

White Paper: Services Fit for the Future

Consultation response form

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Responses should be returned by 29/09/17 to:

Healthcare Quality Division
Welsh Government
Cathays Park
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CF10 3NQ.

or completed electronically and sent to:

e-mail: HQDMailbox@wales.gsi.gov.uk

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Summary of questions

Chapter 1: Effective Governance

- **Board Membership and Composition**

The Welsh Government believes that the Boards of both health boards and NHS trusts should share some core key principles which are outlined including delivering in partnership to deliver person centred care and a strong governance framework to enable the Board to work effectively and meet its responsibilities.

All Boards should have Vice Chairs in order to support focussed and skilled leadership.

The Welsh Government also believes that Ministers should have the authority to appoint additional Board members on time limited appointments if an NHS Health Board/Trust is under performing or under escalation procedures in accordance with the NHS Wales Escalation and Intervention arrangements.

The Welsh Government believes that Board Executive Officer membership for local health boards should probably include some key positions which are consistent across local health boards but also allow some flexibility to appoint based on remit and priorities.

Do you agree with these proposals?

Broadly Carers Wales agree with these proposals with the following comments:

NHS trust boards, for consistency and additional transparency should have a vice-chair in line with LHBs to help drive forward change to improve quality.

We also agree that Ministers should have the authority to appoint additional Board members on time limited appointments, including independent public members and provide them with the information to develop the skills to scrutinise certain under-performing areas.

Carers Wales also agrees that there should be a majority of independent members over executive officers provided that they are adequately supported, trained, are treated as equals and that they are genuinely listened to. One current carer representative on a Regional Partnership Board has told us *"We are heavily outnumbered and there is a distinct smell of tokenism"*.

Carers Wales has a number of our volunteers who currently sit on Regional Partnership Boards across Wales and there is a mixed picture of the support they are being provided with to enable them to fully participate and contribute in the business. Feedback from them suggests that there is room for improving communication. This includes many things such as using plain language in Board papers and ensuring that papers are sent well in advance of meetings.

As an organisation we are looking to bring each carer representative from each RPB across Wales to learn from each other and share their experiences.

Given that there is a suggestion that there will be a majority of independent/public members it will be crucial that individuals are respected and receive any training or support they require to effectively contribute to the role. This should start at the outset of any involvement with a formal induction process and through regular reviews so that any concerns or issues that may arise can be addressed formally.

What further issues would you want us to take into account in firming up these proposals?

See above

- **Board Secretary**

In order to deliver on the key principles outlined the Welsh Government believes that the role of Board Secretary should be placed on a statutory basis and have statutory protection to allow the role to be independent with safeguards in place to challenge the Chief Executive of an NHS organisation or the Board more widely.

Do you agree with these proposals? Broadly we agree.

What further issues would you want us to take into account in firming up these proposals?

The Board Secretary should also keep Welsh Government formally informed if any challenges are made to the Chief Executive, NHS organisation or Board. There should also be a duty of public transparency if there is any issue of concern that may be in the public interest. If the public are made aware of potential failings then they may come forward with evidence and possible suggestions on how things can be changed or improved.

Chapter 2: Duties to Promote Cultural Change

2.1. Duty of Quality for the Population of Wales

The Welsh Government believes that the duty of quality should be updated and enhanced to better reflect our integrated system. This duty should be sufficiently wide in scope to facilitate the needs of the population of Wales to facilitate and enable collaborative, regional and all-Wales solutions to service design and delivery

NHS bodies should also be placed under a reciprocal duty with local authorities to co-operate and work in partnership to improve the quality of services provided.

Welsh Government also believes that strengthening the existing planning duty will make sure health boards work together on the needs of the population of Wales in the planning and delivery of quality healthcare services.

Do you agree with these proposals?

Carers Wales broadly agree with these proposals but the scope to facilitate the needs of the population of Wales should be sufficiently wide to truly realise person centred planning and care. There is no detail of how wide the scope is likely to be how people representative of the general population will be in the process or what

the vision is for regional collaboration to work in practice.

Carers Wales also has some concern that if there are sub-groups/committees set up to inform the process the mechanisms that will be used to effectively feed ideas and good practice into regional or all-Wales solutions. We also feel that there is scope for possible duplicity of work as well as a possible loss of a shared purpose if ideas and opinions are lost.

There are some current reciprocal duties in place and the person must be at the heart of joint decisions. Where any dispute arises between health and social care about who organises or pays for something, the person and/or their carers must not suffer any detriment due to internal indecisions or disputes over who provides or pays for the service. The Wales Ombudsman has examples of such cases where this has happened in the past and carers and their families have been left floundering and struggling for unacceptable periods of time while internal disputes take place.

Reciprocal duties should be embeded in law and the general public need to be made aware that these duties exist, what should happen (the process) and how if the process fails they can make challenges to the system.

What further issues would you want us to take into account in firming up these proposals?

If for planning and operational reasons clinical services are provided for a patient across a different health board boundary area or indeed in a different Health Board in Wales then consideration should be given to providing family members/carers assistance with travel and accommodation costs.

Carers are currently not included under the NHS scheme for help to receive travel costs. Carers Wales has heard from carers on numerous occasions over the years where they do not meet the criteria for help and are distraught that they do not have the financial means to visit loved ones who are hospitalised. Carers Allowance is currently £62.70 per week (for those who are entitled to receive it) many carers, especially those over pension age do not receive anything. Travelling to and from hospital to visit, even within local boundaries is often costly and difficult given the current transport infrastructure and travelling further afield would exacerbate this difficulty and also cost substantially more for a lot of carers. Under the Human Rights Act, people have a right to a family life. A new Wales NHS help with travel costs scheme should possibly be considered to help alleviate the financial burden for carers and their families especially when clinical services are provided in a different Health Board in Wales that is not the persons ordinary Health Board area.

- **Duty of Candour**

The Welsh Government believes that the development of a statutory duty of candour across health and social services in Wales would consolidate existing duties and be in the interests of a person centred system.

Do you support this proposal? Carers Wales supports this proposal. Comments from carers include *“It is good to see there will be no hiding behind patient confidentiality”* and *“This will be especially good for carers of people with mental health conditions”*

What further issues would you want us to take into account in firming up this proposal? Ensure that it is widely communicated to the general public.

Chapter 3: Person-Centred Health and Care

3.1. Setting and Meeting Common Standards

The Welsh Government believes there should be a common set of high level standards applied to health and social care and that the standards should apply regardless of the location of care.

Do you support this proposal?

Carers Wales broadly supports this proposal if it removes ambiguity. Comments received from carers include

- *“Only should!?!?, why not ensure”*
- *“What does good look like”*
- *“Makes sure it is not a race to the bottom in terms of standards. What does high level mean”*
- *“How can/will this be measured”*
- *“Why is it not described as a statutory duty?”*

What further issues would you want us to take into account in firming up this proposal?

In our opinion and the opinion of the carers we have spoken to there should be independent assistance available and a statutory watchdog to take help individuals take forward complaints.

Any new common standards should be widely communicated with service users and carers with information about to whom and how to make a complaint including where to find independent local advocacy.

3.2. Joint Investigation of Health and Social Care Complaints

The Welsh Government believes that requiring different organisations to work together to investigate complaints will make it easier for people to complain when their complaint is about both health and social services. We also believe it will encourage organisations to learn lessons to improve their services.

Do you support this proposal?

Broadly Carers Wales supports this proposal if it makes things easier when complaining about health and social services.

However, we would wish to see an independent organisation set up with statutory rights to provide independent complaint advocacy services. There is currently an inadequate amount of advocacy services across Wales and it is a postcode lottery depending where you live whether there are any services available at all.

Comments received from carers include:

“Listen first and it would avoid complaints”

“Timescales are important”

“One person who continues to handle the complaint”

What further issues would you want us to take into account in firming up this proposal?

Carers continually tell us that they are put off complaining to social services for numerous reasons including the time it take to put forward a complaint and the lack of independent support to do so.

Chapter 4: Effective Citizen Voice, Co-production and Clear Inspection

4.1. Representing the Citizen in Health and Social Care

The Welsh Government believes that local health and social care organisations should be working with the public to co-design and co-create services and that the way they do this needs to be independently monitored. We propose replacing the current statutory CHCs and their functions with a new national arrangement to represent the citizen voice in health and social care, to advise and provide independent assurance. The new body will work alongside Healthcare Inspectorate Wales and Care and Social Services Inspectorate Wales and have autonomy to decide how it will operate at local level.

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Do you support this proposal?

Carers Wales would be happy to support this proposal with the following stipulations:

- Any new body must be independent with statutory legal rights to challenge and scrutinise. This independence may be compromised if they work alongside Health Inspectorate Wales and the Social Services Inspectorate Wales. This term “work alongside” needs to be clarified. Any new body must be truly independent of both inspectorates and have the ability to scrutinise and investigate complaints themselves.
- Any new body must provide independent complaints advocacy to enable the public to take forward complaints
- We agree that there must be a role for independent monitoring when health and social care organisations are working with the public to co-design and co-produce services
- The new body should have a role in ensuring that independent Board members are adequately supported and trained
- The new body should be involved in the recruitment process for independent Board members to ensure that there is a mix of skills and interests to represent general communities across the region and Wales
- There will need to be local level operations on health board footprints to enable the general public to access its services locally. Not everyone has the means of transport or are computer literate to deal with things at a distance.

Comments from carers include

- *“Good if it removes regional variation”*
- *“Requires full commitment from all, not just token gestures”*
- *“One experience of attending a meeting and being told ‘we only want to hear positive things today’ there is a need to hear about the reality, however unpalatable*
- *“Needs to be an understanding of rurality issues, recognise ‘parochial’”*
- *“How will advocacy and support be provided?”*
- *“Building trust is important”*
- *“Transport is a key issue affecting everything”*
- *“Requires active investment”*

Can you see any practical difficulties with these suggestions?

4.2. Co-producing Plans and Services with Citizens

The Welsh Government believes that introducing an independent mechanism to provide clinical advice on substantial service change decisions, with advice from the proposed new citizen voice body, will encourage continuous engagement and

increase the pace of strategic change through enabling a more evidence-based, transparent process and a more directive and guiding role on the part of Welsh Government.

Do you agree with this proposal? We do not agree. Any new body must have a scrutiny role, be independent and able to challenge. Ultimate responsibility for any substantial change if there is a dispute must rest with Ministers. We also have concerns about how robust the public engagement process would be.

What further issues would you want us to take into account in firming up this proposal?

- **Inspection and Regulation and single body**

The Welsh Government believes that ensuring a clearer underpinning legislative framework for HIW will help to foster closer integration and joint working with CSSIW and at the very least this should be taken forward.

What do you think of this proposal? Broadly agree but the devil will be in the detail.

Are there any specific issues you would want us to take into account in developing these proposals further?

How this framework is likely to work in practice, the lead in time for change, how well Welsh Government will fund the transitional process and future challenges to enable both organisations to work jointly.

However we also believe there could be merit in considering a new body – for example, a Welsh Government Sponsored Body – to provide more independence in regulation and inspection and citizen voice.

Would you support such an idea?

We broadly agree with this idea although it is very vague and the devil will need to be in the detail. Any organisation will need to be well funded and have be clear in its purpose, aims and objectives to achieve that is accountable to Government and the general public.

What issues should we take into account if this idea were to be developed further?

Further consultation and further detail.