



PWYLLGOR ARCHWILIO A SICRWYDD RISG AUDIT AND RISK ASSURANCE COMMITTEE

DYDDIAD Y CYFARFOD: DATE OF MEETING:	11 May 2023
TEITL YR ADRODDIAD: TITLE OF REPORT:	NHS Non-Statutory Instruments Update (Ministerial Directions)
CYFARWYDDWR ARWEINIOL: LEAD DIRECTOR:	Joanne Wilson, Director of Corporate Governance
SWYDDOG ADRODD: REPORTING OFFICER:	Charlotte Wilmshurst, Assistant Director of Assurance and Risk

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 (MDs)) received from the Welsh Government in 2022/23 have been complied with, or are in the process of 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

MDs which have been issued in 2022/23 and which relate to the National Health Service have been implemented by the Health Board and are reported to the Sustainable Resources Committee (SRC) tri-annually.

Appendix 1 details the MDs issued during 2022/23, and provides confirmation that these have all been complied with, with the exception of:

- WG23-07 (Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment) Directions 2023) which will be implemented in October 2023; and

- WG23-08 (Local health boards and NHS Trusts reporting on the introduction of new medicines into the National Health Service in Wales Directions 2023) which is currently being implemented.

Appendix 2 details an outstanding MD issued in 2021, with an update provided by the Assistant Director, Mental Health & Learning Disabilities in March 2023:

- WG21-59 (The Directions to Local Health Boards and NHS Trusts in Wales on the Delivery of Autism Services 2021) which will be implemented by October 2025.

Argymhelliad / Recommendation

The Audit and Risk Assurance Committee is asked to note the MDs which have been issued and to endorse the confirmation that the UHB is compliant with these.

Amcanion: (rhaid cwblhau)

Objectives: (must be completed)

Cyfeirnod Cofrestr Risg Datix a Sgôr Cyfredol: Datix Risk Register Reference and Score:	Not applicable
Galluogwyr Ansawdd: Enablers of Quality: Quality and Engagement Act (sharepoint.com)	Not Applicable
Parthau Ansawdd: Domains of Quality Quality and Engagement Act (sharepoint.com)	Not Applicable
Amcanion Strategol y BIP: UHB Strategic Objectives:	Not Applicable
Amcanion Cynllunio Planning Objectives	Not Applicable
Amcanion Llesiant BIP: UHB Well-being Objectives: Hyperlink to HDdUHB Well-being Objectives Annual Report 2021-2022	10. Not Applicable

Gwybodaeth Ychwanegol:

Further Information:

Ar sail tystiolaeth: Evidence Base:	Ministerial Directions
Rhestr Termiau: Glossary of Terms:	Incorporated within the main body of the report
Partïon / Pwyllgorau â ymgynhorwyd ymlaen llaw y Pwyllgor Archwilio a Sicrwydd Risg: Parties / Committees consulted prior to Audit and Risk Assurance Committee:	Director of Corporate Governance

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 Health Board 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 2022/23)

Direction Number	Name of Direction	Date Issued	Description	Progress on implementation
2022. No.16	The Directions to Local Health Boards as to the Personal Dental Services Statement of Financial Entitlements (Amendment) Directions 2022	06/04/2022	Amendments to Directions to reflect new activity measures for contract reform practices.	This Ministerial Direction has been enacted.
2022. No.17	The Directions to Local Health Boards as to the General Dental Services Statement of Financial Entitlements (Amendment) Directions 2022	06/04/2022	Amendments to Directions to reflect new activity measures for contract reform practices.	This Ministerial Direction has been enacted.
2022. No.24	The Primary Care (Contracted Services: Outpatient Waiting List Scheme) Directions 2022	12/08/2022	The amendment Directions update the clinically at risk groups eligible for the influenza vaccination.	This Ministerial Direction has been enacted.
2022. No.25	Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment) (No. 2) Directions 2022	09/06/2022	Directions to local health boards on amendments to the general medical services contract.	This Ministerial Direction has been enacted.
2022. No.31	The Primary Medical Services (Influenza and Pneumococcal Immunisation Scheme) (Directed Enhanced Service) (Wales) (No. 2) (Amendment) Directions 2022	08/08/2022	The amendment Directions update the clinically at risk groups eligible for the influenza vaccination.	This Ministerial Direction has been enacted.

Direction Number	Name of Direction	Date Issued	Description	Progress on implementation
2022. No.32	The Pharmaceutical Services (Advanced Services (Appliances) (Wales) (Amendment) Directions 2022	29/07/2022	The Directions set out amendments to the requirements for the provision of appliance services in Wales.	This Ministerial Direction has been enacted.
2022. No.37	The Primary Care (Contracted Services: Immunisations) (Amendment) (No. 2) Directions 2022	24/08/2022	How health boards can engage primary care contractors to administer the COVID-19 vaccine.	This Ministerial Direction has been enacted.
2022. No.44	The Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment) (No. 3) Directions 2022	14/11/2022	Directions to local health boards on amendments to the general medical services contract.	This Ministerial Direction has been enacted.
2022. No.45	The Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment) (No. 4) Directions 2022	30/11/2022	Fee scales for dispensing doctors from 1 October 2022 to 31 March 2023 and from 1 April 2023.	This Ministerial Direction has been enacted.
2022. No.46	The Wales Infected Blood Support Scheme (Amendment) (No. 2) Directions 2022	08/12/2022	These Directions are given to Velindre University NHS Trust.	N/A – for action by Velindre University NHS Trust.
2023. No.1	The Directions to Local Health Boards as to the General Dental Services Statement of Financial Entitlements (Amendment) Directions 2023	13/01/2023	These Directions uplift NHS dental contract payments for 2022 to 2023.	This Ministerial Direction has been enacted.
2023. No.2	The Directions to Local Health Boards as to the Personal Dental Services Statement of Financial Entitlements (Amendment) Directions 2023	13/01/2023	These Directions uplift NHS dental contract payments for 2022 to 2023.	This Ministerial Direction has been enacted.

Direction Number	Name of Direction	Date Issued	Description	Progress on implementation
2023. No.7	Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment) Directions 2023	20/02/2023	The payments to be made by Local Health Boards to a GMS contractor under a GMS contract.	Part 1 of this Ministerial Direction has been enacted. The second part applies from October 2023 and will be processed when required.
2023. No.8	Local health boards and NHS Trusts reporting on the introduction of new medicines into the National Health Service in Wales Directions 2023	24/03/2023	Directions regarding the Implementation of the high-cost drugs reporting system.	The Ministerial Direction has been recently received, with the Clinical Director of Pharmacy & Medicines Management contacted for update on progress.

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.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.	Assistant Director, Mental Health and Learning Disabilities confirmed in March 2023 that the Health Board is still on track for a completion date of October 2025, and provided the following update: 1.The Health Board continues to work with the Regional Partnership Board in the development and delivery of the Code of Practice Implementation Plan which requires a multi-agency response to address the recommendations outlined in the Code 2. The Health Board continues to work in collaboration with partner agencies in the delivery of the 3-year Improvement Plan with a focus on achieving the 3 priority areas of - Improving urgent need and family support - Building sustainable services

Direction Number	Name of Direction	Date Issued	Description	Progress on implementation
				<p>- Cross cutting themes to focus on workforce, digital, data and monitoring</p> <p>3. WG have commissioned an independent Evaluation of the Code of Practice for 2023 to identify the current position of all services in respect of the Code, identify what data is collated and review this to identify barriers and enablers to implementation and identify recommendations for improvements in meeting the duties of the Code</p> <p>4. WG has made £12million available as part of a 3-year Improvement Plan.</p>