

MINUTES

Date: Wednesday, 23 June 2004

Time: 9.00am to 11.15am

Venue: Committee Room 3, National Assembly for Wales

Attendance: Members of Health & Social Services Committee

David Melding (Chair)	South Wales Central
Jocelyn Davies	South Wales East
John Griffiths	Newport East
Jane Hutt (Minister)	Vale of Glamorgan
Ann Jones	Vale of Clwyd
Val Lloyd	Swansea East
Jonathan Morgan	South Wales Central
Jenny Randerson	Cardiff Central
Gwenda Thomas	Neath
Rhodri Glyn Thomas	Carmarthen East & Dinefwr

Officials In Attendance

John Carter	Older People and Long Term Care Directorate
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Dr Ruth Hall	Chief Medical Officer
Ann Lloyd	Head, Health and Social Care Department
Mike Shanahan	Older People and Long Term Care Directorate
Graham Williams	Chief Inspector, Social Services Inspectorate Wales

Secretariat:

Jane Westlake	Committee Clerk
Claire Morris	Deputy Committee Clerk
Peter Jones	Counsel to the Committee

Item 1: Apologies and Substitutions and Declarations of Interest

1.1 An apology had been received from Kirsty Williams. Jenny Randerson substituted.

1.2 The Committee extended their congratulations to Dr Ruth Hall, Chief Medical Officer, who had been made a Companion of the Order of the Bath (CB) in the Birthday Honours List.

Item 2: Ministerial Report (9.05 – 10.20am)

Papers: HSS(2)-08-04(p.1)

2.1 The Minister introduced her report, highlighting the following issues:

- There would be a publicity campaign to raise public awareness of the potential for reimbursement of inappropriately refused funding for continuing NHS health care.
- The role of the previous Health and Social Services Committee in developing the Wales Eyecare Initiative was acknowledged.
- The Carers' Grant would continue to be ring fenced for a further year.
- A Food and Fitness Task Group for children and young people had been set up. The Minister would jointly chair the Group with Professor Stephen Tomlinson, Vice Chancellor of the University of Wales College of Medicine, and would bring its action plan before the Committee.

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

Section 1. Ambulance Service Performance

- Fully funding the air ambulance service could detract from the provision of core services and a balance needed to be found. Funding for paramedics on the air ambulance service was already provided. The Minister would discuss with her counterpart in Scotland how they had arrived at the decision to fully fund the Scottish Air Ambulance Service, but it should be recognised that remote, rural areas of Scotland were very different and more difficult to access than rural areas in Wales.
- A paper to note would be provided on how the additional £2.5m investment in the ambulance service had been spent.

Section 2. Childcare Allowances for NHS Students

- The allowance would only be available for registered and approved childminders.
- The Child Care Working Party would be asked to consider informal care and the role of family members in relation to allowances.

Section 3. Second Offer Scheme - Statistical Recording of Patients who have Declined a Second Offer

- Statistics were not collected on the age of people refusing a second offer.
- Work was being undertaken to look at why some areas had a higher rate of refusal than others.
- The scheme had been extended to target areas that currently had target waiting times of less than 18 months, e.g. cardiac and cataract surgery.
- The Service and Financial Frameworks (SaFFs) required that the maximum wait for an outpatient appointment was 18 months. Every Trust now had an Outpatient Improvement Manager, but more work was needed to improve outpatient systems generally.
- Information would be sent out again to GPs in an attempt to increase public awareness of the scheme.
- Further information would be provided on the reasons for refusal of a second offer in Swansea and what was being done to improve uptake.

Section 4. Inspection of Children's Services in Blaenau Gwent

- The Minister would make a statement to Plenary on 6 July.
- A report on progress would be provided in the autumn, following the Chief Inspector's review of progress made by the authority in the period ending 31 July.
- The Minister had been working closely with the Minister for Finance, Local Government and Public Services on this issue. The Improvement Board was also addressing social services as its top priority in the county.
- The Minister acknowledged members' concerns that, in view of its increasing responsibilities, the adequacy of the resources available to SSIW should be kept under review.

Section 5. Continuing Care and its Application after Guidance

- It was anticipated that the cost of reimbursing people who had been inappropriately refused funding for continuing NHS health care could amount to £10m. The Committee may wish to consider the implications of this in the autumn.

Section 6. Dental Contract and £5.3 million for NHS Dentistry in Wales

- Further information would be provided on action resulting from the Audit Commission report on Dentistry with reference to the frequency of check-ups; the review of the Community Dental Service and the oral fissure sealant programme; and the number of people in Wales not registered with a dentist

Section 7. Hepatitis C - Skipton Fund Ex Gratia Payments

- The question of whether partners of Hepatitis C sufferers, who had themselves become infected with the disease, should receive compensation from this fund would be investigated and a report provided to the Committee.
- A circular would be sent out to GPs, health professionals and citizens' advice bureaux advising them of the availability of the fund.

Section 8. Optometry Award

- A progress report would be provided on the Wales Eye Care Initiative.

Section 10. Community Health Councils (CHCs) Conference and New Powers

- CHCs were the independent voice of patients. Membership was drawn from local authorities, the voluntary sector and public appointments. They worked in partnership with LHBs but remained independent bodies.

Section 11. Carers' Strategy

- Guidance for schools on young carers would be formally launched on 28 June.

Section 14. Infertility Services

- A Working Group of stakeholders, including service users, had been set up to develop the social criteria couples would need to meet to be eligible for treatment. These would be made available to the Committee.

Section 16 'Big Fat Problem' - Social Action Campaign on Overweight and Obesity

- Members' concerns regarding the need to ensure an emphasis on healthy eating and exercise rather than diets and dieting were shared. The Welsh Assembly Government was focussing on food and fitness. Health Commission Wales was also developing an Eating Disorder Strategy.

Section 18. General Medical Services Contract - Out of Hours Provision

- Access to a member of the primary care team within 24 hours would be achieved by enhanced services element of the GMS contract and the access package being rolled out by the Centre for Health Leadership.

Action

- Information to be provided on the rationale behind the Scottish Executive's decision to fund fully the Air Ambulance Service
- Details to be provided on how the additional £2.5m investment in the ambulance service had been spent.
- Further information to be provided on the reasons for refusal of a second offer in Swansea and what was being done to improve take-up.
- Further information to be provided on the Audit Commission report on Dental Services with particular reference to the frequency of check-ups and the interface with the Community Dental Service and the oral fissure sealant programme; and the number of people in Wales not registered with a dentist.
- The Committee to consider scrutinising the new dental services contract
- The Committee to scrutinise the proposals for the new pharmaceutical contract
- The Minister to consider whether the ex gratia payments for people infected with Hepatitis C should be extended to infected partners.
- A progress report to be provided on the Wales Eye Care Initiative.
- A paper to note would be provided on the Adult Mental Health Strategy - Care Programme Approach.
- The Committee would receive information on the social criteria couples would need to meet to be eligible for fertility treatment.

Item 3: Welsh Assembly Government's Response to the Report of the Commission for Health Improvement on the Audit of Child Protection Arrangements (10.20 - 10.30am) Paper: HSS(2)-08-04(p.2)

3.1 The Minister introduced the Welsh Assembly Government's interim response to the CHI report. A full response would be published later in the year.

3.2 There was concern that the Committee was only receiving an interim response which did not include any timescales for implementing the changes arising from the report.

3.3 The Minister said that a lot of work had been going on since the publication of the CHI report in March. An interim report had been produced because she had wanted to take on board the whole picture for both the NHS and social services, and the SSIW validation of local authorities' self-assessment audits would not be available until later.

3.4 In response to comments and questions from Members, the Minister made the following points:

- 69 reports related to child protection had been published since the late 1980s. It was recognised that a co-ordinated response to safeguarding children was needed and the group led by Gwenda Thomas was working to develop an integrated plan.
- Investment in 'Informing Healthcare' and the development of the Electronic Patient Record would play a vital role in protecting children and tracking incidents.
- Recommendations 6, 8 and 9 of the CHI report had been accepted and would be included in the full response.

Item 4: The Community Care, Services for Carers and Children's Services (Direct Payments) (Wales) Regulations 2004 (10.50 - 10.55am)
Paper: HSS(2)-08-04(p.3)

4.1 The Committee considered the draft regulations, in accordance with its agreed protocol for scrutinising legislation. One point of clarification had been raised.

Point of Clarification raised by Gwenda Thomas AM

Regulation 7(2)(c)(i)

"Does the word "parent" include a foster parent or guardian?"

4.2 The Minister confirmed that this did not include a foster parent or guardian.

4.3 Members asked that the Minister make this clear when she introduced the regulations for debate by the full Assembly. The Minister also agreed to expand on the provision for a right of appeal should an individual not agree with the local authority's decision not to provide direct payments.

4.4 The Chair reminded Members of the importance of using the agreed protocol to raise points of clarification when considering legislation in the future.

4.5 The Committee was content with the regulations as drafted. A report would be prepared for the Business Committee.

Action

- Report on Committee's conclusions to be prepared for Business Committee.

Item 5: Adoption Agencies (Independent Review of Determinations) (Wales) Regulations 2004 (10.55 - 11.00am)

Paper: HSS(2)-08-04(p.4)

5.1 The Minister agreed to remove the word "panel" from the second paragraph of the Explanatory Note. This would now read, "The review panel cannot overturn a determination of an adoption agency."

5.2 Peter Jones, Counsel to the Committee, confirmed that as currently drafted there was a contradiction between the Explanatory Note and the Regulations, and the word "panel" should be removed.

5.3 The Committee was content with the regulations as drafted. A report would be prepared for the Business Committee.

Action

- Report on Committee's conclusions to be prepared for Business Committee.

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Item 6: Schedule of Secondary Legislation (11.00 – 11.05am)

Papers: HSS(2)-08-04(p.5a) and HSS(2)-08-04(p.5b)

6.1 The Committee identified the following items for consideration:

Health and Social Care

HSS 36(04)	The Water Act 2003 (Commencement No) (Wales) Order 2005
HSS 37(04)	The Water Fluoridation (Wales Consultation) Regulations 2005
HSS 39(04)	The National Health Service (Pharmaceutical Services) Regulations

Food Standards Agency

FS 12(04)

Colours in Food Amendment Regulations

Item 7: Current European Issues (11.05 - 11.10am)

Paper: HSS(2)-08-04(p.6)

7.1 The Committee identified the following items for consideration:

COM(2004)301 final Follow-up to the high level reflection process on patient mobility and healthcare developments in the European Union.

COM(2004)356 final Making healthcare better for European citizens: An action plan for a European e-Health Area

7.2 The Committee would discuss the implications of the European Working Times Directive with the Health Committee of the House of Commons at their meeting on 12 July. The Chair would also write to the Secretary of State for Wales.

Action

- Chair to write to Secretary of State for Wales.

Item 8: Proposed Topic for Short Policy Review (11.10 - 11.15am)

Paper: HSS(2)-08-04(p.7)

8.1 It was agreed that the Committee would undertake a review of Standard 2 of the Mental Health National Service Framework - User and Carer Empowerment. This would also encompass children and adolescent mental health services.

Item 9: Minutes

Paper: HSS(2)-06-04(min)

10.1 The minutes of the meeting held on 26 May 2004 were agreed.