

**PWYLLGOR ARCHWILIO A SICRWYDD RISG
AUDIT AND RISK ASSURANCE COMMITTEE**

DYDDIAD Y CYFARFOD: DATE OF MEETING:	05 May 2022
TEITL YR ADRODDIAD: TITLE OF REPORT:	NHS Non-Statutory Instruments Update (Ministerial Directions)
CYFARWYDDWR ARWEINIOL: LEAD DIRECTOR:	Joanne Wilson, Board Secretary
SWYDDOG ADRODD: REPORTING OFFICER:	Ryan Williams, Assurance and Risk Administrator

**Pwrpas yr Adroddiad (dewiswch fel yn addas)
Purpose of the Report (select as appropriate)**

Er Sicrwydd/For Assurance

**ADRODDIAD SCAA
SBAR REPORT**

Sefyllfa / Situation

To provide the Audit and Risk Assurance Committee with a status report and assurance that all NHS Non-Statutory Instruments (often know as Ministerial Directions) received from the Welsh Government in 2021/22 have been complied with, with the exception of No.59 (The Directions to Local Health Boards and NHS Trusts in Wales on the Delivery of Autism Services 2021) which is currently being implemented.

Cefndir / Background

Acts of Parliament, Assembly Measures and Assembly Acts enable Welsh Ministers to make more detailed legislation, known as secondary or subordinate legislation, usually by means of Statutory Instruments (SIs).

Non-Statutory Instruments are legislative in character, they alter legal rights and duties however they are not statutory instruments. Non-Statutory Instruments which are issued by Welsh Ministers include codes of practice and guidance.

In complying with the requirements of various governance codes and the Annual Governance Statement requirements, the University Health Board (UHB) has a duty to provide assurance that the non-statutory instruments have been complied with.

Asesiad / Assessment

Non-statutory Instruments (Ministerial Directions) which have been issued in 2021/22 and which relate to the National Health Service have been implemented by the UHB. Non-Statutory Instruments (Ministerial Directions) are reported to the Sustainable Resources Committee (SRC) tri-annually.

Appendix 1 details the Non-Statutory Instruments (Ministerial Directions) and provides confirmation that these have all been complied with, with the exception of No.59 (The Directions to Local Health Boards and NHS Trusts in Wales on the Delivery of Autism Services 2021) which is currently being implemented.

Argymhelliad / Recommendation

The Audit and Risk Assurance Committee is asked to note the Non-Statutory Instruments (Ministerial Directions) which have been issued and to endorse the confirmation that the UHB is compliant with these, with the exception of No.59 (The Directions to Local Health Boards and NHS Trusts in Wales on the Delivery of Autism Services 2021) which is currently being implemented.

Amcanion: (rhaid cwblhau)

Objectives: (must be completed)

Committee ToR Reference Cyfeirnod Cylch Gorchwyl y Pwyllgor	3.2 In particular, the Committee will review the adequacy of: 3.2.1 all risk and control related disclosure statements (in particular the Accountability Report and the Annual Quality Report), together with any accompanying Head of Internal Audit statement, external audit opinion or other appropriate independent assurances, prior to endorsement by the Board; 3.2.2 the underlying assurance processes that indicate the degree of the achievement of corporate objectives, the effectiveness of the management of principal risks and the appropriateness of the above disclosure statements; 3.2.3 the policies for ensuring compliance with relevant regulatory, legal and code of conduct and accountability requirements; and 3.2.4 the policies and procedures for all work related to fraud and corruption as set out in National Assembly for Wales Directions and as required by the Counter Fraud and Security Management Service.
Cyfeirnod Cofrestr Risg Datix a Sgôr Cyfredol: Datix Risk Register Reference and Score:	Not applicable
Safon(au) Gofal ac Iechyd: Health and Care Standard(s):	Governance, Leadership and Accountability
Amcanion Strategol y BIP: UHB Strategic Objectives:	Not Applicable
Amcanion Llesiant BIP: UHB Well-being Objectives: Hyperlink to HDdUHB Well-being Objectives Annual Report 2018- 2019	10. Not Applicable

Gwybodaeth Ychwanegol: Further Information:	
Ar sail tystiolaeth: Evidence Base:	Ministerial Directions
Rhestr Termau: Glossary of Terms:	Incorporated within the main body of the report
Partion / Pwyllgorau â ymgynhorwyd ymlaen llaw y Pwyllgor Archwilio a Sicrwydd Risg: Parties / Committees consulted prior to Audit and Risk Assurance Committee:	Board Secretary

Effaith: (rhaid cwblhau) Impact: (must be completed)	
Ariannol / Gwerth am Arian: Financial / Service:	Non-statutory Instruments are legal tools which often have a financial impact on the organisation.
Ansawdd / Gofal Claf: Quality / Patient Care:	Non-statutory Instruments are legal tools which can impact patient care
Gweithlu: Workforce:	Not applicable
Risg: Risk:	Non-Statutory Instruments are legislative in character, they alter legal rights and duties and must be implemented by the Health Board.
Cyfreithiol: Legal:	Non implementation of Non-Statutory Instruments may result in the UHB being less likely to defend itself in a legal challenge which could lead to fines/penalties and damage to reputation.
Enw Da: Reputational:	As above.
Gyfrinachedd: Privacy:	Not applicable
Cydraddoldeb: Equality:	Not applicable

Welsh Government Non-Statutory Instruments used in relation to the National Health Service in Wales
(Ministerial Directions 2021/22)

Direction Number	Name of Direction	Date Issued	Description	Progress on implementation
2021. No.41	Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment) Directions 2021	19/04/2021	Directions to local health boards on amendments to the general medical services contract.	This Ministerial Direction has been enacted.
2021. No.59	The Directions to Local Health Boards and NHS Trusts in Wales on the Delivery of Autism Services 2021	26/07/2021	Directions to Local Health Boards and NHS Trusts on autism services for 2021. Each Local Health Board and each NHS Trust must exercise its functions in accordance with the relevant provisions of the Code of Practice on the Delivery of Autism Services, which was issued by the Welsh Ministers on 16 July 2021 and which came into force on 1 September 2021.	<p>This Direction is currently being implemented. There is an Integrated Autism Service (IAS) established which is an integrated health and social care service, and a dedicated Neurodevelopmental Disorder (ASD) service for children and young people. The Regional Partnership Board has also established a Strategic Autism Group.</p> <p>The RPB have awarded a contract to a local Autism Wellbeing company to work with the UHB to complete an audit by June 2022 to establish current compliance with the Code of Practice on the Delivery of Autism</p>

				Services. Following the outcome of the audit, an action plan will be developed to implement outstanding elements of the Code of Practice.
2021. No.65	The Primary Care (PfizerBioNTech Vaccine COVID-19 Immunisation Scheme) Directions 2021	29/07/2021	How health boards can engage primary care contractors to administer the Pfizer-BioNTech vaccine.	This Ministerial Direction has been enacted.
2021. No.70	The Primary Care (Contracted Services: Immunisations) Directions 2021	13/08/2021	Guidance for primary care contractors to administer COVID-19 vaccines from August 2021.	This Ministerial Direction has been enacted.
2021. No.75	Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment) (No. 2) Directions 2021	01/09/2021	Directions to local health boards on amendments to the general medical services contract.	This Ministerial Direction has been enacted.
2021. No.77	The National Health Service (General Medical Services – Recurring Premises Costs during the COVID-19 Pandemic) (Wales) (Revocation) Directions 2021	09/09/2021	Revocation of the National Health Service (General Medical Services – Recurring Premises Costs during the COVID-19 Pandemic) (Wales) Directions 2020	This Ministerial Direction has been enacted.
2021. No.83	The Pharmaceutical Services (Fees for Applications) (Wales) Directions 2021	01/10/2021	These Directions require LHBs to charge a specified fee for applications for inclusion in or amendment to a pharmaceutical list.	This Ministerial Direction has been enacted.
2021. No.84	The Directions to Local Health Boards as to the Personal Dental Services Statement of Financial Entitlements (Amendment) Directions 2021	18/10/2021	These Directions uplift NHS dental contract payments for 2021 to 2022.	This Ministerial Direction has been enacted.

2021. No.85	The Directions to Local Health Boards as to the General Dental Services Statement of Financial Entitlements (Amendment) (No.2) Directions 2021	18/10/2021	These Directions uplift NHS dental contract payments for 2021 to 2022.	This Ministerial Direction has been enacted.
2021. No.88	The Directions to Local Health Boards as to the General Dental Services Statement of Financial Entitlements (Amendment) (No. 3) Directions 2021	20/10/2021	These Directions uplift NHS dental contract payments for 2021 to 2022.	This Ministerial Direction has been enacted.
2021. No.89	The Directions to Local Health Boards as to the Personal Dental Services Statement of Financial Entitlements (Amendment) (No. 3) Directions 2021	20/10/2021	Directions to implement COVID-19 measures and sanctions.	This Ministerial Direction has been enacted.
2021. No.90	The Primary Medical Services (Influenza and Pneumococcal Immunisation Scheme) (Directed Enhanced Service) (Wales) (No. 2) (Amendment) Directions 2021	16/11/2021	Highlights the legislative position should any Contractor wish to deliver this service. This has been received and has been sent to Primary Care by WG.	Framework exists should Primary Care contractors intend to deliver the vaccine.
2021. No.93	Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment) (No.3) Directions 2021	02/12/2021	Directions to local health boards on amendments to the general medical services contract.	This Ministerial Direction has been enacted.
2021. No.97	The Primary Care (Contracted Services: Immunisations) (Amendment) Directions 2021	03/12/2021	Legal requirements of how health boards can engage primary care contractors to administer COVID-19 vaccines.	Framework exists should Primary Care contractors intend to deliver the vaccine.

2022. No.06	The Pharmaceutical Services (Clinical Services) (Wales) Directions 2022	15/03/2022	The Directions set out the requirements for the provision of clinical pharmaceutical services in Wales.	This Ministerial Direction has been enacted.
2022. No.13	The Wales Infected Blood Support Scheme (Amendment) Directions 2022	21/03/2022	These Directions are given to Velindre University NHS Trust.	N/A - for action by Velindre University NHS Trust.