

To : Business Committee
From: Dr Brian Gibbons AM
Minister for Health & Social Services

STANDING ORDER 29.3(iii) EXPLANATORY MEMORANDUM IN RESPECT OF:

DIRECTIONS TO NHS TRUSTS AND POWYS LOCAL HEALTH BOARD

Summary

These Directions ensure that the public point of view is represented by a public champion on cleaning, hygiene and control of infection issues at the highest possible level in each Trust and Powys Local Health Board. Each Trust will nominate an existing Non-Executive Director (NED) and Powys LHB an Associate Non Officer Member to fulfil this function. They will be required to act as an advocate to ensure that Community Health Councils and patients obtain information on issues relating to cleaning, hygiene and infection management.

Enabling Powers

1. The powers enabling these Directions to be made are conferred by sections 16BB(4), 17(1) and 126(4) of the National Health Service Act 1977(1). Responsibility for issues regarding the contents of the Directions has been delegated to my portfolio as Minister for Health and Social Services.

Background

2. Val Lloyd AM won the subordinate legislation ballot under Standing Order 31 which was held on 7th June 2005. Ms Lloyd subsequently tabled the motion shown below which was discussed and voted on at Plenary on 27th September 2005.

(1) 1977 (c.49). Section 17 was substituted by section 12(1) of the Health Act 1999 (C.8) ("the 1999 Act") and was amended by Schedule 5, Part I, paragraph 5(1) and (3), to the Health and Social Care Act 2001 (C.15). Section 16BB was added by section 6 of the National Healthcare Service Reform and Health Care Professions Act 2002 (c.17). The functions under 17 and 126(4) are, so far as exercisable in relation to Wales, transferred to the Assembly by article 2(a) of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

Stage 1 - Motion tabled by Val Lloyd (Swansea East)

3. *I propose that the National Assembly for Wales in accordance with Standing Order No 31.1, supports in principle legislation to:*

Require all NHS Trusts in Wales to identify a senior director who will have responsibility for hospital cleanliness and to place the following statutory obligations on the Director so identified:

- a) *To report, on a quarterly basis to the full Trust board, during the public part of the that Trust's agenda*
 - b) *To provide this same report on a quarterly basis, to the Community Health Councils (CHCs) that serve that Trust. (NDM2535)*
4. A feasibility report was subsequently produced and laid before the Assembly by the Business Minister together with the second revised motion shown below recommending that the Assembly should proceed with this proposal. This was debated, voted on and passed at Plenary on 11th January 2006. I am now bringing forward legislation to give effect to this proposal under Standing Order 29.

Second Motion

To propose that the National Assembly for Wales, acting under Standing Order 31:

- i. Welcomes the proposal set out in the motion tabled by Val Lloyd [NDM2535] and debated in plenary on 27th September 2005.*
- ii. Notes the approach recommended in the feasibility report laid in Table Office on 16 December 2005, and the intention to develop secondary legislation to give effect to it.*
- iii. Recommends the National Assembly for Wales proceeds with the proposal.*

Effect

5. The introduction of this legislation will ensure that the public point of view is represented by a patient's champion on cleaning, hygiene and prevention and control of infection issues, at the highest possible level in each NHS Trust and Powys Local Health Board (LHB). Each trust will nominate an existing Non-Executive Director (NED) and Powys LHB an Associate Non Officer Member to fulfil this function. They will be required to act in the capacity of ensuring that Community Health Councils (CHCs) and patients obtain information on issues relating to cleaning, hygiene and infection management. The nominated NED and Associate Non Officer Member will also be in a position to ensure adequate focus of the Trust Board and LHB

on these issues on behalf of patients, the public, visitors and CHCs and ensure answers are communicated effectively.

6. Chief Executive's existing responsibility and accountability will not change as a result of this proposal.

Target Implementation

7. It is intended that this legislation is made on 26th September 2006 and comes into force on 27th September 2006.

Financial Implications

8. There are no financial implications for NHS Trusts, Powys LHB or CHCs.

Consultation

With Stakeholders

9. Between 28th April 2006 and 26th May 2006 all NHS Trusts in Wales, Powys Local Health Board and the Board of Community Health Councils were consulted on the draft Directions.
10. Responses were received from 6 trusts and the Board of Community Health Councils.
11. Those responses which were not fully supportive related to issues of interpretation. These will be addressed fully in a Welsh Health Circular which will be issued alongside the Directions.
12. The Directions remain unchanged.

With Government Committees

13. In November 2005, Members of the Health and Social Services Committee were consulted on the motion, initially tabled by Val Lloyd AM, and invited to submit their comments. .
14. The second motion was debated and passed at Plenary on 11th January 2006.
15. As part of this process these papers will be considered by the Health and Social Services Committee on 28th June 2006.

ANNEX 1

LIST OF CONSULTEES

Name	Organisation	Address
Paul Williams Chief Executive	Bro Morgannwg NHS Trust	Trust Headquarters 71 Quarella Road Bridgend CF31 1YE
Hugh Ross Chief Executive	Cardiff and Vale NHS Trust	Heath Park Cardiff CF14 4XW
Paul Barnett Chief Executive	Carmarthenshire NHS Trust	West Wales General Hospital Carmarthen Carmarthenshire SA31 2AF
Alison Williams Chief Executive	Ceredigion and Mid Wales NHS Trust	Bronglais General Hospital Caradog Road Aberystwyth SY23 1ER
Gren Kershaw Chief Executive	Conwy and Denbighshire NHS Trust	Glan Clwyd Hospital Sam Lane Rhyl Denbighshire LL18 5UJ
Martin Turner Chief Executive	Gwent Healthcare NHS Trust	Grange House Llanfrechfa Grange Cwmbran Torfaen NP44 8YN
Hilary Peplar Chief Executive	North East Wales NHS Trust	Administration Department PO Box 18 Wrexham LL13 7ZH
Paul Hollard Interim Chief Executive	North Glamorgan NHS Trust	Prince Charles Hospital Merthyr Tydfil Mid Glamorgan CF47 9DT
Martin Jones Chief Executive	North West Wales NHS Trust	Ysbyty Gwynedd Penrhosgarnedd Bangor LL57 2PW
Keith Thomson Acting Chief Executive	Pembrokeshire and Derwen NHS Trust	Withybush General Hospital Fishguard Road Pembrokeshire SA61 2PZ

Margaret Foster Chief Executive	Pontypridd and Rhondda NHS Trust	Administraion Building Dewi Sant Hospital Albert Road Pontypridd CF37 1LB
Jane Perrin Chief Executive	Swansea NHS Trust	Central Clinic Trinity Buildings 21 Orchard Street Swansea SA1 5AT
Paul Miller Chief Executive	Velindre NHS Trust	Trust Headquarters 2 Charnwood Court Parc Nantgarw Cardiff CF15 7
Roger Thayne Chief Executive	Welsh Ambulance Service NHS Trust	HM Stanley Hospital St Asaph Clwyd LL17 0WA
Andy Williams Chief Executive	Powys LHB	Powys LHB Headquarters Mansion House Bronllys Brecon Powys LD3 0LS
Peter Johns Director	Board of Community Health Councils	Ground Floor Front Park House Greyfriars Road Cardiff CF10 3AF