

Agenda – Health, Social Care and Sport Committee

Meeting Venue:

Committee Room 4 – Tŷ Hywel

Meeting date: 11 December 2019

Meeting time: 09.15

For further information contact:

Sarah Beasley

Committee Clerk

0300 200 6565

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Informal pre-meeting (09.15–09.30)

1 Introductions, apologies, substitutions and declarations of interest

(09.30)

2 National Health Service (Indemnities) (Wales) Bill: Stage 2 Proceedings

(09.30–10.15)

(Pages 1 – 4)

Vaughan Gething AM, Minister for Health and Social Services

Frances Duffy, Director, Primary Care and Health Science, Welsh Government

Sarah Tyler, Lawyer, Welsh Government

Paper 1 – Marshalled list of amendments

Paper 2 – Groupings of amendments

Paper 3 – Voting order for tabled amendments

[National Health Service \(Indemnities\) \(Wales\) Bill, as introduced](#)

[National Health Service \(Indemnities\) \(Wales\) Bill – Explanatory Memorandum](#)

3 Paper(s) to note

(10.15)

3.1 Letter from the Board of Community Health Councils regarding the Health and Social Care (Quality and Engagement) (Wales) Bill

(Pages 5 – 7)



Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales

- 3.2 Letter from Medical Protection Society regarding the National Health Service (Indemnities) (Wales) Bill**
(Pages 8 – 9)
- 3.3 Letter from the Welsh Language Commissioner regarding the Health and Social Care (Quality and Engagement) (Wales) Bill**
(Pages 10 – 11)
- 4 Motion under Standing Order 17.42 (vi) to resolve to exclude the public from the remainder of this meeting**
(10.15)
- 5 Health and Social Care (Quality and Engagement) (Wales) Bill: Order of consideration**
(10.15–10.20) (Pages 12 – 15)
Paper 7 – Health and Social Care (Quality and Engagement) (Wales) Bill: Order of consideration
- 6 Everybody's Business: A report on suicide prevention in Wales – follow up**
(10.20–10.35) (Pages 16 – 30)
Paper 8 – Everybody's Business: A report on suicide prevention in Wales – follow up
- 7 Forward work programme: Consideration of forward work programme**
(10.35–11.20) (Pages 31 – 38)
Paper 9 – Forward work programme

- (3) The reporting period, for the purposes of this section, is the period of 18 months beginning with the day on which this Act comes into force.’.

Tudalen 2, ar ôl llinell 41, mewnosoder adran newydd –

[] Dyletswydd i lunio a chyhoeddi adroddiad ar effaith y Ddeddf hon

- (1) Cyn gynted ag y bo’n ymarferol ar ôl diwedd y cyfnod adrodd, rhaid i Weinidogion Cymru lunio a chyhoeddi adroddiad ar effaith y Ddeddf hon.
- (2) Rhaid i’r adroddiad gynnwys adolygiad o’r canlynol, ond nid yw’n gyfyngedig iddynt –
- (a) cyfranogiad cyrff a phersonau a restrir yn adran 30(2) o Ddeddf Gwasanaeth Iechyd Gwladol (Cymru) 2006,
 - (b) y goblygiadau ariannol, ac
 - (c) y materion trawsffiniol,
- sydd wedi codi o ganlyniad i’r Ddeddf hon.
- (3) Y cyfnod adrodd, at ddibenion yr adran hon, yw’r cyfnod o 18 mis sy’n dechrau â’r diwrnod y daw’r Ddeddf hon i rym.’.

Angela Burns

2

Section 2, page 3, line 3, leave out ‘the day after the day on which this Act receives Royal Assent’ and insert –

‘a day appointed by the Welsh Ministers in an order made by statutory instrument.

- (3) An order made under subsection (1) may not provide for any provision of this Act to come into force before an agreement has been reached between the Welsh Government and the Medical Defence Union in relation to the transfer of appropriate assets’.

Adran 2, tudalen 3, llinell 4, hepgorer ‘drannoeth y diwrnod y caiff y Ddeddf hon y Cydsyniad Brenhinol’ a mewnosoder –

‘ar ddiwrnod a bennir gan Weinidogion Cymru mewn gorchymyn a wneir gan offeryn statudol.

- (3) Ni chaiff gorchymyn a wneir o dan is-adran (1) ddarparu i unrhyw ddarpariaeth yn y Ddeddf hon ddod i rym cyn bod Llywodraeth Cymru a’r Undeb Amddiffyn Meddygol wedi dod i gytundeb mewn perthynas â throsglwyddo asedau priodol’.



GRWPIO GWELLIANNAU GROUPINGS OF AMENDMENTS

Bil y Gwasanaeth Iechyd Gwladol (Indemniadau) (Cymru)

National Health Service (Indemnities) (Wales) Bill

Cyfnod 2 ar 11 Rhagfyr 2019
Stage 2 on 11 December 2019

Mae'r ddogfen hon yn nodi ym mha drefn y caiff y gwelliannau eu trafod ac unrhyw wybodaeth berthnasol yn ymwneud â'r gweithdrefnau sy'n berthnasol i bob grŵp. Nid yw'r rhestr hon yn disodli'r rhestr o welliannau wedi'u didoli, sy'n nodi'r gwelliannau yn y drefn y cânt eu gwaredu. Dylai'r rhestr hon gael ei darllen ar y cyd â'r rhestr o welliannau wedi'u didoli.

This document provides the order in which amendments will be debated and any relevant procedural information relevant to each group. This list does not replace the marshalled list, which sets out the amendments in the order in which they will be disposed of. This list should be read in conjunction with the marshalled list.

1. Dyletswydd i lunio a chyhoeddi adroddiad ar effaith y Ddeddf hon

Duty to prepare and publish a report on the effect of this Act

1

2. Dod i rym

Coming into force

2



National Health Service (Indemnities) (Wales) Bill
Stage 2: Voting order for tabled amendments

Amendment Number	Member	Marshaled List Page No.	Voting Order	Relating to Group (number and title)
1	Angela Burns	1	1	Group 1 - Duty to prepare and publish a report on the effect of this Act
2	Angela Burns	2	2	Group 2 - Coming into force

Agenda Item 3.1



Bwrdd Cynghorau Iechyd Cymuned Cymru
33-35 Heol y Gadeirlan
CAERDYDD
CF11 9HB

Board of Community Health Councils in Wales
33-35 Cathedral Road
CARDIFF
CF11 9HB

24 November 2019

Dear *Dai*,

Health and Social Care (Quality and Engagement) (Wales) Bill

I write following the publication of the reports from the Assembly's Health Social Care & Sport, Finance and Constitutional and Legislative Affairs Committees on the above Bill.

The Board and CHCs would like to thank you for continuing to support the need for an independent and genuinely stronger people's voice body for health and social care in Wales. We also recognise that much of the evidence that was provided by CHC representatives and other organisations has been consistent and considered and reflected in the Bill and the recommendations included in the document.

As indicated in the evidence provided CHCs have welcomed the broad aims for the new body set out by the Welsh Government in the Bill. We think that the Bill's contents go some way to reflect what people tell us is important to them.

We were pleased to see, for example, that the proposals intend that the new body will:

- engage directly with people in different ways

- reflect the views and represent the interests of people in health and social care by making representations to health and care bodies (including on service changes)
- provide support to people under 18 who want to make a complaint about the NHS
- be a stand-alone, independent body outside the NHS that can employ its own staff and recruit its own volunteer members.

However, CHCs continues to believe that the proposals for setting up a new people's voice must be made stronger in some key areas so that the new body is equipped with the right tools to do the job across Wales. Some of these suggestions are included in the scrutiny committee recommendations.

We therefore believe that the proposals should be amended so that the following key principles, governing the design and operation of the new citizen voice body, are enshrined in law:

- The citizen voice body must be able to engage directly with service users whilst they are accessing care through a right of access to health and care settings
- People should be able to clearly see how their views and experiences have informed and influenced the decisions made by health and care bodies.
- Health and care bodies should have a duty to help and assist a citizen voice body meet its aims and deliver its functions.
- The citizen voice body needs a local, regional and national focus, supported by a strong framework of volunteer membership.

- The Citizen Voice Body may make representations to Welsh Ministers.
- A citizen voice body needs all the tools and resources to do the job.

Thank you once again for your support and we trust that the Bill will now continue through to the second stage of the process.

Yours sincerely



Chief Officer
Board of Community Health Councils in Wales

Agenda Item 3.2

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Dr Dai Lloyd AM
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Cynulliad Cenedlaethol Cymru
Bae Caerdydd
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CF991NA

18 November 2019

Dear Dr Lloyd,

National Health Service (Indemnities) (Wales) Bill

Further to my letter of 24 October 2019, and following the publication of your Committee's report on the National Health Service (Indemnities) (Wales) Bill, I wanted to take this further opportunity to share some additional thoughts on behalf of the Medical Protection Society (MPS).

Firstly, I wanted to warmly welcome the Health, Social Care and Sport Committee endorsement of the principles of the Bill.

As we made the Committee aware in our written evidence of 18 October 2019, we were at that time in advance negotiations with the Welsh Government about the transfer of assets to an ELS scheme. I am delighted to be able to inform you that we now have reached an agreement with the Welsh Government. This agreement will ensure MPS general practice members in Wales can turn to a state-backed scheme for help with clinical negligence claims, no matter when in the future they become aware of a claim, or how much that claim settles for.

To ensure a smooth transition, MPS will continue to manage existing claims for GPs in Wales during an interim period. After this time, claims will be managed by NHS Wales Shared Services Partnership, which has extensive experience of managing clinical negligence claims on behalf of Health Boards. During this interim period, we will share our specific expertise in the management of general practice claims, so members continue to benefit from high standards of claims management beyond this period.

Secondly, I would like to place on the record, that MPS has found the experience of working with the Welsh Government to be an extremely constructive and collaborative experience. MPS has only got to this stage because we have engaged openly and directly with officials, underpinned by our desire to see a good scheme put in place for our members; that is what we have achieved.

The swift passage of this legislation will be welcome. However, I must stress that the timing of it is irrelevant in relation to the ability of medical defence organisations (MDOs) to agree commercial terms with the Welsh Government. I appreciate that this has been of concern to the Committee, but I trust that our agreement with the Welsh Government will provide Assembly Members with reassurance.

Thirdly, can I strongly welcome the Committee's support for tort reform. MPS has long been at the forefront of calls for substantive reform, to address the rising cost of clinical negligence. As the Committee noted in its report, it is important that officials in the Welsh Government collaborate with their counterparts in Whitehall, to explore what the next steps for this important work could be.

I remain at the Committee's disposal if you would like to explore this issue further. Indeed, if I or MPS can be of any assistance to the Committee whatsoever, please do not hesitate to contact me.

Finally, can I pass on my sincere thanks to you and your AM colleagues, for your scrutiny of this Bill – especially as time has unfortunately been limited. Furthermore, can I also offer my sincere thanks to the clerks of your committee, who have provided my colleagues with such courteous and professional support while the Bill has been before you.

With best wishes,

Yours sincerely,



Howard Kew
Executive Director



Dai Lloyd AM
Chair, Health, Social Care and Sport Committee
National Assembly for Wales
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4 December 2019

Annwyl Dai

Health and Social Care (Quality and Engagement) (Wales) Bill – new Citizen Voice body

As you know stage 2 of the above Bill began on 27 November 2019. In my response to the Health, Social Care and Sport Committee's call for evidence on the draft Bill at stage 2, I explained that the best way to ensure that the new Citizen Voice body will be required to comply with Welsh language standards as soon as possible, would be to amend the reference to community health councils in the Welsh Language Standards (No.7) Regulations 2018 and for that to be reflected in schedule 3 of the Bill. In my opinion, this is essential in order to facilitate the smooth transition of these duties from the community health councils to the new organisation.

Although there is a commitment to continue with the process of setting Welsh language standards on public organisations in Wales and a specific commitment to introduce regulations for water companies and health and social care regulators, a further timetable has not been agreed. In the interim, some public sector bodies, such as Health Education and Improvement Wales, are not currently required to comply with Welsh language standards as they have not been named in the relevant regulations.

Therefore, in order to ensure consistency and to facilitate a smooth transition of language duties from the community health councils, the Citizen Voice body should be included in standards regulations from the outset. That would allow me to start working with them immediately after their establishment.

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Welsh Language Commissioner
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Correspondence welcomed in Welsh and English

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Comisiynydd y
Gymraeg
Welsh Language
Commissioner

As the Health, Social Care and Sport Committee considers amendments in stage 2, I ask that Committee members consider tabling an amendment to the Bill to amend the Welsh Language Standards (No.7) Regulations 2018 to include the Citizen Voice body and for the change to be reflected in schedule 3 of the Bill. I am of the opinion that these regulations are appropriate for the new organisation without the need to wait for further regulations. Operating in this way would be consistent with the way standards have been imposed on the Public Services Ombudsman for Wales in part 7 of the Public Services Ombudsman (Wales) Act 2019².

I have also written to the Minister for Health and Social Services and the Minister for International Relations and the Welsh Language to make them aware of this matter. I very much hope that this will lead to ensuring that the Citizen's Voice body will comply with Welsh language standards as soon as possible.

Yours sincerely

Aled Roberts
Welsh Language Commissioner

Agenda Item 5

By virtue of paragraph(s) vi of Standing Order 17.42

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Agenda Item 6

By virtue of paragraph(s) vi of Standing Order 17.42

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