

Priorities for the Sixth Senedd

Share your views

The **Health and Social Care Committee** has been set up by the Senedd to look at policy and legislation, and to hold the Welsh Government to account on specific issues. This includes the physical, mental and public health and well-being of the people of Wales, including the social care system.

During autumn 2021, the Committee will be considering its strategic approach and forward work programme. To make sure that we can take account of what you think the most important issues are, we would like you to share your views on:

1. The initial priorities for the Sixth Senedd identified by the Committee (see below).
2. What other key priorities the Committee should consider during the Sixth Senedd in relation to: health services, social care and carers, and COVID recovery.

How to share your views

To share your views, please complete this form and send it **by 16.00 on Friday 17 September** to SeneddHealth@senedd.wales, or by post to Health and Social Care Committee, Welsh Parliament, Cardiff, CF99 1SN.

You can find more information about how to share your views at the end of this document, including guidance on providing written evidence, information about the Senedd's two official languages, and details about how we will use the information you provide.



About you

This section of the form asks you some questions about yourself and the capacity in which you are responding to this consultation. This will help us to process and use your information in line with our [privacy policy](#).

Your details	
1. Name:	Dr Pablo Grez Hidalgo
2. Email address:	p.grezhidalgo@bham.ac.uk
3. Would you like to be added to the Health and Social Care Committee's contacts list in order to receive updates about our work?	Yes <input checked="" type="checkbox"/>
	No <input type="checkbox"/>
<i>You can unsubscribe at any time by emailing SeneddHealth@senedd.wales.</i>	
4. Please tell us in what capacity you are responding to this consultation.	
I am an individual responding in a personal capacity	
I am an individual responding in a professional capacity (please tell us what your job title is)	
I am responding on behalf of an organisation (please tell us which organisation and what your job title is)	Covid-19 Review Observatory – Birmingham Law School – University of Birmingham Professor Fiona de Londras, Principal Investigator, Research Associates Dr Pablo Grez and Daniella Lock
If you are under 13 years old, we will only be able to accept your response if your parent or guardian has confirmed that you can participate. They can do this by sending us an email to SeneddHealth@senedd.wales .	
5. Are you under 13 years old?	
I am under 13 years old	<input type="checkbox"/>
I am 13 or over	<input checked="" type="checkbox"/>
6. Please choose one of the following options to confirm whether you would prefer that your name is not published alongside your evidence.	
We will not publish the names of people under the age of 18.	

I am aged 18 or over and I am content for you to publish my name alongside my evidence	<input checked="" type="checkbox"/>
I am aged 18 or over and I would prefer that you did not publish my name alongside my evidence	<input type="checkbox"/>
I am under the age of 18	<input type="checkbox"/>
7. Please choose one of the following options to confirm whether you have agreement from any third parties referred to in your evidence that you can share information that may be used to identify them and that they understand that it may be published.	
I confirm that any third party I have referred to in my evidence has agreed that I can share information that may be used to identify them, and that they understand that it may be published.	<input checked="" type="checkbox"/>
I do not have the agreement of one or more of the third parties I have referred to in my evidence.	<input type="checkbox"/>
I have not referred to any third parties in my evidence.	<input type="checkbox"/>

Question 1: Initial priorities identified by the Committee

The Committee has identified several potential priorities for work during the Sixth Senedd, including: public health and prevention; the health and social care workforce, including organisational culture and staff wellbeing; access to mental health services; evidence-based innovation in health and social care; support and services for unpaid carers; access to COVID and non-COVID rehabilitation services; and access to services for long-term chronic conditions, including musculoskeletal conditions.

Q1. Which of the issues listed above do you think should be a priority, and why?

You can comment on as many or few of the issues as you want.

In your answers, you might want to think about:

- What impact or outcomes could be achieved through any work by the Committee?
- How the Committee might address the issue?
- When any Committee work should take place?
- Whether there are any specific groups, communities or stakeholders that the Committee should involve or hear from in any work?

1. We welcome the priorities identified by the Committee. They are broad enough to encompass the most significant issues that Wales faces in the Covid-19 context which fall within the remit of the Committee. Our submission focuses on the question of how the Committee might address these issues. We respectfully submit that the Committee ought to put human rights at the centre of its work, and to employ them as standards to scrutinise the Welsh government's response to the pandemic.

2. Human rights, including social and economic rights and the obligation to ensure equality and non-discrimination, serve as a critical lens through which to identify and assess the short and long-term impact of the pandemic, and the Welsh government's response to it.

3. In respect to the Covid-19 emergency response, human rights play four important roles:

4. First, human rights impose a number of positive obligations on the State. That is, they require the State to take certain actions in order to secure the practical and effective protection of rights. In the pandemic context, these include an obligation to protect life by taking steps to address clear health threats.⁽¹⁾

4. Second, human rights constitute limitations on the actions that the state may take in response to the virus. Some rights cannot be limited at all; they are absolute rights. Other rights may be limited, but only where such limitations are necessary and proportionate. Human rights compliance requires rigorous engagement with questions of necessity and proportionality in respect of responses to the pandemic. It also requires regular revisiting of these questions in order to assess whether, against changing epidemiological and other evidence, measures remain necessary and proportionate, and whether the measures in place constitute the minimum intrusion with rights possible while pursuing a legitimate objective (i.e. the protection of public health).

5. Third, human rights constitute 'design principles' for longer-term responses to the pandemic. A human rights approach requires us to identify and understand the longer-term rights-related impacts of the pandemic, and to design responses to those impacts that operate to enhance, and do not unlawfully limit, the enjoyment of rights.

6. Four, human rights play an accountability role in respect of pandemic responses, ensuring that where rights have been violated in the response to the pandemic one has access to justice and to an effective remedy, and requiring the state to take steps to ensure non-repetition of such violations in this or any future analogous situations.

References:

(1) UN Human Rights Committee, General Comment No. 36: Right to Life UN Doc. CCPR/C/GC/36, esp. para 26; *Stoyanovi v Bulgaria* App. 42980/04, Judgment, 9 November 2010, [61]

Question 2: Key priorities for the Sixth Senedd

Q2. In your view, what other key priorities should the Committee consider during the Sixth Senedd in relation to:

- a) health services;**
- b) social care and carers;**
- c) COVID recovery?**

You can comment on as many or few of the issues as you want.

In your answers, you might want to think about:

- What impact or outcomes could be achieved through any work by the Committee?
- How the Committee might address the issue?
- When any Committee work should take place?
- Whether there are any specific groups, communities or stakeholders that the Committee should involve or hear from in any work?

a) Health services

1. We respectfully submit that, in considering issues related to health services, the Committee ought to employ key human rights obligation as critical analytical lenses.

2. All people have a right to the highest attainable standard of physical and mental health ('the right to health'). The UN's Committee on Economic, Social and Cultural Rights has confirmed that guaranteeing the right to health obliges states to ensure that services, goods and facilities are available, accessible, acceptable and of good quality. While the right to health is progressively realisable, it imposes some immediate obligations on states including that there is a system of health protection that provides equal opportunity for everyone to enjoy the highest attainable level of health, access to essential drugs, equal and timely access to basic health services, and health-related education and information.

3. The right to life obliges the state to take appropriate steps to safeguard the lives of those within its jurisdiction.(2) This includes implementing operational measures to protect those whose lives are at risk,(3) and taking steps to reduce transmission including by providing financial assistance in order to reduce risks of persons having to undertake higher-risk activities out of economic necessity.(4) The response to the pandemic clearly raises questions of compliance with the right to life. These includes questions relating to the right to life of persons resident in care homes, patients in hospital settings, persons in the community, and frontline health and social care professionals. Relevant issues include, for example, appropriateness of testing and protection measures in residential healthcare settings, and the provision of appropriate personal protective equipment.

References

(1) CESCR, General Comment 14: The Right to the Highest Attainable Standard of Health (Article 12), UN Doc. E/C.12/2000/4

(2) UN Human Rights Committee, General Comment No. 36: Right to Life UN Doc. CCPR/C/GC/36, esp. para 26; Article 2 of the European Convention on Human Rights

(3) *Stoyanovi v Bulgaria* App. 42980/04, Judgment, 9 November 2010, para 61

(4) Written evidence of Fiona de Londras, Alan Greene and Natasa Mavronicola to the Joint Committee on Human Rights (2020) COV0012, para. 2.1.

(<https://committees.parliament.uk/writtenevidence/920/pdf/>). See also Elizabeth Stubbins Bates, "Article 2 ECHR's Positive Obligations—How Can Human Rights Law Inform the Protection of Health Care Personnel and Vulnerable Patients in the COVID-19 Pandemic? *Opinio Juris*, 1 April 2020 (<https://opiniojuris.org/2020/04/01/covid-19-symposium-article-2-echrs-positive-obligations-how-can-human-rights-law-inform-the-protection-of-health-care-personnel-and-vulnerable-patients-in-the-covid-19-pandemic/>)

b) Social care and carers

c) COVID recovery

1. We respectfully submit that there is a difficult balance to be made between short term challenges and medium- to long-term consequences arising from the pandemic. While there is a temptation to focus on the Covid-19 recovery, not least on account of the significant progress made in tackling the immediate health crisis, the scientific evidence suggests that the pandemic is far from over. We call the Committee's attention to the Welsh government's official data, which indicates that new weekly Covid-19 cases are rising to levels similar to those of January 2021. While Covid-19 deaths and hospital admissions remain low, they have been rising slowly but consistently since June and July.

2. It is, thus, clear that there are both short-term (pandemic management) and longer-term (post-pandemic recovery) concerns for the Committee to address. In this respect, and as we move into the autumn and winter months, the Committee may want to scrutinise any new "control plan" that the Government publishes, and to take evidence from the Minister for Health and Social Services, Chief Scientific Advisor, and Chief Medical Officer on the shorter-term plans for pandemic management.

3. **In respect of medium** and longer-term issues, the Committee will benefit from taking stock of the work of other committees during the fifth session of the Senedd. In particular, when

addressing the human rights' dimension of the pandemic, the committee may want to look closely at the two reports published by the Equality, Local Government and Communities Committee into "inequality and the pandemic".(1) The first report has a clear focus on inequality and the disproportionate impact of the pandemic on particular groups of people, noting the role that pre-existing inequalities in the uneven distribution of the pandemic effects. The report also stresses the need for consultation with those most affected. The report contains a total of 44 recommendations ranging from short to medium term actions to make a post-Covid-19 Wales a fairer country. It also includes recommendations to improve the quality of data regarding protected characteristic, internal procedures, and the monitoring of ongoing issues.

References

(1) Equality, Local Government and Communities Committee, Into sharp relief: inequality and the pandemic, August 2020, available at:

<https://business.senedd.wales/documents/s103882/Report%20Into%20sharp%20relief%20inequality%20and%20the%20pandemic.pdf>

Equality, Local Government and Communities Committee, Impact of Covid-19 on the voluntary sector, February 2021, available at: <https://senedd.wales/media/d4jh52zz/cr-ld14075-e.pdf>

Question 3: Any other issues

Q3. Are there any other issues you wish to draw to the Committee's attention?

1. There are now five committees looking at various aspects of the Covid-19 pandemic in the Senedd. We respectfully submit that the Committee may want to engage with the work of these committees, especially with the work developed by the Children, Young People and Education Committee, the Legislation, Justice and Constitution Committee, and the Culture, Communications, Welsh Language, Sports, and International Relationships Committee. We also envisage the Equality and Social Justice Committee engaging with human rights matters arising from the pandemic, and respectfully submit that the Committee may want to follow up closely their work. Coordination and collaboration between committees might also be appropriate to avoid duplication of work for committees and for persons and entities providing evidence. This might include joint consultations or, if useful and productive for Committees, the holding of joint sessions, including joint evidence sessions, in order to avoid fragmentation in the parliamentary consideration of pandemic management and recovery.

Submitting evidence

Guidance on providing written evidence

If you have any questions about this consultation or providing written evidence, please contact us at SeneddHealth@senedd.wales or on 0300 200 6565. You may also wish to read the advice on "[Getting involved with committees](#)", which explains how to prepare and submit evidence to Senedd committees.

Official languages

The Senedd has two official languages, Welsh and English. In line with the [Senedd's Official Languages Scheme](#), we request that you submit your response in both languages if you are able to do so. If your response is not submitted bilingually, we will publish in the language submitted, stating that it has been received in that language only. We expect other organisations to implement their own standards or schemes and to comply with their statutory obligation.

How we will use your information

General information regarding consultations, which you should consider carefully before submitting a response to the Committee, is available in our [privacy notice](#).

How to submit your response

We prefer to receive evidence digitally (for both practical and sustainability purposes). Please send an electronic copy of your form to SeneddHealth@senedd.wales.

If you cannot provide evidence digitally, you can send a copy to:

Health and Social Care Committee
Welsh Parliament
Cardiff
CF99 1SN

Responses should be submitted no later than **16.00 on 17 September 2021**.