

Questions to Health and Wellbeing Board 25 September 2018

The organisation in charge of the Health and Wellbeing Board I.e. the council must take these questions and statements and have them answered by the board under the Public Sector Equality Act. Circumventing any relevant policy that is not a law, that would block these questions or statements, any non-compliance of this request will be subject to a legal challenge by myself Mr Viran Patel and any relevant persons or peoples to whom the issue applies.

Statement:

JSNA does not provide the full waiting list for primary care and secondary care services for assessment and diagnosis. Given that it is up to the statutory authority to deal with making sure that public sector equality is upheld will they do the following:

Questions 1) Will the chair including all associated bodies that commission local services, now ask or provide waiting lists for each contract in place for assessment and diagnosis, in the NHS and provide the total cost of clearing each waiting list?

Question 2) Will the chair request that the waiting list for all Social Care services are published on a monthly basis for review emergency or otherwise, and the first assessment and provide a cost for each month to clear that waiting list?

Question 3) Will the board then provide the list to the Sectary of State for Health and Social Care, to make sure they are aware of the waiting list and hold them to account on funding the clearing of such waiting list under the health and social care act and the care act?

Please do the above in 3 months of your next board meeting.

Failure to comply could lead to corporate manslaughter charges as this could be deemed a failure of each body, its associated professionals in not meeting the public sector equality duty.

Response:

Section 192 of the Health and Social Care Act 2012 amended section 116 of the Local Government and Public Involvement in Health Act 2007 to introduce duties and powers for Health and Wellbeing Boards in relation to Joint Strategic Needs Assessments (JSNAs) and Joint Health and Wellbeing Strategies.

Statutory Guidance for Local Authorities published by the Department of Health (now Department of Health and Social Care) in March 2013 advises:

“JSNAs are assessments of the current and future health and social care needs of the local community – these are needs that could be met by the local authority, Clinical Commissioning Groups, or the NHS Commissioning Board. JSNAs are produced by health and wellbeing boards, and are unique to each local area. The

*policy intention is for health and wellbeing boards to also consider wider factors that impact on their communities' health and wellbeing, and local assets that can help to improve outcomes and reduce inequalities. **Local areas are free to undertake JSNAs in a way best suited to their local circumstances – there is no template or format that must be used and no mandatory data set to be included.***

Local authorities and CCGs have equal and joint duties to prepare JSNAs through the health and wellbeing board.

Similarly, The Equality Act does not include any specific requirements to publish waiting list information for health or care services.

Although there are no specific requirements either under the Health and Social Care Act 2012 or the Equality Act, the Council and CCG recognise that there may be instances when waiting list information can make an important contribution to JSNA. Also, that whilst the Equality Act does not require the publication or assessment, specifically of waiting lists the Council and CCG is required under equalities legislation to know if specific types of people are being disadvantaged by the way they are slotted into their place on a waiting list due to their personal characteristics.

The responses to your specific questions to the Health and Wellbeing are provided in this context.

Questions 1) Will the chair including all associated bodies that commission local services, now ask or provide waiting lists for each contract in place for assessment and diagnosis, in the NHS and provide the total cost of clearing each waiting list?

Response:

Information on numbers of people on waiting lists with our main local providers, and performance against targets relating to patients awaiting planned care are published in the CCG and Council's [Integrated Quality and Performance Report](#).

The CCG does not hold patient level data in relation to waiting lists. This is held by individual providers and is personal confidential data which can only be shared with other parties in accordance with strict data protection legislation.

It is not possible to identify how many individuals on a waiting list may be awaiting assessment and diagnosis as opposed to, or as well as, treatment. The original referral may be for assessment and diagnosis, or treatment, or both, and the range of diagnostic tests and any treatment required by an individual patient will not be confirmed until assessment has taken place. A number of patients will be referred following assessment to alternative services, for example a community or primary care based service, or will decline treatment. It is therefore not possible to calculate the cost of clearing a waiting list at any point in time. If such a calculation were possible, it would become out of date in a very short space of time, as waiting lists change on a daily basis.

For these reasons the CCG is unable to provide a cost of clearing waiting lists.

Question 2) Will the chair request that the waiting list for all Social Care services are published on a monthly basis for review emergency or otherwise, and the first assessment and provide a cost for each month to clear that waiting list?

Response:

Performance against locally agreed targets for completion of social care assessments and reviews and receipt of packages of care following an assessment are published in the Council and CCG's Integrated Quality & Performance Report and can be found via the CCG's website. The cost of reducing waiting times for social care assessments and reviews is dependent on a number of factors, including the complexity of the needs of the individual and the context within which the assessment or review is being undertaken. It is not, therefore, possible, to publish a cost per month of reducing waiting times for assessments and reviews.

Question 3) Will the board then provide the list to the Secretary of State for Health and Social Care, to make sure they are aware of the waiting list and hold them to account on funding the clearing of such waiting list under the health and social care act and the care act?

Response:

Neither the Council nor the CCG will publish or provide to the Secretary of State for Health and Social Care patient or service user level information as this would breach legislation, including General Data Protection Regulations, which is in place to protect the personal information of individuals and govern the use of that information.

The Secretary of State for Health and Social Care does, however, already, receive information on waiting times and whilst very detailed information regarding the cost of clearing waiting lists is not provided the Secretary of State does receive regular reports on the financial status of the CCG and NHS providers, including cost pressures which would include where appropriate an assessment of costs associated with clearing or reducing waiting lists. The Health and Wellbeing Board does not have powers that would enable it to hold the Secretary of State to account for funding the clearing of waiting lists.