Briefing: Public Health Wales Bill

Public Health (Wales) Bill
This briefing has been prepared ahead of the debate on the general principles of the Public Health (Wales) Bill planned for the 28 February 2017.

BMA Cymru Wales responded to both the green and white paper consultations on the Public Health (Wales) Bill in the last Assembly, and gave comprehensive evidence to the Health and Social Care Committee on more than one occasion. The Association strongly supports broad legislation to protect human health and we welcome the Public Health (Wales) Bill that has been brought before the fifth Assembly.

We were grateful for the opportunity to provide written and oral evidence to this Assembly’s Health, Social Care and Sport Committee and welcome many of the recommendations made in the Committee’s report. In the first instance, BMA Cymru Wales would strongly encourage Assembly Members to support recommendation 1 of the committee’s report, which is to agree the general principles of the Public Health (Wales) Bill.

Our previous submissions provide a comprehensive outline of our positions on specific parts of the Bill as currently drafted and the evidence-base on which these positions are founded. This briefing focuses on 4 issues addressed by the Committee’s report as follows:

1. **Recommendation 2: Obesity**
   We recommend that Assembly Members support Recommendation 2, which asks the Minister to urgently examine the potential, through this legislation and under existing powers, to introduce measures to tackle obesity and other priority public health issues.

   In particular, we would encourage that this recommendation is taken forward by incorporating additional provisions within this Bill to give Welsh Ministers powers to introduce nutritional standards on a statutory basis for new settings, with the intention to bring forward such nutritional standards for care home and pre-school settings being specified alongside an intention to also place the current nutritional standards for hospital inpatients on a statutory footing.

   Additionally, we propose that the Bill is amended to include provisions that require Local Well-being Plans delivered under the Wellbeing of Future Generations Act 2015 to include specific actions aimed at tackling obesity within each local authority area.

   More detailed information about how these recommendations could work in practice can be found in our written evidence to the committee.

2. **Recommendation 3, 4 and 5: Smoking restrictions and cessations**
   We recommend that Assembly Members support recommendation 3 which urges the Minister to undertake the necessary work to enable smoking restrictions to be extended to early years childcare
and education settings; school gates (building on the work currently being undertaken to implement voluntary bans); and the perimeter areas of public playgrounds.

We welcome provisions within the Bill that will extend the ban on smoking to school grounds, hospital grounds and public playgrounds. We are also supportive of the potential to give Welsh Ministers the power to bring forward regulations that can designate other premises as smoke free, including other non-enclosed settings, if they are satisfied that to do so is likely to contribute towards the promotion of the health of the people of Wales.

Additionally, we recommend Assembly Members support recommendation 4 which suggests the Minister looks into the scope for extending the restrictions to other play/sports facilities, such as playing fields, multi-use games areas, skate parks, etc., as well as to the grounds of other healthcare facilities.

We also recommend that Assembly Members, support recommendation 5: which specifically urges the Minister to work with Health Boards to ensure smoking cessation support and advice is promoted extensively in healthcare settings, including in external smoking areas where these are provided. This is an issue that we discussed with the committee at length during our oral evidence session.

3. **Recommendation 12 – Special Procedures licensing procedures**

This recommendation sets out that the Bill should be amended so that there is no blanket exemption on the face of the Bill for any healthcare professional who may undertake special procedures. The recommendation states that: “*any healthcare profession, including doctors, dentists and nurses, should only become exempt from the licensing requirement via regulations and following consultation with the relevant professional bodies*.”

Given the high professional regulatory standards which are already in place for healthcare professionals working in any setting, and including a duty of care to patients, we are concerned that the removal of such exemptions in the delivery of special procedures could be highly unnecessary. Whilst very few of our members will conduct such procedures, we feel that greater consideration should be given to the practicalities of removing the specific exemptions as currently detailed in the draft Bill.

4. **Recommendation 15: Health Impact Assessments**:

BMA Cymru Wales is strongly supportive of the inclusion of Health Impact Assessments within the Public Health (Wales) Bill.

We believe that legislating for mandatory HIA could provide a significant contribution to improving the health and well-being of communities, and position Wales as a world leader in the application of public health policy. Their enactment would enable positive health benefits to be maximised in the development of key policies, plans and programmes, as well enabling negative health impacts to be mitigated against. Additionally, it would substantially develop the health in all policies approach already being taken forward by the Well-being of Future Generations (Wales) Act 2015.

We have no opposition to the recommendation that HIAs ought to be renamed “*Health and Wellbeing Impact Assessments*” providing that the change in name in no way narrows the scope of the assessments in practice. However, we would caution that HIA is an internationally understood term and deviating from this must be done in a mindful and deliberate way.