

Standing Order 31 : Trust Non-Executive Director and Powys LHB Associate Non Officer Member – Patient advocate for cleaning, hygiene and infection issues.

Feasibility Report

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

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)

On 27th September 2005 the above motion was tabled, discussed, voted on and carried. This feasibility report is in fulfilment of requirements for Stage 2 of the process.

Summary

Statement of legal powers:

By virtue of section 17 of the National Health Service Act 1977 ("1977 Act", (the functions within which were transferred to the Assembly under the National Assembly for Wales (Transfer of Functions) Order 1999), the Assembly is empowered to give directions to NHS Trusts about their exercise of any functions. In the case of Powys Local Health Board, directions may be issued under section 16BB4 of the 1977 Act.

Objectives: To require all NHS Trusts in Wales to nominate one of their Non-Executive Directors (NEDs) and Powys LHB to nominate one of their Associate Non Officer Members, to work with the public, patients, visitors and CHCs. NEDs and the Associate Non Officer Member to ensure that there is adequate focus at Board level on issues/feedback/communication on the areas of cleaning, hygiene and infection management.

Resource Implications: There are no financial implications for NHS Trusts, Powys LHB or CHCs.

1. Background

In September Members debated and voted in favour of the principle of a motion tabled by Val Lloyd under Standing Order 31 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)

The debate on the above was generally supportive and I fully endorse the principles, intention and purposes which are reflected in the above motion.

2 Objective

The objective is to 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 (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 as an advocate to ensure that 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.

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

3 Legislation

The Assembly has power to issue directions to NHS Trusts about their exercise of any functions, under section 17 of the National Health Service Act 1977 ("1977 Act"). This power was transferred to the Assembly by virtue of Article 2(a) of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999. In the case of Powys LHB, the Assembly may issue directions to it by virtue of section 16BB of the 1977 Act

NHS Trusts are established under section 5 of the National Health Service and Community Care Act 1990 to provide goods and service for the purpose of the health service.

Powys LHB was established by Order under section 16BA of the 1977 Act. Additionally by virtue of Article 5 of the Local Health Boards (Transfer of Property, Rights and Liabilities) (Wales) Order 2003, the land, property, rights, and liabilities of Powys NHS Trust were transferred to Powys LHB.

Therefore Directions may be made more particularly setting out steps required to be taken by NHS Trusts to ensure that a Non-Executive Director and Powys LHB to ensure that an Associate Non Officer Member is tasked with the functions set out in paragraph 2 above.

4 Implications and benefits

There are no financial implications. The proposal would place a duty on each Trust to nominate a NED and Powys LHB to nominate an Associate Non Officer Member. The NED/Associate Non Officer Member would ensure adequate and regular focus at Trust Board/LHB level on issues relating specifically to cleaning, hygiene and infection management. This would provide focus for one of the Board NEDs or Associate Non Officer Member, in the case of Powys LHB, rather than require additional activity.

The benefits will be increased involvement, two-way communication and access to information for patients, public, visitors and CHCs. The specific outputs will be informed by patients, public, visitors and CHCs responding to their local needs. The outputs could therefore include:

- Trust policy documents;
- Performance reports;
- Information on patient/ carer/visitors' responsibilities regarding control of infection;
- Information sheets on healthcare associated infections;
- Evidence of multi-disciplinary working within Trusts;
- Trust Non-Executive Directors and a Powys LHB Associate Non Officer Member ensuring regular reporting on cleaning/hygiene/ infection management.

5 Recommendation

Members are invited to consider the proposals outlined in the feasibility report and will have the opportunity to discuss these at the plenary debate on 11th January 2006. In line with Standing Order 31 procedure I have consulted with Val Lloyd (sponsor of the motion) and the Health and Social Services Committee on the proposals set out in this report.

I therefore put forward a second motion:

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

- **welcomes the principle behind the motion tabled by Val Lloyd [NDM2535] and debated in plenary on 27th September 2005 and**

As at 13:15 on 8th Nov 2005

- **supports the approach recommended in the feasibility report tabled on 16 December 2005 and to develop secondary legislation to give effect to it.**

Brian Gibbons AM
Minister for Health and Social Services