

Health and Social Services Committee

Minutes (HSS(2)-03-05)

Meeting date: Wednesday 2 February 2005

Meeting time: 9.00 to 12.25pm

Meeting venue: Committee Room 3, National Assembly for Wales

Assembly Members in Attendance

Assembly Member	Constituency
David Melding (Chair)	South Wales Central
Jocelyn Davies	South Wales East
Dr Brian Gibbons (Minister)	Aberavon
John Griffiths	Newport East
Val Lloyd	Swansea East
Jonathan Morgan	South Wales Central
Lynne Neagle	Torfaen
Karen Sinclair	Clwyd South
Rhodri Glyn Thomas	Carmarthen East and Dinefwr
Kirsty Williams	Brecon and Radnorshire

Officials in Attendance

Name	Job title
Jonathan Corbett	Social Services Inspectorate Wales
Dr Ruth Hall	Chief Medical Officer
Mike Shanahan	Older People and Long Term Care Policy Directorate

John Sweeney	Community, Primary Care and Health Service Directorate
Richard Tebboth	Social Services Inspectorate Wales
Graham Williams	Chief Inspector of Social Services
Carwen Wynne-Howells	Chief Pharmaceutical Adviser

Assembly Parliamentary Service

Name	Job title
Jane Westlake	Committee Clerk, Health & Social Services Committee
Claire Morris	Deputy Committee Clerk, Health & Social Services Committee
Peter Jones	Counsel

Item 1: Apologies, Substitutions and Declarations of Interest (9.00 to 9.05am)

1.1 There were no apologies or substitutions.

1.2 There were no declarations of interest.

1.3 The Chair welcomed Lynne Neagle and Karen Sinclair to the Committee, and thanked Ann Jones and Gwenda Thomas for their contribution to the Committee during their time as members.

Item 2: Report of the Chief Inspector of Social Services (9.05 to 10.40am) Paper: HSS(2)-03-05(p.1)

2.1 The Chief Inspector introduced his report on social services in Wales for 2003-04. He said that generally, performance in social services had improved. It was good in places but had not improved enough across the board and the pace of improvement needed to be increased. Examples of good practice needed to be disseminated and lessons learnt from them. It was important that good practice, and the commitment of staff, was recognised. This year, there would be a first round of social care accolades to recognise good practice and this should raise awareness of some of the achievements. Areas needing particular attention were assessment, care management and commissioning of services. Local authorities would need further targeted improvement support to help them move forward.

2.2 In response to comments and questions from Members, the Chief Inspector and his Deputy Chief Inspectors made the following points:

Children's Services

- The school nurse was an important part of the team. It was for the area child protection committee to ensure that different agencies liaised. The areas where performance was poorest were often those with poor communication.
- It would be important over the next two years to consider the new arrangements in the Children Act 2004 that would see area child protection committees replaced by local safeguarding children boards.
- Work had been continuing with Cardiff County Council and an update on the position would be included in the March ministerial report.
- The way in which figures were collected on the number children on the child protection register whose cases should have been reviewed meant that if a review date was missed for any reason it could not be included in the statistics for the year. This did not necessarily mean that reviews were not being undertaken.
- The performance indicator to monitor first placements for looked after children beginning with a care plan in place had been discussed with local authorities. Further work was needed with authorities to ensure consistency in reporting against the definition which sets out what has to be included for a care plan to be in place. It was possible to measure the timeliness of action, but the quality could only be assessed by inspection.
- Gwynedd had not presented any information on first placements beginning with a care plan in place for looked after children. This did not necessarily mean that there were no plans in place. There were sometimes gaps in the information available as authorities worked to improve their management information systems but a great deal of progress had been made in improving these.
- Performance data was now more robust than ever but further work was needed in some areas on producing common definitions for recording management information.
- Work was being undertaken with Heads of Children's Services to try and analyse the reasons for the large increase in the number of looked after children in Wales.
- There had been an increase in the number of children subject to out of county placements. Authorities were being asked to develop strategic plans in relation to placement choice and stability.
- There was some evidence to suggest that authorities' inability to invest in preventative services was leading to increases in the number of looked after children.
- SSIW and social services policy interests would need to build relationships with CAFCASS and the Social Justice and Regeneration Committee, following the transfer of responsibility to the Minister for Social Justice and Regeneration.
- The reduction in stability of placements could be partly a result of the lack of choice available to local authorities when placing children with foster carers.
- Further consideration would be given to recording the number of looked after children who attain five GCSE passes at grades A-C.

Adult Services

- A multi-agency approach, with health and social care working better together, was needed to tackle delayed transfers of care.
- Arrangements were in place for a joint policy and SSIW team to go into areas where there were particular concerns about delayed transfers to identify problems and use examples of good practice from other areas to encourage improvement.
- There were concerns regarding performance in the Gwent area and a specialist team had been working with them to try and improve the situation.
- SSIW did not specifically monitor rehabilitation schemes, but as part of their reviews, inspections and evaluations they looked at success in promoting independence and the contribution of such schemes would be identified.
- The direct payments scheme was operated in partnership with voluntary organisations to ensure recipients received the support they needed.
- Work was being undertaken with Heads of Adult Services to assess the impact of 'Fairer Charging'.

Quality

- It was believed that authorities were scoring themselves more highly to reflect the effort they were putting in, but SSIW were looking for evidence that this effort was resulting in improved services.
- There was still difficulty in recruiting and retaining staff in social care work. A strategy was in place based on partnerships between all employers and the position was improving.
- There were also problems with the profile of social work, and it was difficult to put across positive messages about the service. More work was needed on this.

Action

- A definition of the term 'mental disorder' (paragraph 6.19 of the report) as applied by the Office of National Statistics would be provided.
- Enquiries would be made about the availability of information on the number of adoption breakdowns.
- The Chief Inspector would contact the Care Standards Inspectorate Wales and obtain figures on the number of domiciliary care hours being delivered; the number of care homes and the number of beds compared with 1997/98. Consideration would be given to including information on the range of people taking up direct payments in the next annual report.

**Item 3: The Carers (Equal Opportunities) Act 2004 (Commencement) (Wales)
Order 2005 (11.00 to 11.02am)
Paper: HSS(2)-03-05(p.2)**

3.1 The Committee identified the regulations for detailed scrutiny at its meeting on 12 January 2005. The draft regulations were considered in accordance with the Committee's agreed protocol for scrutinising legislation. No points of clarification had been raised or amendments proposed.

3.2 The Committee recommended approval of the draft Regulations.

Action

- Chair to send the Committee's report to the Chair of the Business Committee.

Item 4: The Children Act 2004 (Commencement No 1) (Wales) Order 2005; The CAFCASS (Staff, Property, Rights and Liabilities Transfer Scheme) Order 2005; The Children Act 2004 (Amendment of Miscellaneous Regulations) (Wales) Regulations 2005 (11.02 - 11.05am)

4.1 This item had been withdrawn from the agenda following the transfer of responsibility for CAFCASS to the Minister for Social Justice and Regeneration.

4.2 It was agreed that the Chair would write to the Chair of the Social Justice and Regeneration Committee advising her that the Health and Social Services had identified these regulations for scrutiny.

Action

- Chair to write to Janice Gregory.

Item 5: The National Health Service (Pharmaceutical Services) (Wales) Regulations 2005 (11.05 to 12.20pm) Paper: HSS(2)-03-05(p.4)

5.1 The Committee considered the draft regulations, which would implement the new NHS contract for community pharmacists, which had been negotiated and agreed with the profession in England and Wales. The draft that the Committee scrutinised was a first draft of regulations based on that prepared by the Department of Health for England. The Committee agreed to examine the Regulations in this early form in view of the time constraints for finalising them ready for implementation from 1 April.

5.2 The proposed regulations were considered under the protocol for dealing with secondary legislation agreed by the Committee on 11 June 2003, whereby Members notified in advance any queries or amendments they wished to make to the draft. There were no proposals for amending the regulations, but Plaid Cymru raised five points of clarification as indicated below.

- i. The regulations do not use gender neutral language.

Response: The Minister accepted that the convention of the National Assembly was to use gender neutral terms if at all possible. However the regulations would amend existing pre-1999 regulations which were not gender neutral and it might therefore not be appropriate to use neutral terms in this case.

- i. Was a regulatory appraisal carried out in relation to the regulations, as previously the Minister had committed to supply the Committee with any regulatory appraisal prepared with the draft regulations?

Response: The regulatory appraisal was being prepared. It would be available for the Business Committee and would be copied to Members.

- iii. Clarification on the interpretation of the meaning of one month's supply and its implication for traceability and original pack dispensing.

Response: In the context of the Regulations one month was 28 days.

- iv. Clarification on the timescales set out in regulation 9 in relation to the rights to refuse to dispense.

The concern with the proposed regulation 9 of Schedule 2 to the principal Regulations was with sub paragraphs (3)(a) and (b). These referred to a first prescription signed more than six months prior to presentation and a repeat prescription signed more than 12 months before presentation. These were considered to be long periods.

Response: The provisions were unchanged from the current Regulations. The time lapse allowed for prescriptions for people with chronic complaints who may suffer acute exacerbation of their condition at weekends or other times when it would be difficult to obtain a prescription.

- v. Regulation 15 says chemists shall provide advice to those who present prescriptions to a chemist and appear to be at risk from diabetes, heart disease, high blood pressure, smoke or are overweight. Can we have clarification on why these conditions are included and other obvious ones, such as drug and alcohol addiction, are not?

Response: The inclusion of alcohol misuse would be considered. Provision of wider advice on substance misuse would more appropriately be part of an enhanced service.

5.3 Time constraints resulting from the Department of Health leading negotiations on the contract prevented the Committee from having an earlier discussion of the new contract proposals. In view of this the Committee discussed other issues arising from the draft regulations and the proposed contract.

5.4 There was concern that the draft Regulations did not detail the provision of advanced and enhanced services. The Minister and the Chief Pharmaceutical Adviser said that it was important to have the new contract for the core services in place by 1 April. Standards and accreditation arrangements for advanced and enhanced services would be phased in subsequently. The Minister said that two aspects of advanced services would be available on 1 April under the Regulations. One, medicines use review, was specified in regulation 10. This would amend paragraph 6 of Schedule 3 to the principal Regulations. He would take advice on whether it would be possible to add prescription intervention services.

5.5 The Minister advised the Committee that it would be the responsibility of the local health board (LHB) to secure adequate access to enhanced services in its area.

5.6 Members were concerned that the proposed regulation 25(3)(a) of Schedule 2 to the principal regulations did not reflect the agreement reached in negotiation with the pharmaceutical profession. The draft regulation did not place any restriction or limitation on the LHB's power of direction. There was no provision for sanctions to be applied to a pharmacy that did not comply with a direction. The Minister contended that the power of direction would only be used in exceptional circumstances.

5.7 Members were concerned that the Regulations did not cover dispensing by doctors in rural areas, or the control of entry to the pharmacy market. There was also concern that the necessary information and management technology was not in place.

5.8 Members felt that responsibility for payment of extra hours needed to be made more specific. There was also concern that small pharmacists would be disadvantaged because they might not be able to afford to access the training necessary to become accredited.

5.9 The Chief Pharmaceutical Adviser said that the Welsh Committee for Professional Development of Pharmacy was commissioning the necessary training and all pharmacists and their support staff would have the opportunity to access it, as appropriate.

Action

- The regulatory appraisal to be copied to all Committee Members.
- Chair to send the Committee's report to the Chair of the Business Committee.

Item 6: Minutes

Paper: HSS(2)-01-05(min)

6.1 The minutes of 12 January 2005 were agreed.

6.2 An update on the changes to the relationship with the National Institute of Clinical Excellence (NICE) would be provided in the March ministerial report.

Action

- Update on relationship with NICE to be included in March ministerial report.