

## Future Guernsey – Priority Policy Area update (June 2019):

<b>Future Guernsey Theme:</b>	Our Quality of Life
<b>Future Guernsey Outcome:</b>	Healthy Community
<b>Priority Policy Area:</b>	<b>Regulation and Support Policy</b>
<b>Political Governance:</b>	Committee for Health & Social Care

### Overview

**Objective:** *To establish proportionate governance arrangements for health and care and a robust, enabling regulatory framework to support the aims of the Partnership of Purpose and safeguard the wellbeing of islanders*

#### Regulation of Health and Care

This policy area focuses on the introduction of effective and proportionate regulation for health and care in the Bailiwick. Having established the key objectives of a regulatory regime locally, the Committee's proposals for an independent Commission-led model were approved by the States in February 2019 (Billet d'État II 2019). The design of the proposed regulatory framework has been developed to reflect the Bailiwick's size and be proportionate to its needs. As described in further detail below (Work package 1) work is ongoing to explore the option of working closely with Jersey to establish a pan-Island Commission. The States has also approved the drafting of the necessary legislation to give effect to this new form of regulation and the Committee has requested that this be assigned 'high' priority for legislative drafting.

This Policy Letter discharges Proposition 17 of the Partnership of Purpose Policy Letter (Billet d'État XXIV of 2017).

#### Capacity Legislation

A new Capacity Law will ensure that there are safeguards and processes in place protect people who may not have the capacity to make their own decisions. During 2018, the Committee worked with St James' Chambers to progress the drafting of the legislation and engaged some external support to assist in shaping the Law.

#### Safeguarding vulnerable adults

##### Adult Multi-Agency Safeguarding Hub (Adult MASH)

In January 2018 the Adult Safeguarding Multi Agency Safeguarding Hub (Adult MASH) arrangements were implemented.

The adult MASH meets weekly to review and plan adult safeguarding activity on island. Unlike the children's MASH the adult MASH is predominantly involved in the co-ordination, risk assessment and reviewing of adult safeguarding concerns but on occasions also supports the co-ordination of complex case management with adults who have care and support needs on island as defined by the HSC single agency adult safeguarding policy.

The MASH is attended by partners both internal and external to HSC and has been very well received and attended. The work over 2018 has also seen the bringing together of adult safeguarding arrangements and the governance arrangements around Serious Incidents within HSC.

#### Extension of ICPC Regulations to adults

Having given this due consideration it is no longer considered appropriate to extend the remit of the Islands Child Protection Committee (ICPC) to include that of vulnerable adults. Alternative options are being considered, as set out in work package 3.

Furthermore, to support the objective of this Policy Priority, the Committee has also been working across service areas to introduce and embed the 'Safer Everyday' initiative that was launched in January 2018. 'Safer Everyday' ensures continuous quality and safety improvement and learning, the best outcomes for our patients and is a commitment to reduce avoidable harm. The Safer Everyday initiative follows best practice from both the Institute of Healthcare Improvement in Boston, USA (the world's leading patient safety organisation) and NHS Improvement. There was a 30% reduction in falls during 2018.

*For future updates of the P&R Plan, the Committee for Health & Social Care proposes to merge this Policy Priority with the Partnership of Purpose and Health & Wellbeing updates into one area to be known as 'The Future Model of Care'.*

The following work packages describe key areas of work for 2019-2020:

<b>Work stream 1 – regulation of health and care in the Bailiwick</b>	
<b>Brief overview:</b>	<ul style="list-style-type: none"> <li>• A key aim of the transformation of health and care is proportionate governance: ensuring that clear boundaries exist between commissioning, provision and regulation. The Committee's proposals to introduce a new regulatory framework were approved by the States in February 2019 and will lead to an independent Commission-led model similar to that implemented in Jersey, and a risk-based implementation plan for regulatory standards, prioritising the areas of greatest risks first (i.e. the unregistered workforce).</li> <li>• Work will continue during 2019 to develop the Commission in shadow form and to include further details of the financial requirements to be included in the Committee's budget submission for 2020.</li> <li>• In the longer-term it is the intention for the Commission to be self-funding from fees and charges (by 2023).</li> </ul>
<b>Resourcing:</b>	<ul style="list-style-type: none"> <li>• This is being resourced from within existing resources and supplemented by project management resources funded from the Transformation and Transition Fund</li> </ul>
<b>Barriers to progress:</b>	None at present
<b>Next steps:</b>	<ol style="list-style-type: none"> <li>1. Further develop proposals to establish a shadow regulatory Commission, working closely with Jersey</li> <li>2. Further refine the financial and resource implications to establish the Commission on a 'shadow' basis to inform the 2020 budgeting process</li> <li>3. Progress the drafting of the new Enabling Law to give effect to the States decision, working with St James' Chambers</li> </ol>
<b>Any other comments:</b>	Progressing the legislative drafting to the new Enabling Law will depend on resources within St James' Chambers.

<b>Work stream 2 – Capacity Law</b>	
<b>Brief overview:</b>	<ul style="list-style-type: none"> <li>• In March 2016 the States agreed to introduce new Capacity Legislation. This will ensure that there are safeguards and processes in place protect people who may not have the capacity to make their own decisions and empower individuals who may lack capacity to make their own decisions where possible, to allow them to plan for the future.</li> <li>• Where individuals lack capacity, the legislation will ensure that decisions made on their behalf respect their basic rights and freedoms.</li> <li>• The legislation has been assigned a ‘high’ priority for legislative drafting.</li> </ul>
<b>Resourcing:</b>	<ul style="list-style-type: none"> <li>• External support has been engaged to support the legal drafting and to shape the Law.</li> </ul>
<b>Barriers to progress:</b>	Although allocated a high priority, other pressures in St James Chambers have delayed the drafting of the legislation.
<b>Next steps:</b>	<ol style="list-style-type: none"> <li>1. Professional engagement about framework of the draft Law</li> <li>2. Draft legislation to be finalised, by end Q2 2019</li> <li>3. Draft legislation to States Assembly during Q4 2019</li> </ol>

<b>Work stream 3 – Safeguarding vulnerable adults</b>	
<b>Brief overview:</b>	<ul style="list-style-type: none"> <li>• In addition to the work to progress the drafting of the Capacity Law, further work is also ongoing to safeguard vulnerable adults to prevent harm and reduce the risk of abuse or neglect to adults with care and support needs in a way which supports such islanders making choices about having control in how they choose to live their lives.</li> <li>• The adult MASH will continue to meet weekly to review and plan adult safeguarding activity on island.</li> <li>• It is hoped that the recruitment of a pan island chair during 2019 will allow the development of an Adult safeguarding board on island to seek to further strengthen the governance arrangements around this currently vulnerable space.</li> <li>• Consideration is also being given to a short policy letter which would promote the drafting of a limited piece of legislation to drive forward the implementation of an Adult Safeguarding Board in statute.</li> <li>• Whilst this matter is being considered and addressed it is intended that an Adult Safeguarding Board will be implemented in shadow form to facilitate multi agency strategic oversight of adult safeguarding risk on the island.</li> </ul>
<b>Resourcing:</b>	<ul style="list-style-type: none"> <li>• The Committee is considering how it might additionally resource adult safeguarding activity as well as how best to promote joint adult safeguarding responsibility island wide</li> </ul>
<b>Barriers to progress:</b>	The availability of resources is limiting progress but this is under review.
<b>Next steps:</b>	<ol style="list-style-type: none"> <li>1. Recruitment of a pan Island Chair</li> <li>2. Establishing an Adult Safeguarding Board in shadow form</li> </ol>