

Agenda – Health, Social Care and Sport Committee

Meeting Venue:

Committee Room 1 – Senedd

Meeting date: Thursday, 14 July 2016

Meeting time: 11.00

For further information contact:

Sarah Beasley

Committee Clerk

0300 200 6565

SeneddHealth@assembly.wales

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- 1 Health, Social Care and Sport Committee: forward work programme and early business**
(11.05 – 11.25) (Pages 1 – 16)
 - 2 Motion under Standing Orders 17.42(vi) and (ix) to resolve to exclude the public from the remainder of this meeting**
(11.25)
 - 3 Legislative Consent Memorandum: Policing and Crime Bill: consideration of LCM**
(11.25 – 11.40) (Pages 17 – 23)
 - 4 Health, Social Care and Sport Committee: further discussion of the forward work programme and early business**
(11.40 – 12.00) (Pages 24 – 39)



Health, Social Care and Sport Committee

Meeting date: 14 July 2016

Paper 1

Committee responsibilities and short term forward work programme

Purpose

1. This paper:
 - sets out the main responsibilities of the Health, Social Care and Sport Committee ('the Committee') for the Fifth Assembly, and
 - invites the Committee to agree its short term forward work programme.

Establishment and remit of committees

2. Standing Order 16.1 requires the Assembly to establish committees with power within their remit to:
 - (i) examine the expenditure, administration and policy of the government and associated public bodies;
 - (ii) examine legislation;
 - (iii) undertake other functions specified in Standing Orders; and
 - (iv) consider any matter affecting Wales.
3. In doing this, the Business Committee has to ensure that every area of responsibility of the government and associated public bodies, and all matters relating to the legislative competence of the Assembly and functions of the Welsh Ministers and of the Counsel General, are subject to the scrutiny of a committee or committees.
4. On 28 June 2016, the Assembly established six subject-specific committees¹ to carry out the functions described above, as well as a

¹ Children, Young People and Education Committee; Climate Change, Environment and Rural Affairs Committee; Culture, Welsh Language and Communications Committee; Economy, Infrastructure and

reserve policy and legislation committee. A further six committees² have also been established to undertake functions specified in Standing Orders, including the Finance and Public Accounts Committees.

The Committee's role and responsibilities

5. The Health, Social Care and Sport Committee was established with a remit “to examine legislation and hold the Welsh Government to account by scrutinising expenditure, administration and policy matters, encompassing (but not restricted to) the physical, mental and public health and well-being of the people of Wales, including the social care system”.

6. A more detailed list of the committee's remit is attached at Annexe 1. More detail on the wider roles and responsibilities of Assembly Committees is set out in the Business Committee's report '[Committees in the Fifth Assembly](#)' laid before the Assembly on 23 June 2016.

Role and responsibilities of the Chair

7. The Presiding Officer has written to all Chairs following their election, outlining the Assembly's expectations of Chairs and Committees, as well as the support available to them. A copy of the letter is attached at Annexe 2.

Operation of the Committee

8. The operation of Committees is governed by the rules set out in Standing Order 17. Advice on any aspect of SO17 is available from Clerks. Some of the key elements of SO17 are set out below:

- Declaration of Interests (SO17.24A) – Before taking part in Committee proceedings, a Member must declare any interest, financial or otherwise, that they, or to their knowledge, a family member, has or is expecting to have which is relevant to those

Skills Committee; Equality, Local Government and Communities Committee; Health, Social Care and Sport Committee

² Constitutional and Legislative Affairs Committee; Finance Committee; Petitions Committee; Public Accounts Committee; Scrutiny of the First Minister Committee; Standards of Conduct Committee

proceedings, and might reasonably be thought by others to influence their contribution.

- Quorum (SO17.31) - A committee meeting must be declared inquorate if there are fewer than three Members, or less than one-third of the committee's members, whichever is the greater, present. A committee meeting must be declared inquorate if, at the beginning of the meeting, the Members present represent only one political group.
- Openness (SO17.40) - Committees must meet in public and broadcasting access for public meetings must be permitted in accordance with such arrangements as the Commission agrees. Committee meetings are broadcast on Senedd TV and transcripts of committee meetings are made available in draft form within three to five working days, with a final version published within 10 working days.
- Meeting in Private (SO17.42) - A committee may resolve to exclude the public from a formal meeting or any part of a formal meeting for a specified purpose. These Standing Orders do not apply to informal meetings.
- Substitution (SO17.48) - A committee member who has given advance notice to the chair may be represented at a meeting, or a part of a meeting, by another Member from the same political group who has been identified in advance.

Support for the Committee

9. The Committee will be supported in all aspects of its work by a dedicated integrated team. The integrated team is made up of Commission staff from the following areas:

- Committee Clerking Team
- Research Service
- Legal Services
- Communications (Outreach and Youth Engagement)
- Translation and Reporting Service

Committee Forward Work Programme

10. A list of suggested early inquiries is attached at Annexe 3. This is based on the Committee's informal discussions last week. The Committee will have the opportunity to discuss its longer term work programme in the autumn term.

11. In addition, the Committee may wish to consider putting time aside early in the autumn term to discuss strategic planning and preferred ways of working.

Other issues

12. There are a number of other specific matters that will need to be incorporated into the Committee's Forward Work Programme, including:

Legislation

13. The First Minister made a statement in plenary on Tuesday 28 June outlining the Welsh Government's Legislative Programme for the first year of the Fifth Assembly. The programme includes a commitment to re-introduce the Public Health Bill, without the restrictions on the use of e-cigarettes in enclosed public spaces.

14. The First Minister's statement does not include a specific timetable for introduction of the individual Bills. Subject to the Business Committee agreeing to refer specific Bills to the Committee, it may need to be flexible when planning the forward work programme in order to be able to respond to the demands of legislative scrutiny.

Budget Scrutiny

15. Scrutiny of the Welsh Government's budget will remain a routine part of the Committee's work programme. Once the timetable for the forthcoming budget has been agreed, the clerking team will arrange scrutiny sessions with relevant Cabinet Secretaries.

Action

16. The Committee is invited to—

- note its role and responsibilities (paragraphs 5 and 6);

- agree its short term forward work programme (paragraph 10 and annexe 3);
- agree in principle to put time aside early in the autumn term for strategic planning (paragraph 11);
- note the other specific matters to be incorporated into the forward work programme (paragraphs 12-14).

Health, Social Care and Sport Committee

To examine legislation and hold the Welsh Government to account by scrutinising expenditure, administration and policy matters encompassing (but not restricted to): the physical, mental and public health and well-being of the people of Wales, including the social care system.

Responsibility	Cabinet Secretary or Minister responsible
Day to day oversight of all aspects of NHS delivery and performance in Wales, including: performance against targets set out in the NHS Outcomes and Delivery Framework, which include measures of quality, referral to treatment times, cancer, cardiac, delayed transfers of care, accident and emergency, ambulance response times, public health and mental health indicators	Cabinet Secretary for Health, Well-being and Sport
All aspects of the National Health Service (NHS) in Wales, including contracts with the primary care contractor professionals, other than (i) oversight of the medical professions; (ii) policy on surrogacy, xenotransplantation, embryology and human genetics; and (iii) licensing of medicines (these matters are not devolved)	Cabinet Secretary for Health, Well-being and Sport
Delivery of the new outcome measures	Cabinet Secretary for Health, Well-being and Sport
Delivery plans	Cabinet Secretary for Health, Well-being and Sport
Scrutiny of NHS organisations' performance against their three-year plans (Integrated Medium-Term Plans)	Cabinet Secretary for Health, Well-being and Sport
Oversight of the escalation procedures in the NHS;	Cabinet Secretary for Health, Well-being and Sport
Charges for NHS services, including prescription, dental and ophthalmic and optical charges	Cabinet Secretary for Health, Well-being and Sport
The provision of services in Wales to the mentally ill	Cabinet Secretary for Health, Well-being and Sport
Receipt of, response to and direction of reports from, the Health Care Inspectorate for Wales;	Cabinet Secretary for Health, Well-being and Sport
Oversight of the Wales Audit Office's activities so far as relating to the National Health Service in Wales	Cabinet Secretary for Health, Well-being and Sport
Research and Development in health and social care	Cabinet Secretary for Health, Well-being and Sport
Post-graduate medical education	Cabinet Secretary for Health, Well-being and Sport
Policy and oversight of the provision of all social services activities of Local Authorities in Wales, including the issue of statutory guidance	Minister for Social Services and Public Health
Policy on care in the community	Minister for Social Services and Public Health
Oversight of the Care Council for Wales	Minister for Social Services and Public Health

Regulation of residential, domiciliary, adult placements, foster care, under 8's care provision and private healthcare in Wales	Minister for Social Services and Public Health
Inspection of, and reporting on, the provision of social services by Local Authorities in Wales (via the Care and Social Services Inspectorate for Wales), including joint reviews of social services and responding to reports	Minister for Social Services and Public Health
The Older People's Commissioner for Wales	Minister for Social Services and Public Health
Public Health Wales Bill	Minister for Social Services and Public Health
All aspects of public health and health protection in Wales, including food safety and the fluoridation of drinking water	Minister for Social Services and Public Health
National strategy and policy for community sport, physical activity and active recreation in Wales, including sponsorship of the Sports Council for Wales	Minister for Social Services and Public Health
Promotion of walking and cycling, including the Active Travel (Wales) Act	Minister for Social Services and Public Health
The activities of the Food Standards Agency in Wales;	Minister for Social Services and Public Health
Genetically-modified food (but not the cultivation of genetically-modified crops)	Minister for Social Services and Public Health
Responsibility for the Prison Service health service, other than private contracts	Minister for Social Services and Public Health
Substance misuse	Minister for Social Services and Public Health
Armed Forces and Veterans' Health	Minister for Social Services and Public Health

Dai Lloyd AM
Chair
Health, Social Care and Sport Committee

Your ref:
Our ref:

Date 30 June 2016

Dear Dai

Congratulations on your appointment as a committee chair. By electing you to this role, the National Assembly has entrusted you with significant responsibilities. On behalf of the Assembly Commission and the Business Committee, I am writing to explain the Assembly's expectations and the support available to you and the Members of your committee.

The Assembly's committees are at the heart of the democratic process and the chairs of those committees are critical to their success in holding the Government to account, making laws and engaging directly with the people of Wales. I strongly endorse the vision set out by the Commission and Business Committee of the Fourth Assembly:

Committees of the Assembly should demonstrably improve the quality of policy outcomes, legislation, public services and government spending for society as a whole in Wales. They should be respected, influential and accessible, acting with integrity and independence. Their work should be strategic and rigorous.

Croesewir gohebiaeth yn Gymraeg neu Saesneg / We welcome correspondence in Welsh or English



This vision is underpinned by 10 strategic objectives, which are set out in the Annexe to this letter.

I have also included in the Annexe the key responsibilities of a committee chair. These have been endorsed by the Business Committee. They also form the basis for the independent Remuneration Board's assessment of the additional remuneration you will receive for the role. They therefore represent the expectations placed on you in your new role. I understand that the Remuneration Board will be considering the matter of chairs' pay for the Fifth Assembly at their next meeting in July.

You have been allocated a committee clerk to help you establish the committee before Summer recess: Sarah Beasley. Sarah manages a small team providing you and your committee with strategic, procedural and administrative support and advice. Sarah also leads an integrated team of specialists from other services (in research, communications, legal, and translation), and works with staff from across the Commission to deliver the services your committee requires. Sarah is your first point of contact for committee business, but I would encourage you to get to know, and work directly with, all other team members. Though Sarah will typically spend a large proportion of her time working with you, her role also involves supporting the other Members of the committee, and providing support for the scrutiny of Bills even after your committee has finished its consideration of them. As the number of committees has increased since the Fourth Assembly, work is underway to finalise the staffing structures, and my officials will contact you about this before the start of the Autumn term.

Your clerk and integrated team will assist you in convening your committee and designing its initial programme of work. I recommend that you set aside time early in your tenure to work with all Members of your committee on strategic planning and your preferred ways of working. Experience in the previous Assembly suggests that time dedicated for this, away from the routine of Assembly business, will be well spent. A comprehensive programme is available for your continuing professional development (CPD) as chair, and for your committee Members, to help with this process.

I intend to convene a Chairs' Forum meeting as soon as possible. This will provide an opportunity for you to discuss and agree with your peers, on a cross-party basis, how best to maximise the impact of scrutiny through the committee system. I hope that the Forum will meet regularly and I would urge you to



participate actively in order to drive the strategic agenda for committees over the course of the Fifth Assembly.

I am copying this letter to your Party Leader and Business Manager. I will also arrange for a copy to be published on the Assembly website. This will ensure that everybody who has an interest in your committee, from your colleagues to the people of Wales, has clarity on your role and the parameters within which you are operating.

I wish you every success in your role as a chair, and I would encourage you to contact me at any time if you would like to discuss any aspect of your committee's work. Furthermore, please be assured that all Commission staff, from the Chief Executive throughout the organisation, are ready and willing to help your committee achieve its objectives.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Elin', is positioned above a faint, light blue circular stamp. The stamp contains the text 'Welsh Assembly' and 'Commission' around a central emblem.

Elin Jones AM
Presiding Officer



Annexe

1. Strategic objectives for Assembly committees

Committees will:

- a. have a clear, agreed, strategic plan for their work that prioritises their activities and focuses their use of time and resource;
- b. be a top priority for the Members who serve on them;
- c. be guided by chairs who fulfil all of the expectations set for them by the Assembly;
- d. be respected and listened to by the Welsh Government because of the quality of their inquiries and scrutiny, the rigour of their questioning, the depth of their analysis and the value of their legislative amendment. The Government will be mindful of the reaction of committees as it formulates its policy, spending and legislative plans;
- e. scrutinise policy, spending and legislation within their portfolio in the round, not as isolated aspects of their responsibilities;
- f. offer and expect constructive engagement with the Welsh Government but retain their detachment and ability to offer objective criticism;
- g. not be limited by constraints on access to Ministers, information or witnesses and will be able to draw on the expert advice and support they require;
- h. engage with a wide diversity of people, be seen by stakeholder groups as important, influential players and as the natural place to go to with concerns and ideas, and undertake work that enhances the public reputation of the Assembly. Their outputs will be accessible to as wide an audience as possible;



- i. ensure that those who contribute to their work see the value of their participation; and
- j. seek critical analysis and evaluation to improve their performance.

2. Key responsibilities of committee chairs:

The key responsibilities of committee chairs are to:

- set the strategic direction of the committee and ensure the transparent prioritisation of its activity so as to deliver a balanced, comprehensive and effective programme of legislative, policy and financial scrutiny;
- maximise the relevance and influence of the committee whilst maintaining its clear independence from the Welsh Government;
- act impartially at all times, decisively, fairly and in a manner that maintains the confidence of the committee;
- command the confidence of Members, witnesses and the public at large through knowledge of the subject matter of the committee's remit; demonstration of effective legislative, policy and financial scrutiny techniques; maintenance of order; and the application of all relevant legal and procedural requirements on the committee;
- secure the commitment and engagement of all committee Members and build cross-party consensus wherever possible;
- build the culture and skills mix within the committee required to maximise its effectiveness as a scrutiny body;



- ensure that the committee receives the expert advice, information and other support it requires to fulfil its objectives effectively;
- drive the delivery of all aspects of the committee's work with pace and quality;
- represent the committee publicly, in the media and in formal Assembly business; and
- ensure critical analysis and evaluation of the committee's work and drive innovation in its operation so as to increase effectiveness, public engagement and impact.



Health, Social Care and Sport Committee

Initial Committee Work Programme for autumn term 2016

This paper sets out the initial Committee Work Programme for the Health, Social Care and Sport Committee for the autumn term 2016. The Committee intends to put time aside early in the autumn term to discuss strategic planning and will publish a more detailed Forward Work Programme then.

General scrutiny session with the Cabinet Secretary for Health, Well-being and Sport, and Minister for Social Services and Public Health

The Cabinet Secretary and Minister will be invited to attend Committee at the start of the autumn term to outline their vision and priorities for the next 18 months or so, and to follow up any legacy issues. This session could potentially identify areas for further, more detailed Committee scrutiny.

Sustainable NHS for the future – stakeholder engagement on the NHS workforce

Sustainability of the workforce has been identified as the key challenge facing the NHS in the coming years. The Committee intends to undertake an early piece of work to gather the views of professional bodies and healthcare professionals (including students and frontline workers) on recruitment and retention, and the actions they believe are needed to ensure the right workforce is in place. This will help to ensure the Committee engages with the range of people who are affected by this work.

The Committee intends to use the summer recess to call for the views of stakeholders and the public on the topic of the NHS workforce. The Committee will use these responses to help to inform the terms of reference of a future inquiry.

Winter pressures 2016/17

Building on work done by the Fourth Assembly Health and Social Care Committee, a short, focused piece of work early in the autumn term will seek assurance that the NHS is equipped to deal with pressures on unscheduled care services during the coming winter. This will be a one-day ‘spotlight’ inquiry on winter preparedness.

Hospital services reconfiguration

The Fourth Assembly saw major consultations on reconfiguring hospital services across Wales. Change is already happening in some areas, for example, involving maternity and neonatal services and emergency care. During the autumn term, the Committee will hold a one-day inquiry to seek an update on progress, including lessons to be learned from the process so far.

Budget scrutiny

Scrutiny of the Welsh Government's budget will remain a routine part of the Committee's work programme. Scrutiny sessions with relevant Cabinet Secretaries will be arranged to meet the proposed timetable for the Welsh Government's forthcoming budget.

Legislation

The First Minister made a statement in plenary on Tuesday 28 June outlining the Welsh Government's Legislative Programme for the first year of the Fifth Assembly. The programme includes a commitment to re-introduce the Public Health Bill, without the restrictions on the use of e-cigarettes in enclosed public spaces.

The First Minister's statement does not include a specific timetable for introduction of the individual Bills. Subject to the Business Committee agreeing to refer specific Bills to the Committee, it will need to be flexible when planning the forward work programme in order to be able to respond to the demands of legislative scrutiny.

LCM for the UK Policing and Crime Bill

The Committee will consider an LCM for the UK Policing and Crime Bill, which has a reporting deadline of 22 September 2016.

Document is Restricted

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

Document is Restricted

Agenda Item 4

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

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