerdydd / Cardiff Bay
Caerdydd / Cardiff CF99 1NA

Eich cyf / Your Ref
Ein cyf / Our Ref HSS(2)-05-03

Jane Hutt AM
Minister for Health & Social Services

7 November 2003

BUDGET PROPOSALS 2004 - 2005

At its meeting on 5 November, the Health and Social Services Committee considered the draft budget for 2004-2005.

Members expressed concern about the adequacy of levels of provision for:

- ◆ the GP Out of Hours service;
- ◆ local government funding for social care;
- ◆ the costs of implementing the European Working Time Directive from August 2004; and
- ◆ local health boards and NHS trusts, which would have real term increases of only 0.52 per cent after inflation and the deduction of ring-fenced money;

and commented that:

- ◆ local authority provision for social care in revenue support grant (RSG) would leave little new money after pay rise costs had been met;
- ◆ consideration should be given to the principles of the Townsend report in the RSG formula;
- ◆ it was hoped that the Assembly Government would support the next phase of the Children's Hospital.

I should be grateful if you would convey the Committee's views to the Minister for Finance, Local Government and Public Services, in accordance with Standing Order 19.2.

David Melding AM
Chair