

DEPARTMENT OF HEALTH

MEMORANDUM

**TEMPORARY AMENDMENT OF THE HEALTH AND
SOCIAL CARE FRAMEWORK DOCUMENT
FOR THE PERIOD JUNE 2020 TO May 2022**

MEMORANDUM

Introduction

This memorandum describes temporary amendments made by the Department of Health to the Health and Social Care Framework Document (the Framework Document) which the Department has introduced for a period of up to 2 years with effect from June 2020. The amendments will be initially reviewed in January 2021 and thereafter kept under regular review by the Department. The two years period will be followed by a consultation on substantive and longer term changes to the Framework Document, reflecting both learning from this period, and the dissolution of the Health and Social Care Board (HSCB) which we anticipate to coincide with this timescale.

The temporary amendments are made under the following Sections in the Health and Social Care (Reform) Act (Northern Ireland) 2009.

Department's general power

3.-(1) The Department may-

(a) provide, or secure the provision of, such health and social care as it considers appropriate for the purposes of discharging its duties under section 2; and,

(b) do anything else which is calculated to facilitate, or is conducive or incidental, to the discharge of that duty.

Department's priorities and objectives

4.-(1) The Department shall determine, and may from time to time revise, its priorities and objectives for the provision of health and social care in Northern Ireland.

(2) Before determining or revising any priorities or objectives under this section, the Department must consult such bodies or persons as it thinks appropriate.

(3) Where the Department is of the opinion that because of the urgency of the matter it is necessary to act under subsection (1) without

consultation–

(a) subsection (2) does not apply; but

(b) the Department must as soon as reasonably practicable give notice to such bodies as it thinks appropriate of the grounds on which the Department formed that opinion.

The framework document

5. (3) The Department–

(a) shall keep the framework document under review; and

(b) may from time to time revise it.

Section 5. (5) In preparing the framework document, or any revision of it which appears to the Department to be significant, the Department must consult–

(a) each health and social care body as respects its functions (or persons considered by the Department to represent that body); and

(b) any other bodies or persons the Department considers appropriate.

(6) Each health and social care body shall have regard to the framework document in carrying out its functions.

In relation to Section 4(2) and Section 5(5) given the grave situation that Health and Social Care (HSC) is facing and the need therefore to move swiftly to begin the rebuilding of services, commencing from June 2020, the Department is engaging in an initial time limited sounding of the relevant bodies on the proposed temporary amendments and the establishment of the Management Board, to be followed by a 12 week consultation as soon as possible. While our normal practice would be to allow for a 12 weeks consultation period on such matters we are of the view that this two stage approach to engagement is reasonable and proportionate given the enormous rebuilding task that lies ahead and the need to implement this urgently.

Background

The Covid-19 pandemic has presented unprecedented challenges for the planning and delivery of HSC services in Northern Ireland, which prior to Covid-19 were already facing major strategic challenges in the form of an ageing population, increasing demand for services, long and growing waiting lists, workforce pressures and the emergence of new and more expensive treatments. At the end of March 2020 there were some 307,000 patients on the outpatient waiting list, more than 93,000 waiting for inpatient and day case admissions and more than 131,000 patients waiting for diagnostic tests. The existing challenges confronting the social care sector, as described in the 'Power to People' report, have also been compounded by the pandemic.

Due to the need to redirect HSC resources to managing the Covid-19 pandemic, elective and diagnostic services have had to be curtailed with adverse impacts on the existing excessive waiting lists. The Department has collated a comprehensive assessment of the impact of Covid-19 covering the six weeks period from 9 March to 17 April 2020 across screening, primary care, community services, secondary care, and a wide range of programmes and projects. This detailed assessment indicates that the impact of the pandemic across HSC services, programmes and projects has been devastating, as resources have rightly been focused on the required emergency response. Further loss of service capacity is expected in the period from 18 April to 31 May 2020.

The impact of Covid-19 on HSC will be profound and long lasting. Covid-19 will be with us for some time and will continue to constrain service delivery across the HSC sector. Services will not be able to fully resume pre-Covid-19 delivery levels for some time due to the continued need to adhere to social distancing and for Personal Protective Equipment at volumes not required prior to the pandemic. In addition, the resilience of the HSC workforce is likely to have been eroded and will continue to be impacted with pressures particularly from the social care sector, which continues to be in the 'surge period'.

In the context of the situation described above, the HSC's overarching mission will be to incrementally increase HSC service capacity as quickly as possible across all programmes of care, within the prevailing Covid-19 conditions. The aim will be to maximise service activity within the context of managing the ongoing Covid-19 situation; embedding innovation and transformation; incorporating the Encompass programme; prioritising services; developing contingencies; and planning for the future all at the same time.

In order to achieve this mission the Department, through the temporary amendments to the Framework Document, and the establishment of a new Management Board, will give clear direction to the Health and Social Care Board (HSCB), Public Health Agency (PHA), Health and Social Care Trusts and the Business Services Organisation (BSO) of the Minister's priorities over the next two years to rebuild HSC services. To guide these bodies in this task the Department will publish a 'Strategic Framework for Rebuilding Health and Social Care Services' (the Strategic Framework). The Strategic Framework will address the adverse impact on the downturn of normal service delivery arising from the emergency plans that were introduced in March 2020 by HSC Trusts to respond to the surge in Covid-19 patients. The Strategic Framework will provide a basis on which to stabilise and restore service delivery as quickly as possible by requiring the above bodies to achieve the right balance between delivering Covid-19 and non-Covid-19 activity. The Department believes that it will take at least 2 years to achieve this, subject to the necessary investment being available and the effective management of Covid-19 during this period.

The temporary amendments to the Framework Document are therefore necessary to facilitate the optimum implementation of the Strategic Framework. In pursuance of this the Department re-commits to its statutory obligations for personal and public involvement and consultation while respecting the need for co-production with service users and the HSC workforce.

Amendments to the HSC Framework Document

The Department has produced the Framework Document to meet the statutory requirement placed upon it by the Health and Social Care (Reform) Act (NI) 2009. The Framework Document describes the roles and functions of the various health and social care bodies and the systems that govern their relationships with each other and the Department. The Department has made the following temporary changes to the Framework Document.

Insertion of new paragraph 2.4 (all subsequent paragraphs are renumbered)

2.4 The Department has created a new temporary management board, the 'Management Board for Rebuilding HSC Services' which will come into being in June 2020 for a period of two years to be reviewed thereafter. The Management Board will report directly to the Minister and will be responsible for providing oversight and direction to the Health and Social Care Board (HSCB), the Public Health Agency (PHA), the Health and Social Care Trusts and the Business Services Organisation (BSO) on the implementation of the Department's 'Strategic Framework for Rebuilding HSC Services'. The Management Board will not exercise any other authority in relation to the statutory duties, roles and responsibilities, as specified in the Framework, Document which the Department has delegated to the HSCB, PHA and a number of other HSC bodies. The Management Board will be chaired by the Department's Permanent Secretary and its membership will be drawn from the Department's senior officials and other senior staff from across the HSC. The Minister's Special Adviser will attend meetings of the Management Board. The Minister and the Management Board will obtain advice from experts working in health and social care fields to inform its work in the rebuilding of HSC services as required.

Insertion of new paragraph 2.38 (all subsequent paragraphs are renumbered)

2.38 The Minister directs the HSCB, PHA, HSC Trusts and BSO that for the two year period commencing in June 2020 they are to prioritise their service planning, delivery and deployment of resources to stabilise and restore service delivery as quickly as possible by achieving the right balance between

delivering Covid-19 and non-Covid-19 activity. In pursuance of this priority the Commissioning Plan Direction (CPD), Commissioning Plan and associated Service and Budget Agreements (SBAs) for the 2019/20 financial year will be rolled forward into the years 2020/21 and 2021/22 and updated to reflect Departmental budget allocations in each of these years. Individual Trust Delivery Plans (TDP) for 2020/21 and 2021/22 should also prioritise activity designed to stabilise and restore service delivery as quickly as possible at the level of local commissioning and through regional collaboration with other Trusts guided by the Department's 'Strategic Framework for Rebuilding HSC Services'. The performance targets set out in the CPD, SBAs and TDPs for the financial year 2019/20 will be reviewed by the Department to determine the optimum method for assessing the performance of Trusts in the delivery of services during the period of the Covid-19 emergency during the years 2020/21 and 2021/22.

Insertion of new paragraph 3.7 (all subsequent paragraphs are renumbered)

3.7 Paragraph 2.38 provides the overarching context for the implementation of the requirements in paragraphs 3.1 to 3.6 during the two year period commencing in June 2020.

Department of Health (NI)

June 2020