

**MINUTES**

**Date:** Wednesday, 8 October 2003

**Time:** 9.00am to 12.35pm

**Venue:** Committee Rooms 3 & 4, National Assembly for Wales

**Attendance: Members of Health & Social Services Committee**

David Melding ( <b>Chair</b> )	South Wales Central
Jocelyn Davies	South Wales East
Jane Hutt (Minister)	Vale of Glamorgan
Dai Lloyd	South Wales West
Val Lloyd	Swansea East
Jonathan Morgan	South Wales Central
Lynne Neagle	Torfaen
Gwenda Thomas	Neath
Kirsty Williams	Brecon and Radnorshire

**In Attendance**

Sandy Blair Welsh Local Government Association

Peter Clarke Children's Commissioner for Wales

Joe Howsam Association of Directors of Social Services

Cllr Shan Wilkinson

Welsh Local Government Association

### **Officials In Attendance**

Chris Burdett

Children & Families Division

Dr Ruth Hall

Chief Medical Officer

Ann Lloyd

Director, NHS in Wales

Maria Michael

Social Services Inspectorate for Wales

Helen Thomas

Director, Social Policy Department

### **Secretariat**

Jane Westlake

Committee Clerk

Claire Morris

Deputy Committee Clerk

## **Item 1: Apologies and Substitutions and Declarations of Interest**

1.1 An apology was received from John Griffiths. Lynne Neagle substituted.

1.2 There were no declarations of interest.

## **Item 2: Ministerial Report (9.05 – 10.05am)**

### **Paper: HSS(2)-04-03(p.1)**

2.1 In response to comments and questions from Members on her report, the Minister made the following points:

### **Moving Forward with Consultants**

- It was not appropriate to discuss funding while negotiation and piloting of the amendments to the existing contract was continuing. More detail would be included in the next report.
- Secondary legislation should not be required to amend the existing contract.
- Consultants would be required to work a 37½ hour week plus an extra session. They would not be paid in NHS time to undertake private work.

## **Agenda for Change**

- Agenda for Change was the most significant change programme for staff in the NHS for many years. It was a complex, 3-year, 10% pay deal affecting thousands of staff in the NHS and needed inclusive working. The way in which the implementation work was being done was justified to take the programme forward in a rigorous way.
- A General Practitioner (GP) was a member of the Welsh Implementation Project Board, in addition to the Local Health Board (LHB) representative. Details of the membership of the Board would be included in the next report.
- Ian Stead had taken up the post of Director of Pay Modernisation and would be looking at all aspects of the implementation of Agenda for Change and learning from the pilots in England. This would include issues around staff training.

## **General Medical Services (GMS) Contract**

- The timetable for secondary legislation was tight and the Committee's support would be necessary in ensuring it was implemented in Wales in line with the rest of the UK. A timetable would be included in the next report.
- LHB plans to cover out of hours services were still in the early stages. An update would be included in the next report.
- Preparation for implementation of the new contract had been inclusive and LHBs were involved in all of the sub-groups. Work was also ongoing to develop quality standards and links to other strategies and NSFs.

## **Working Time Directive**

- An audit of the implications for the NHS of the European Working Time Directive was being carried out. An update would be included in the next report. This would include specific reference to maternity services.

## **Mental Health National Service Framework (NSF)**

- Projects receiving funding from the Assembly Government had to comply with the standards for the Mental Health NSF.
- Phil Chick had been appointed as Director of Mental Health. He would be carrying out a review of the impact of the NSF, to include an audit of key actions and how funding had been allocated, and developing a new project initiation document. The Committee could invite him to present the results to a future meeting.
- Clear guidance was available on commissioning mental health services and LHBs would be monitored to ensure this was being followed.
- Mental health should be a priority for the Committee when discussing the budget proposals.
- The purpose of establishing project boards and other groups was to involve service users and

providers in ensuring the NSF was implemented appropriately.

- Further information on the Care Programme Approach would be included in the next report.
- The Project Board was investigating delayed transfers of care for people with mental health problems for whom services were not available.

## **Diabetes National Service Framework**

- An all Wales steering group had been set up to evaluate the Expert Patient Programme pilots and assess whether there were other ways to enable the flow of expertise for more generic training for other chronic conditions.
- It would be important to use the expertise of Diabetes UK (Cymru) and Arthritis UK to develop a generic training programme for other chronic conditions.

## **Children National Service Framework**

- Waiting times for children would be addressed in the Children NSF and the Service and Financial Frameworks (SaFFs).

## **Single Use Instruments for Tonsillectomies**

- Procurement of instruments had been handled on an UK basis. Action had not been taken against the initial suppliers of the single use instruments that had been discontinued because of quality concerns.

## **Teenage Conceptions**

- Consultant midwives were ensuring support for young women and families in vulnerable communities where low birth rates were prevalent, and a number of sexual health initiatives were in place.

## **Palliative Care**

- Help was given where needed to ensure hospices were able to secure match funding.
- The palliative care strategy would be all embracing, including health, social care and voluntary sector contributions. Updates on the strategy would be included in future reports.

## **Making Children's Services Special (Managed Clinical Networks for Tertiary Services for Children)**

- A more detailed timetable would be presented to the Committee once work had started on the implementation programme in the New Year.

The Chief Medical Officer confirmed that of the list of tertiary services for children included in the Ministerial Report, paediatric neurology and paediatric nephrology had been identified for fast tracking. There had been some delay in securing an independent chair of sufficient status for the Neurosurgery External Working Group but that difficulty had been explained to parents. The key to developing a clinical network was the ability to set standards and in most specialties this was unknown territory. There had been a requirement to conduct an option appraisal in respect of configuration, particularly in neurology services in South Wales, and undertake an audit involving the collation of complex data sets.

### **Examination of Arrangements made by Cardiff and the Vale of Glamorgan for Safeguarding Older People in Hafod Homes**

- There were still a number of issues on how the Care Standards Act and its regulations impacted on Hafod homes, which were being pursued by the Care Standards Inspectorate for Wales. The Minister would provide an update on the position in her next report, if the information was available.

### **Delayed Transfers of Care**

- LHBs had submitted bids for additional funding and the panel that assessed the bids had met in September. The use of additional funding would be carefully monitored.
- Trusts would have to provide robust plans to demonstrate that additional funding to tackle orthopaedic waiting lists would be spent appropriately.

### **Action**

- Regular updates on the Palliative Care Strategy would be included in future reports.
- The Committee to consider inviting Phil Chick to present the results of the review of the Mental Health NSF.
- A detailed timetable for the development of managed clinical networks for tertiary services for children would be provided once work had started on the implementation programme in the New Year.
- The following items would be included in the next Ministerial report:
  - Update on the amendments to the consultant contract.
  - Details of the membership of the GMS Contract Welsh Implementation Project Board.
  - Progress report on LHB planning for out of hours provision
  - Update on the implications of the European Working Times Directive on the NHS in Wales, including specific reference to maternity services.
  - Information on the Care Programme Approach (CPA).
  - Update on Hafod homes.
- Committee to consider role in processing proposed secondary legislation on the GMS contract.

### **Item 3: Pharmacy Reward Scheme Regulations (10.15 - 10.20am)**

**Papers: HSS(2)-04-03(p.2)**

3.1 The draft regulations were handled under the protocol for dealing with secondary legislation agreed by the Committee, whereby members notified in advance any queries they had or amendments they wished to make to the draft. Members had not raised any queries or notified any amendments to these regulations. The Chair would write to the Deputy Presiding Officer advising him that the Committee did not have any comments.

#### **Action**

- Chair to write to Deputy Presiding Officer.

### **Item 4: Policy Review: Interface between Health and Social Care (10.20 - 10.40am)**

**Paper: HSS(2)-04-03(p.3)**

4.1 The terms of reference for the policy review were agreed.

4.2 The timetable was agreed in principle. Members welcomed the opportunity to receive evidence from Derek Wanless, although there was some discussion as to whether this would be more appropriate nearer the end of the review. It was agreed that Mr Wanless would be invited to the Committee on 13 November as planned, as he would be in Cardiff on this day. Consideration would be given to inviting him back at the end of the review if this proved necessary.

4.3 The draft consultation letter and distribution list were agreed, subject to the addition of appropriate cabinet members of local authorities and the North Wales Association of Domiciliary Care Providers. Members were asked to advise the Clerk as soon as possible after the meeting if they thought of any other organisations they wished to add to the list.

4.4 The appointment of an expert adviser was agreed. The post would be advertised in professional journals only.

4.5 It was agreed to delay making a decision on the establishment of a reference group until the written evidence had been received and evaluated.

### **Item 5: Forward Work Programme (10.40 - 10.50am)**

**Paper: HSS(2)-03-03(p.6)**

5.1 The Chair had written to Members at the end of the summer term proposing that formal meetings of the Committee be held on the afternoons of 13 November and 11 December. Only one Member had objected to the proposal.

5.2 The Committee was divided on the issue of additional meetings. The Chair therefore proposed a vote on the following motion:

*"The Committee will meet formally in the afternoons of Thursday 13 November and Thursday 11 December"*

5.3 The result of the vote was:

***For***

Jocelyn Davies  
Dai Lloyd  
David Melding (Chair)  
Jonathan Morgan  
Kirsty Williams

***Against***

Jane Hutt (Minister)  
Ann Jones  
Val Lloyd  
Lynne Neagle (substituting for John Griffiths)  
Gwenda Thomas

5.4 The Chair used his casting vote, in accordance with the Presiding Officer's Guidance on Motions and the Disposal of Business (Casting Vote) in Committee to support the motion, for the following reasons:

- Only one Member had objected to the proposal to hold additional formal meetings;
- He believed that the work of the Committee needed to be conducted through formal sessions.

5.5 The Chair advised that if any Member felt he had exceeded his powers in his use of the casting vote they should raise their concerns with the Presiding Officer.

**Item 6: Schedule of Secondary Legislation proposed by the Welsh Assembly Government (11.15 - 11.20am)**  
**Paper: HSS(2)-04-03(p.4a) and HSS(2)-04-03(p.4b)**

6.1 The Committee identified the following items for consideration:

**Health and Social Services**

HSS-8(03) Community Health Council (Wales) Regulations 2004

HSS-10(03) NHS (Local Pharmaceutical Schemes) (Wales) Regulations 2003

HSS-11(03) Adult Placement Schemes (Wales) Regulations 2003

HSS-12(03) National Minimum Standards for Adult Placement Schemes 2003

HSS-13(03) Domiciliary Care Agencies (Wales) Regulations 2003

Domiciliary Care Agencies (Wales) National Minimum Standards

HSS-15(03) Childminding and Day Care (Amendment) (Wales) Regulations 2003

HSS-17(03) Childminding and Day Care (Suspension of Registration) (Wales) Regulations 2004

HSS-20(03) Childcare in Schools (Wales) Regulations 2004

HSS-27(03) Small Care Homes for Older People National Minimum Standards

HSS-28(03) Small Care Homes for Younger Adults National Minimum Standards

HSS-31(03) Health Professions Wales (Establishment, Membership, Constitution and Functions) Order 2003

HSS-34(03) National Assistance (Sums for Personal Requirements) (Wales) Regulations 2004

HSS-35(03) New Pharmacy Contract

Adoption Support Services (Transitional Provisions) (Wales) Regulations 2003

Adoption Agencies (Independent Review of Determinations) (Wales) Regulations 2004



		Wales Centre for Health (Constitution, Membership and Functions Procedures) Regulations 2003
		Healthy Start

**Item 7: Welsh Assembly Government Response to the Victoria Climbié Inquiry Report Paper: HSS(2)-03-03(p.5) (11.20 to 12.30pm)**

7.1 The Chair welcomed Cllr Shan Wilkinson and Sandy Blair, Welsh Local Government Association; Peter Clarke, the Children's Commission for Wales; and Joe Howsam, Association of Directors of Social Services.

7.2 The Minister introduced the Welsh Assembly Government's response to the Victoria Climbié Inquiry.

7.3 Cllr Shan Wilkinson said that this issue was being taken very seriously within local government and a lot of time and effort had gone into responding to the Welsh Assembly Government's consultation. The WLGA Co-ordinating Committee would be looking at this and the broader issue of corporate leadership and governance in relation to children on 31 October. Children's issues were an important part of local authority improvement plans but there were variations in quality and performance in this area. There was still work to be done but the WLGA was pleased to be working with the Assembly to make the improvements needed.

7.4 Peter Clarke welcomed the response. He raised concerns about staff recruitment and retention and how quickly responses might be made to calls to a 24-hour referral line, especially at weekends.

7.5 Joe Howsam said that he had attended an event the previous week organised for South Wales by the Welsh Assembly Government to discuss the response. Over 200 multi-disciplinary staff at all levels had attended, which demonstrated how seriously this issue was being taken, and he thanked Assembly officials for this and their work with the ADSS on taking some of the issues forward. He too expressed concern over workforce issues, particularly the requirement for more first tier managers, who were likely to be drawn from experienced front line staff. He also asked that Area Child Protection Committees were not disbanded but their experiences used and built upon. He was disappointed that Lord Laming's remit had not included education, as he believed this was key in identifying potential cases of abuse.

7.6 Members made the following comments regarding the Welsh Assembly Government's response:

- Notwithstanding that Lord Laming's investigation concerned deliberate abuse, measures to protect children from neglect should be addressed. Neglect was often deliberate and amounted to abuse.

- Greater consistency in policies and processes between local authorities was needed to prevent problems when children moved from one authority to another.
- Whilst many local authorities were taking this issue very seriously there was concern that some were not.
- Many of the recommendations referred to established good practice, but including this in a checklist did not mean local authorities could or would devote the resources to do them without it being a statutory requirement.
- Victoria Climbié had been the subject of private fostering but this was not referred to in the response.
- The Minister was urged to bring pressure to bear on the UK government to ban physical chastisement of children.
- The response to recommendation 27 was felt to be weak. Someone needed to be responsible for ensuring that local authorities were aware of and acted on their statutory responsibilities with regard to children's services.
- The response to recommendation 41 needed to address the personal responsibility of elected member.
- Recommendation 65 - the guidance should be issued to GPs.

#### 7.7 The Minister made the following additional comments:

- "Established good practice" related to the guidance, systems and procedures in place and they would be the context for the joint inspection reviews, performance management and audit of children's services.
- The audit being carried out by the Chief Inspector of Social Services would give greater clarity on how good practice was being implemented. A report on the results would be presented to a future meeting.
- The performance management framework being developed would be an annual evaluation of performance, the results of which would be fed back to the Committee via the annual report of the Chief Inspector of Social Services
- Bids for Children First funding were approved by the Assembly and the outcomes monitored. A formal evaluation of the Children First programme would be undertaken shortly.
- The UN Convention on the Rights of the Child was adopted by the UK Government in 1991 and consequently embraced all devolved administrations. The Minister would report back to the Committee on how the Assembly's support for the Convention could be strengthened.
- The Post-Graduate Deanery would disseminate guidance to GPs. A report on how this would be taken forward could be produced for a future meeting.
- Assembly officials met every local authority annually to look at their Children's Services Plans and Children and Young People's Framework.
- Consideration could be given in the Assembly to whether statutory powers should be given to Area Child Protection Committees.
- Working together was not just about resources, but about culture and the will to make changes.
- A poor joint review report would be followed up fairly quickly with another inspection by SSIW who would work with the authority to help them improve areas of concern. There was an

intervention protocol which could be used if no improvements were made, but this was an extreme measure.

- National Minimum Standards for private fostering would be introduced in Wales in 2004.
- 'Working Together to Safeguard Children' would be strengthened to reflect multi-disciplinary working.
- Any guidance on good practice issued to local authorities was achievable within their current resources.

7.8 The Chief Medical Officer confirmed that there was long standing guidance in place for clinicians on the appropriate steps to be taken if they believed a child could be suffering from harm or neglect.

7.9 Cllr Shan Wilkinson said that different corporate responsibility arrangements were in place in different authorities. Wrexham had a Children and Young People Scrutiny Committee that dealt with scrutiny arrangements. They had recently appointed a lead member with responsibility in this area, but they did not have accountability for children's issues, that rested with the whole Board. They also had Children's Champions, which currently covered looked after children but would be extended to children's issues that cut across all areas. Chief Executives had ultimate responsibility for what was happening corporately and Chief Executives around Wales were looking at what had been done in the past and what changes were needed. The WLGA could help in sharing good practice and testing which arrangements worked best. Many of the recommendations would require funding but there were interim measures that could be implemented relatively easily. While local authorities could implement all the requirements within existing resources, other services would lose as a result.

7.10 Peter Clarke said that there was great variation across Wales in understanding about corporate responsibility for children looked after by the local authority. Joint reviews were important in highlighting these variations. Training was crucial and he would like to see common modules of training in child protection for everyone who worked with children.

7.11 Sandy Blair said that best practice needed to be shared and the results of joint reviews and audits used to ensure improvements were made. He said greater collaboration was needed between authorities and across sectors and he was disappointed that Lord Laming's report had produced recommendations in silos.

7.12 Joe Howsam said that he had found his audit useful as a checklist. It was very comprehensive and identified areas of weakness and how they could be addressed. The establishment of LHBs was making cross-sector working easier.

7.13 Members asked the Minister to consider making reference to the following in preparing her response to the UK Government Green Paper "Every Child Matters".

- School governing bodies' have a statutory responsibility for child protection.
- The emergency services other than the police should be included.

**Item 7: Minutes (12.30 - 12.35pm)**

**Paper: HSS(2)-03-03(min)**

7.1 The minutes of 16 July were agreed.

**Item 8: Any Other Business**

8.1 The Chair would meet members of the Labour group outside the Committee to discuss the role of the Party Spokesperson's Group.