WELSH ASSEMBLY GOVERNMENT

Unification of Public Health Services in Wales

CONSULTATION PAPER

JANUARY 2009
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<th>Title of Document:</th>
<th><strong>Unification of Public Health Services in Wales</strong></th>
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<tr>
<td>Audience:</td>
<td>National Public Health Service, Wales Centre for Health, Welsh Cancer Intelligence &amp; Surveillance Unit, Congenital Anomaly Register &amp; Information Service for Wales, Screening Services Wales, Welsh Blood Service, Local Health Boards, NHS Trusts, Local Authorities, Community Health Councils, County Voluntary Councils, Health Commission Wales, Members of the Public, and a number of individuals and organisations with an interest in these proposals.</td>
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<td>Overview:</td>
<td>This document provides details on the proposed unified public health system including the establishment of a Unified Public Health Organisation as an NHS Trust, and arrangements to include LHB Directors of Public Health and local government within the unified public health system.</td>
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<td>Action required:</td>
<td>Please respond by: 24th April 2009</td>
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<td>Response forms can be sent to the following address:</td>
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<td>Or completed electronically and sent to:</td>
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SUMMARY

This Consultation Paper provides details on the proposals for the unification of public health functions within Wales, together with details on the proposed model, membership, functions, name and governance of the Unified Public Health Organisation and the proposals relating to the:

- Establishment of a new public health NHS Trust – The Public Health Wales National Health Service Trust;
- Dissolution of the Wales Centre for Heath and transfer of its functions to the Public Health Wales NHS Trust;
- Transfer of staff, property, rights and liabilities in respect of public health from Velindre NHS Trust to the Public Health Wales NHS Trust;
- Functions of the Public Health Wales NHS Trust; and
- The constitution, board membership and procedures of the Public Health Wales NHS Trust.

To effect these proposed changes, the following draft statutory instruments are attached to the Consultation Paper:

(i) The Public Health Wales National Health Service Trust (Establishment) Order 2009, which:

- Establishes a National Health Service Trust (the Public Health Wales National Health Service Trust) as the vehicle for the new unified public health organisation.
- Establishes the Trust in shadow form on the 1st August 2009, which it is proposed will become fully operational on 1st October 2009.
- Sets out, in brief, the functions of the Public Health Wales National Health Service Trust. Namely, that the Public Health Wales National Health Service Trust will exercise the functions of the National Public Health Service, Wales Centre for Health, Welsh Cancer Intelligence & Surveillance Unit, Congenital Anomaly Register & Information Service for Wales, Screening Services Wales and the Welsh Blood Service.
(ii) The Velindre National Health Service Trust (Establishment) Amendment Order 2009, which amends the Trust’s functions to take into account the functions of the National Public Health Service, Screening Services Wales, Welsh Cancer Intelligence and Surveillance Unit and the Welsh Blood Service to the newly established Public Health Wales National Health Service Trust on the 1st October 2009.

(iii) The Wales Centre for Health (Transfer of Functions, Property, Rights, Liabilities and Abolition) Order 2009, which abolishes the Wales Centre for Health and transfers all its functions, property, rights and liabilities to the Welsh Ministers on 1st October 2009.

(iv) The Welsh Ministers (Transfer of Property, Rights and Liabilities) Order 2009, which transfers the property, rights and liabilities of the Wales Centre for Health (as transferred to the Welsh Ministers) to the Public Health Wales National Health Service Trust on the 1st October 2009.

(v) The Public Health Wales National Health Service Trust (Membership and Procedures) Regulations 2009, which provides for the:

- Membership of the Public Health Wales National Health Service Trust Board;
- Appointment and eligibility requirements of members of the board, the term of office of non-executive directors, associate directors, and the termination and suspension of executives, non-executives and associate directors;
- Proceedings and administrative arrangements of the Public Health Wales National Health Service Trust Board, the appointment of committees and sub-committees, and meetings and proceedings.
FOREWORD by MRS EDWINA HART AM MBE, MINISTER for HEALTH and SOCIAL SERVICES

Whilst the health of the people of Wales is improving and people are living longer than ever before there are still many public health challenges to overcome.

The Assembly Government’s reform of the NHS in Wales is designed to enhance the quality, performance and accessibility of NHS services, which will ultimately help improve the health and well-being of the people of Wales.

An important element of the NHS reform is my intention to establish a unified public health system. This will build on the strengths of existing organisations and provide a more efficient and effective public health service for Wales.

Change is necessary:

- To provide a national public health organisation able to promote and protect the health of the people of Wales;
- To minimise the overlap between several organisations and facilitate more efficient, cost effective working;
- To better meet the needs of the new structures in NHS Wales, nationally and locally;
- To strengthen public health resilience in support of emergency response;
- To make a more effective contribution to delivering improvements in public health, in line with Our Healthy Future, the Strategic Framework for Public Health in Wales which is currently being developed.

In December 2008, I issued my second consultation paper on the major reforms of the NHS in Wales leading to the formation of seven Local Health Boards – Delivering the new NHS for Wales. This Unification of Public Health Services in Wales consultation takes forward the process of the reform of health services in Wales by making proposals for the unification of public health services across Wales.
The main proposals for this consultation are referred to in **Chapter 2**. At the end of the Consultation Paper there is a list of questions and I hope to obtain your views on a number of the issues in order to inform my decisions.

This paper is deliberately short, and aims to be accessible.

In common with the proposals put forward in the consultation *Delivering the new NHS for Wales*, the proposals within this consultation are based on the same principles, set out in the following four papers, namely:

(i) Vision, Values and Standards of Governance and Accountability;
(ii) Working at a National Level;
(iii) Localism and Partnership Working;
(iv) A New Planning System.

Any readers wishing to access these papers can find them at: [www.wales.gov.uk/consultations](http://www.wales.gov.uk/consultations) or can obtain copies from the Strategy and Sponsorship Branch, Public Health Strategy Division, Department for Public Health and Health Professions, Cathays Park Cardiff CF10 3NQ (telephone number: 029 2082 5953).
CHAPTER 1: INTRODUCTION

Overall the health of the people of Wales is improving. Health outcome data show that the long-term trends in decreasing deaths from heart disease and improved life expectancy have continued. However, inequalities between different areas and between social groups are not decreasing. Tackling this issue and developing approaches to improving equity of health remains at heart of public health practice in Wales.

The Welsh Assembly Government has embarked on the development of Our Healthy Future: Public Health Strategic Framework which builds upon previous public health action such as the banning of smoking in public places in 2007.

In the 2003 restructuring of the NHS, the Welsh Assembly Government created the National Public Health Service, to provide local delivery of public health services supported by the resources of a national service. The value of having a national public health service was demonstrated by the effective and co-ordinated response to a number of public health emergencies between 2005 and 2008.

The Wales Centre for Health was established in 2005 to provide a focus for information, training and research in public health. In 2006, the Welsh Assembly Government, in recognition that these changes had been successful noted that there were still some issues of overlap and governance within public health and commissioned a review by the NHS Public Health Resource Unit based at Oxford.

The resulting Review of Public Health Function of National Health Organisations and Units recommended that there should be progress towards a unified public health service in Wales. The then Minister for Health and Social Services agreed the recommendation to work towards the creation of a unified public health system (UPHS) for Wales to deliver public health services and that the public health system should be the responsibility of a single board and statutory organisation within the NHS. Subsequently, the Minister for Health and Social Services agreed to a project that would engage staff and stakeholders, from which further recommendations would be made about the organisational form and the governance requirements for a unified system.
A Project Board, chaired by the Chief Medical Officer, was established with members drawn from the Chairs and senior officers of Wales Centre for Health (W CfH) and Velindre NHS Trust (the current host of the National Public Health Service), together with representatives of key stakeholders including the Welsh Local Government Association and the Trade Unions. The project canvassed the views of staff in the organisations affected by the proposal (excluding staff from the Welsh Blood Service) to form a unified public health service.

This project considered a number of options including the Wales Centre for Health model (Assembly Government Sponsored Body) but recommended that the Unified Public Health Organisation (UPHO) be established as an NHS Trust.

This Consultation Paper sets out the proposals for the unification of public health services in Wales, which will happen alongside the wider reform of the NHS in Wales.
CHAPTER 2: A UNIFIED PUBLIC HEALTH SYSTEM

The drivers for change for the new Unified Public Health System include:

- The fact that health of the population is poorer than it should be and there remain many public health challenges to overcome;
- The need to retain a national organisation to promote and protect public health;
- A desire to build on the success of the National Public Health Service and the Wales Centre for Health but strengthen governance arrangements;
- A need to provide a public health service to meet the needs of the new structures in the NHS in Wales;
- The recommendations of the Review of Public Health Function of National Health Organisations and Units (2006) by the Public Health Resource Unit, which recommended that there should be progress towards a unified public health service in Wales;
- The support for a single public health organisation provided by the UPHS project chaired by the Chief Medical Officer (2008).

On the 30th September 2008, the Minister made a statement to the National Assembly for Wales, in which the Minister confirmed the formation of a Unified Public Health Organisation (UPHO), with executive responsibility for public health, vested with the seven NHS Local Bodies and at a national level.

The Minister has agreed that the UPHO will be established as an independent NHS body and will incorporate the functions of:

- The Wales Centre for Health (WCfH);
- The National Public Health Service for Wales (NPHS);
- The Welsh Cancer Intelligence and Surveillance Unit (WCISU);
- Screening Services Wales;
- Congenital Anomaly Register and Information Service (CARIS).

In the same announcement the Minister for Health and Social Services said that her intention was that the Welsh Blood Service should also be incorporated into the Unified Public Health Organisation.
The Wales Centre for Health, is a body corporate in its own right, established by section 3 of the Health (Wales) Act 2003. CARIS is hosted by Abertawe Bro Morgannwg University NHS Trust. All other organisations and units in question are hosted by Velindre NHS Trust. Some fifteen hundred staff are employed within these organisations and services which are distributed across Wales. The combined budgets for these organisations and units total an estimated £105 million per annum.

The Minister has agreed that the UPHO will be a separate legal entity with a national Ministerial remit. The UPHO Board will be accountable to the Minister, through the Chair. The Chief Executive, in addition to being accountable to the Chair and the Board, would also have executive accountability to the Director of NHS Wales and to the Chief Medical Officer for day-to-day matters.

The Minister wishes to consult on the legal status of the UPHO, which the Minister proposes should be established as an NHS Trust. Alternative legal models, including a Local Health Board and a Special Health Authority, have been assessed but an NHS Trust is considered to best fit the needs of the UPHO.

The Minister has agreed that the UPHO should:

- have a clear public health focus and identity;
- be an independent statutory NHS organisation;
- have a national remit, delivering specialist public health services to the Welsh Assembly Government and others;
- engage effectively at a local level to deliver specialist public health services to the NHS and local government; and
- incorporate the functions of a Public Health Observatory and Institute of Public Health.

In addition, the consultation on the wider NHS Reforms in *Delivering the new NHS for Wales*, which was sent out in early December 2008, proposed that there will be a Director of Public Health as an officer member on each of the seven Local Health Boards (LHBs). The Director of Public Health would have a relationship with the Unified Public Health Organisation, contributing to the development of specialist expertise and drawing on the resources of the UPHO. The precise nature of this relationship has yet to be determined.
The UPHO and the LHB Directors of Public Health would strengthen local public health services by developing partnership and support arrangements with local authorities.

The Proposals

The Minister wishes to consult on the following:

Unified public health system for Wales

The proposal for a unified public health system for Wales that encompasses the Public Health Wales NHS Trust, national functions, the seven LHB Directors of Public Health and strengthened partnership working with local authorities.

The Legal Status

That the UPHO should be constituted as a National Health Service Trust (NHS Trust), with an independent Chair appointed by the Minister for Health and Social Services.

The Name

That the UPHO will be known as the Public Health Wales National Health Service Trust (Public Health Wales NHS Trust).

The Board Membership

That the membership of the Public Health Wales NHS Trust will consist of seven non-executive directors (including the independent Chair) and five executive directors. It is proposed that the Board will comprise:

Non-Executive Directors

- An independent Chair; to be appointed by the Minister through the public appointments process;

and the following non-executive directors appointed through the public appointments process:

- University Representative - to be nominated by a University;
- Local Government – to have knowledge of local government;
• Third Sector – to be a current member or employee of a Third Sector organisation;
• Trade Unions/Representative bodies; and
• Two Independent Members, who between them would have experience of specialist areas such as finance, information management technology, human resources and communications (these may be complemented by specialist skills provided by non-executive Associate Directors).

**Executive Directors**

• Chief Executive;
• Director of Finance;
• Director of Health Protection;
• Director of Health Improvement and Local Services; and
• Director of Operational Services.

The Board and Welsh Ministers may appoint up to 4 Associate Directors who may attend meetings as observers but not vote. These Associate Directors would be appointed through the public appointments process and would have specialist skills to complement those of the Independent Non-Executive Directors.

**The Functions**

It is proposed that the functions to be conferred on the Public Health Wales NHS Trust will include (but will not be limited to) all the public health functions currently exercised by the constituent services, namely:

• to provide resources, information and advice to enable the Welsh Assembly Government, Local Health Boards, and Local Authorities to discharge their statutory public health functions;
• to undertake wide ranging action to improve health and well-being and reduce health inequalities;
• to take action for clean air, water and food, infectious disease control, protection against environmental health hazards and emergency response;
• to provide advice on child protection services;
• to provide advice on the delivery of service planning, development, clinical effectiveness, clinical governance, efficiency, research, audit and evaluation;
to provide health intelligence, including surveillance, monitoring and assessment of health and the determinants of health and the development of the public health evidence base;

to develop and maintain arrangements for making information about matters related to the protection and improvement of health in Wales available to the public;

to undertake and commission research into public health;

to contribute to the provision and development of training in public health;

to undertake the systematic collection, analysis and dissemination of information, including in relation to cancer incidence, mortality and survival and congenital abnormalities;

to provide microbiological laboratory services;

to provide, manage, monitor and evaluate population screening programmes including in relation to breast, cervical and bowel cancer and newborn hearing screening;

to co-ordinate the antenatal screening programmes (ASW) and to develop and provide an all Wales sustainable framework to enable service improvement and equity of service provision using a managed network approach;

to collect blood and / or blood components from volunteer blood donors, for subsequent processing, testing and issue to Welsh hospitals or to other UK Blood Services, and to advise and support hospital staff on best blood transfusion practice;

to provide specialist immunohaematology and histocompatibility & immunogenetics laboratory services, antenatal blood grouping and antibody screening services, and related advice;

to operate the Welsh Bone Marrow Donor Registry;

to provide commercial and UK state sector blood products (or alternative products) to hospitals;

to host the UK National External Quality Assessment Scheme in Histocompatibility and Immunogenetics;

to actively contribute to a UK national (and European where appropriate) consensus on blood transfusion matters and standards.
CHAPTER 3: RELATIONSHIPS & ACCOUNTABILITY

The totality of the unified public health system will comprise the Public Health Wales NHS Trust, national functions, the seven LHB Directors of Public Health and strengthened partnerships with Local Authorities.

The work of Screening Services Wales and the Welsh Blood Services is highly regarded and valued. The creation of the Public Health Wales NHS Trust is not intended to impact on the day to day work of these services but to provide them with an organisational structure. Changes in relationships and accountabilities for both these services will only change to reflect this change.

The Chair of the Public Health Wales NHS Trust will be appointed by the Minister for Health and Social Services, and will be responsible ultimately to the Minister for the overall delivery of public health services by the Trust.

For the operational and financial performance of the Public Health Wales NHS Trust the Chief Executive will report internally to the Trust Chair and Board and externally to the Chief Executive, NHS Wales as Statutory Accounting Officer. The Board of the Public Health Wales NHS Trust, will be accountable to the Welsh Assembly Government’s Chief Medical Officer on professional matters.

The Public Health Wales NHS Trust will report to the Department for Health and Social Services’ National Delivery Group through the Chief Medical Officer as the National Director of Public Health.

The LHB Directors of Public Health

It has been proposed within Delivering the new NHS for Wales, that each of the seven LHBs will have a Director of Public Health as an officer member of the LHB Board.

The UPHO would be represented on the appointments panel for the Director of Public Health. The local government representative on the LHB Board would also be involved in the appointments process, which would be conducted in line with Faculty of Public Health guidance.
The management of the performance of the LHB Director of Public Health would be the responsibility of the LHB Chief Executive. Professional performance would (i) be undertaken by the LHB Board (ii) be in line with Faculty of Public Health guidance, and (iii) ensuring that there is consistency in applying national priorities across Wales.

Within the LHB, the Director of Public Health would be responsible for providing professional advice on public health matters to his/her LHB, as well as playing a full corporate role as a member of the Board and Executive Team.

In addition, partnership arrangements will be agreed to enable the LHB Director of Public Health to participate in the co-ordination and planning of the work of staff employed by the Public Health Wales NHS Trust, who are based within the relevant LHB area in respect of local delivery of public health services. Partnership arrangements will also be agreed with local authorities and other organisations.

In consultation with the Public Health Wales NHS Trust, LHBs may wish to employ staff to support their LHB Directors of Public Health. In such cases, the Public Health Wales NHS Trust would provide professional advice and support, together with appropriate training and development.

**Strengthening public health support to local government**

With the proposed abolition of the existing LHBs (with the exception of Powys Teaching LHB), the Local Public Health Directors will lose their responsibilities as a non-officer members. It is anticipated that new partnership and support arrangements will be agreed at local level with their local authority partners. The new LHBs will be expected to play a key role in the development of these new partnership arrangements.

The Director of Public Health’s responsibility would cover the whole population and all stakeholders and partnerships local to the health community, including the local authorities. Specific services needed in response to particular local issues would be in the work plan agreed between the LHB, local authority and the Public Health Wales NHS Trust.
The job descriptions of the Directors of Public Health should include input to other LHBs and local authorities in particular specialist areas, their full or partial temporary redeployment if required by another LHB or the Public Health Wales NHS Trust in response to a health protection or other incident, and participation in the operation of an all Wales public health rota. The Public Health Wales NHS Trust should manage this input from Directors of Public Health in a coordinated all Wales basis. The Public Health Wales NHS Trust would be responsible for communication with the public for all its work whether national or local.
CHAPTER 4: NEXT STEPS

Proposed Timetable

- 30th January 2009 – this consultation issued for a 12-week consultation period up to 24th April 2009;
- February 2009 – commence public appointments process for Chair of Public Health Wales NHS Trust;
- May 2009 – July 2009 – all orders/regulations required to establish the Public Health Wales NHS Trust made and/or laid before the National Assembly for Wales;
- August 2009 – Public Health Wales NHS Trust set up in shadow form;
- 1st October 2009 – Public Health Wales NHS Trust becomes fully operational (in line with the wider NHS Reform Programme).
CONSULTATION QUESTIONS

The following are the questions to which we would like your views. However, please feel able to comment on any aspects of this consultation.

There are a number of important issues about the membership of the Public Health Wales NHS Trust Board on which this Consultation Paper seeks your views:

- **Do you agree with the proposals for the membership of the Public Health Wales NHS Trust Board?**
- **Do you agree with the areas of responsibility of the executive directors?**

There are a number of important issues about the LHB Director of Public Health on which we seek your views (Please note that should you have any comments on the officer member status of the LHB Directors of Public Health, then you will need to respond to the *Delivering the new NHS for Wales* Consultation Paper, closing date for responses 25th February 2009):

- **Do you consider the proposed arrangements between the Public Health Wales NHS Trust and the LHB Directors of Public Health to be appropriate to ensure the discharge of these key functions?**
- **Do you agree that there should be arrangements for the Public Health Wales NHS Trust to be part of the process to appoint and performance manage the LHB Directors of Public Health?**
- **Who should employ the staff supporting the LHB Directors of Public Health - should it be the Public Health Wales NHS Trust, the LHBs, or a mixture of both?**
**Do you agree that there should be partnership arrangements to enable LHB Directors of Public Health to participate in co-ordinating the work of the Local Public Health Teams (who will be employed by Public Health Wales NHS Trust) in their area?**

**Do you agree with the proposals for strengthening support for public health services in local government?**

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**As far as the Wales Centre for Health is concerned:**

**Do you have any comments on the proposals for the dissolution of the Wales Centre for Health and the transfer of staff and property to Public Health Wales NHS Trust?**

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**As the Welsh Blood Service was not included in the original proposals for the Unified Public Health Organisation:**

**Do you have any comments on the proposals to include the Welsh Blood Service in the Public Health Wales NHS Trust?**

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**As far as the functions of the Public Health Wales NHS Trust is concerned:**

**Do you have any comments on the proposed functions of Public Health Wales NHS Trust?**
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