



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

DYDDIAD Y CYFARFOD: DATE OF MEETING:	05 May 2021
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:	Rachel 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 2020/21 have been complied with.

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 2020/21 and which relate to the National Health Service have been implemented by the UHB.

Appendix 1 details the Non-Statutory Instruments (Ministerial Directions) and provides confirmation that these have all been complied with.

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.

Amcanion: (rhaid cwblhau) Objectives: (must be completed)	
Committee ToR Reference Cyfeirnod Cylch Gorchwyl y Pwyllgor	5.2 In particular, the Committee will review the adequacy of: 5.2.1 all risk and control related disclosure statements (in particular the Annual Governance Statement and the Annual Quality Statement), together with any accompanying Head of Internal Audit statement, external audit opinion or other appropriate independent assurances, prior to endorsement by the Board; 5.2.2 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; 5.2.3 the policies for ensuring compliance with relevant regulatory, legal and code of conduct and accountability requirements; and 5.2.4 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
Partïon / Pwyllgorau â ymgynhorwyd ymlaen llaw y Pwyllgor Archwilio a Sicrwydd Risg:	Board Secretary

Parties / Committees consulted prior to Audit and Risk Assurance Committee:	
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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 2020/21)

Direction Number	Name of Direction	Date Issued	Description	Progress on implementation
2020. No.18	The Primary Medical Services Easter Weekend and Bank Holiday Provision of Essential General Medical Services during the COVID-19 Pandemic) (Directed Enhanced Service) Directions 2020.	08/04/2020	As part of its discharge of its functions under Section 41 of the 2006 Act, each Local Health Board must establish (if it has not already done so), operate and, as appropriate revise, a scheme to secure Easter weekend and Bank Holiday provision of Essential General Medical Services (GMS) during the COVID-19 pandemic.	Implemented
2020. No.20	The National Health Service (General Medical Services Recurring Premises Costs during the COVID-19 Pandemic) (Wales) Directions 2020	20/04/2020	The Directions provide financial assistance, if required, for GP recurring premises costs during the COVID-19 pandemic.	Implemented
2020. No.24	The National Health Service (Wales Eye Care Services payments during the COVID-19 Pandemic) (Wales) Directions 2020	23/05/2020	Statement on average monthly payment to optometrists for general ophthalmic services provided during COVID-19.	Implemented

2020. No.27	The National Health Service (General Medical Services - Premises Costs) (Wales) (Amendment) Directions 2020	03/06/2020	How notional rent review assessments should be undertaken for GP practice premises between 1 April 2020 and 31 March 2021.	Implemented
2020. No.28	Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment) (No. 2) Directions 2020	23/06/2020	Directions to local health boards on amendments to the general medical services contract	Implemented
2020. No.30	The Primary Medical Services (COVID-19 Care Homes) (Directed Enhanced Services) (Wales) Directions 2020	01/07/2020	The Directions provide for GPs to deliver services to care home residents during the COVID-19 pandemic.	Implemented
2020. No 29	Directions to Local Health Boards as to the Statement of Financial Entitlements (COVID-19 Suspension of Enhanced Services) (Amendment) Directions 2020	19/06/2020	These Directions are given to Local Health Boards. They relate to the payments to be made by Local Health Boards to a GMS contractor under a GMS contract	Implemented
2020. No 25	Directions to Local Health Boards as to the Statement of Financial Entitlements (Provision of Enhanced Services during the Recovery Phase of the COVID-19 Pandemic) Directions 2020	29/06/2020	These Directions are given to Local Health Boards. They relate to the payments to be made by Local Health Boards to a GMS contractor under a GMS contract	Implemented – later superseded by Direction 2020 No. 59 (see below)

2020. No 39	Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment) (No. 3) Directions 2020	15/07/2020	Directions to local health boards on amendments to the general medical services contract.	Implemented
2020. No 44	The National Health Service (Wales Eye Care Services) Directions 2020	28/08/2020	The Directions provide for the resumption of the normal Wales Eye Care Services payments for providing these services.	Implemented, subject to opticians being open.
2020. No 51	Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment) (No. 4) Directions 2020	16/09/2020	Directions to local health boards on amendments to the general medical services contract.	Implemented
2020. No 45	The Primary Medical Services (Directed Enhanced Services) (Wales) (Amendment) Directions 2020	18/09/2020	The Direction highlights the changes put in place for the 2020/21 influenza immunisation programme.	Implemented
2020. No 55	The Primary Medical Services (Directed Enhanced Services) (Wales) (Amendment) (No.2) Directions 2020	28/10/2020	Highlights the changes put in place for the 2020/21 influenza immunisation programme.	Implemented
2020. No 70	The Primary Medical Services General Practice Seasonal Influenza Additional Immunisation Scheme (Directed Enhanced Service) (Wales) Directions 2020	02/12/2020	Provides for the flu vaccination to be given to people aged 50 to 64 years old.	Implemented

2020. No 73	The Primary Medical Services (Provision of Essential General Medical Services over the Christmas and New Year Period during the COVID 19 Pandemic) (Directed Enhanced Service) (Amendment) Directions 2020	16/12/2020	Highlights changes to GMS payments over the Christmas period.	Implemented
2020 No. 59	Directions to Local Health Boards as to the Statement of Financial Entitlements (Provision of Enhanced Services during the Relaxation Phase of the COVID-19 Pandemic) Directions 2020	20/11/2020	How GPs should deliver enhanced services during the relaxation phase of COVID-19.	Implemented – Direction supersedes 2020. No 25 (see above)
2020 No. XX (Number not provided by Welsh Government)	Oxford/AstraZeneca COVID-19 vaccine: Directions and immunisation scheme specification for primary care	**/12/2020 (specific date not provided by Welsh Government)	Directions to health boards on the administration of the Oxford/AstraZeneca COVID-19 vaccine.	Implemented
2021. No 04	Directions to Local Health Boards as to the Statement of Financial Entitlements (COVID 19 Suspension of QAIF and Alteration of Enhanced Services) Directions 2021	09/02/2021	Directions to local health boards on amendments to the general medical services contract.	Implemented

2021. No 21	The Directions to Local Health Boards as to the Personal and General Dental Services Statement of Financial Entitlements (Amendment) Directions 2021	04/03/2021	These Directions concern reductions in annual dental contract values during the COVID-19 pandemic.	Implemented
2021. No 24	The National Health Service (General Medical Services Premises Costs) (Wales) (Amendment) Directions 2021	09/03/2021	These Directions concern how notional rent review assessments should be undertaken for GP practice premises between 1 April 2020 and 31 March 2022.	Implemented