

Briefing for:	National Assembly for Wales Communities, Equality and Local Government Committee.
Purpose:	The Welsh NHS Confederation response to the Local Government (Wales) Bill consultation
Date created:	19 March 2015

Introduction

1. The Welsh NHS Confederation, on behalf of its members, welcomes the opportunity to respond to the Local Government (Wales) Bill consultation.
2. By representing the seven Health Boards and three NHS Trusts in Wales, the Welsh NHS Confederation brings together the full range of organisations that make up the modern NHS in Wales. Our aim is to reflect the different perspectives as well as the common views of the organisations we represent.
3. The Welsh NHS Confederation supports our members to improve health and well-being by working with them to deliver high standards of care for patients and best value for taxpayers' money. We act as a driving force for positive change through strong representation and our policy, influencing and engagement work. Member involvement underpins all our various activities and we are pleased to have all Local Health Boards and NHS Trusts in Wales as our members.
4. The Welsh NHS Confederation and its members are committed to working with the Welsh Government and its partners to ensure there is a strong NHS which delivers high quality services to the people of Wales.

Summary

5. In our response to the Local Government (Wales) Bill consultation we are not providing specific answers to all the questions posed. Rather we are providing comment on how the Bill is potentially a missed opportunity to support better integration between all public bodies in Wales. The Bill focuses too much on structures and boundaries and not on the outcomes it is trying to achieve; improving the way all public services are governed and delivered in Wales. The Welsh NHS Confederation believes that while the debate around the findings of the Williams Commission, and the Welsh Government's response, has focused on structures and boundaries, this should only be seen as part of the solution; of the 62 recommendations in the Williams Commission, only four of them related to structural change in Local Government.
6. The Welsh NHS Confederation is willing to provide oral evidence to the Communities, Equality and Local Government Committee. We believe it is important for the Committee to have the opportunity to hear directly from the health sector.

The general principles of the Local Government (Wales) Bill and the need for legislation to:

- enable preparations to be made for a programme of local government mergers and reform

7. The Welsh NHS Confederation, as the membership body for Local Health Boards and NHS Trusts in Wales, welcomed the publication of the Williams Commission report and we responded to its recommendations and findings in June last year. In our response to Williams we recognised that the report is a comprehensive study into the state of public service governance and delivery in Wales, and that it makes a number of broad recommendations relating to health and to the wider delivery of public services. In commenting on the recommendations in our response to Williams, we recognised that they have the potential to support better integration and reduce overall demands on health, and drive improvements across the board.
8. The Williams Commission recommended that *“Urgent action is required to ensure that seamless, integrated and high-quality health and social services are provided across Wales”*. In the light of this we have been concerned that Welsh Government’s response to the Commission through the White Paperⁱ and the Bill represents a missed opportunity. There is rarely a reference made within the Bill to Local Health Boards and no reference to integration. Although the Welsh Government intent around the future of Local Government is clear within the Bill, we are disappointed that the Bill only relates to the Local Government aspects of the Williams report, specifically mergers and Local Government reform.
9. While the Minister in the Forward to the ‘Devolution, Democracy and Delivery White Paper – Reforming Local Government’ highlighted that the Bill *“proposes a new relationship between Local Government and communities. We need communities and Authorities to work together to tackle issues and create joint solutions”*, we recommend that it is an opportunity to consider the public sector more widely within this Bill. To enable all public sector bodies to tackle the pertinent issues affecting Wales, all sectors need to work in a more collaborative and integrated way and the NHS in Wales is already well on the road to integrating health and social care services.
10. For example, the Welsh NHS Confederation, in partnership with ADSS Cymru, is working to help build a much greater common understanding between NHS Wales and Local Government about the process of, and planned impact from, much closer collaboration and integration. In addition, Welsh Government’s Intermediate Care Fund is supporting projects which reflect this partnership. We feel that these initiatives demonstrate that services are already moving towards working in a more integrated way, and that this could be better reflected, indeed promoted, within the Bill.
11. The Welsh NHS Confederation welcomed the understanding within the Williams Commission report that urgent action is required in integrating health and social services to ensure high quality sustainable services are provided both now and in the future.
12. The First Minister, in response to the Williams Commission, stated that the Welsh Government’s plans *“are not just about Local Government. The commission was about improving all public services for our citizens. Therefore, we have set out a wide-ranging, ambitious programme of reform that encompasses the whole public sector... It describes wholesale integrated change so that we work and act as one public service...”*.ⁱⁱ While we support the rhetoric in this statement, the reality is that integration, and improving all public services, has not been discussed in this Bill.

13. The NHS in Wales supports integrating health and social services and we fully recognise that the way services are delivered now is not sustainable, and more importantly do not always meet the needs of the people of Wales. Our members are keenly aware of the need for whole system change in public services. As a service we want to see a consistent increase in quality while making sure services can meet the demand that are the consequences of demographic changes and forecasted increases in the older population. As our discussion paper *'From Rhetoric to Reality – NHS Wales in 10 years' time'*ⁱⁱⁱ highlighted there is a need for wholesale change to ensure that there are positive outcomes for patients, a reduction in health inequalities and to help people avoid hospital admission through improved community and social services. To achieve these outcomes it is vital that health is not seen as a stand-alone issue and that integration is prioritised.
14. Engagement is necessary with all our public service colleagues, from social care to housing, education and transport, to take us all from an 'ill-health' service that puts unnecessary pressure on hospital services, to one that promotes healthy lives. All public bodies in Wales must build on how we might improve our ability to work together and support our partners and colleagues in other sectors. The recommendations put forward by the Williams Commission have the potential to support better integration and reduce overall demand on health, and drive improvements across the board.

Allow Principal Local Authorities to merge voluntarily by April 2018;

15. We support the principle that allows Local Authorities to merge voluntarily by April 2018. We are pleased that the Bill recognises the need for Local Health Boards to be consulted before mergers occur. We support section 4 of the Bill which highlighted that *'Before an application is made by principal local authorities...the principal local authorities must consult.... the local health board for any area falling wholly or partly within any affected area'*.
16. The haste with which the Bill, and the Williams Commission recommended this process takes place, reinforces the wider point about the need for radical and swift change to make public services in Wales more effective. As stated previously, structures and boundaries are not everything, but they remain an important barrier to collaboration, integration and the effective provision of public services in many instances.
17. So far Local Government re-organisation has dominated the debate surrounding the Williams Commission's findings. Although the debate is a key part of refocusing public services in Wales we are concerned that this remains the focus. Working with fewer Local Authorities will streamline the integration process for Health Boards, and there will be fewer structural barriers to collaborative working across the board. On this point we would stress that although it is important that wholesale change should be done across the board, this should not restrict progress in taking forward any discrete areas of work more quickly where this is possible.

Any potential barriers to the implementation of the Bill's provisions and whether the Bill takes account of them,

18. It is vital that any new Local Authorities boundaries consider the structures that are already in place to minimise duplication. There are a number of structures already in place which underpin joint working, including regional collaboratives, Local Service Boards and the new structures proposed in the current Bill.

19. It is very disappointing that the Bill does not make reference to the recommendation put forward within the Williams report in relation to the greater integration, and potential merger, of Powys County Council and Powys teaching Health Board. Recommendation 18 in the Williams report states that *'Because of the unique characteristics of the county of Powys and the distinctive patterns of service delivery that this creates, Powys County Council and Powys teaching Health Board should merge'*. In our response to Williams we highlighted that overall we support the greater integration, moving potentially toward a merger of the Council and the Health Board, but that there is an urgent need for the Welsh Government to respond to the recommendation due to the uncertainty that currently surrounds the future structures and timeframes.
20. When the White Paper was introduced by the Minister for Local Government and Government on the 8th July she stated that in relation to the proposal to merge Powys teaching Health Board and Powys County Council *"the Minister for Health and Social Services and I are looking at that, and, obviously, we need to look at that as quickly as we can and come forward with some proposals"*. We would agree that there is a need for some urgency in the Welsh Government's response on this recommendation because the potential for greater integration and potential merger has now been discussed for over a year and it inevitably starts to create uncertainty for key staff who would be personally affected. The hiatus creates an uncertainty for both organisations in how to move forward. A firm position would be helpful in providing the clarity about future direction and timescales for the organisations to plan for the future.
21. Overall we support the greater integration, moving toward a potential merger, of Powys County Council and Powys teaching Health Board. However if a merger is to happen it must be seen as a joint and equal partnership between both organisations and would therefore by implication require a new type of body to be formed. Furthermore, neither the Williams Commission nor the Bill answers a core question in relation to the form any new body might take and how local and national political accountabilities can be discharged for both Local Government and NHS functions. It is our view that further work needs to be undertaken to develop a model for an integrated organisation that outlines how governance can work, and how local democracy and national directed services can work side by side before any major steps are taken.

Conclusion

22. The debate around the findings of the Williams Commission and the Bill itself has focused largely on structures and boundaries. Undoubtedly, the complexity of these and how they impact on people's experiences of a range of public services does cause problems, but addressing these is only part of the solution, and must not be seen as an end in itself.

ⁱ 'Devolution, Democracy and Delivery White Paper – Reforming Local Government'

ⁱⁱ The First Minister, 8 July 2014, The Welsh Government Response to the Williams Commission Report, National Assembly for Wales Plenary

ⁱⁱⁱ The Welsh NHS Confederation, January 2014, From Rhetoric to Reality – NHS Wales in 10 years' time