



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

DYDDIAD Y CYFARFOD: DATE OF MEETING:	07 May 2019
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:	Claire Bird, Assurance Officer

**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 & 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 2018/19 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 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 2018/19 and which relate to the National Health Service have been implemented by the UHB.

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

Argymhelliad / Recommendation

The Audit & 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 Statement	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	Board Secretary

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 2018/19)

Direction Number	Name of Direction	Date Issued	Description	Progress on implementation
2018. No. 46	The Primary Medical Services (Antivirals for Prophylaxis of Seasonal Influenza in Care Home Outbreaks) (Directed Enhanced Service) (Wales) Directions 2018	19/06/18	Establishment of Directed Enhanced Service for Antivirals for Prophylaxis of Seasonal Influenza in Care Homes.	Complete
2018. No.54	The Wales Infected Blood Support Scheme (Amendment) Directions 2018	19/06/18	Amendments to the Principal Directions	This Direction involves no action for Hywel Dda University Health Board
2018 No. 56	The Abortion Act 1967 (Approval of Place for Treatment for the Termination of Pregnancy) (Wales) 2018	27/06/18	Approval of class of place: The home of a pregnant woman who is undergoing treatment for the purposes of termination of pregnancy is approved as a class of place where treatment for termination of pregnancy may be carried out where that treatment is carried out in the manner specified below: The treatment must be carried out in the following manner— (a) the pregnant woman has attended a clinic where she has been prescribed mifepristone and misoprostol to be taken for the purposes of the termination of pregnancy; and (b) the pregnant woman has taken mifepristone at that clinic and wants to carry out the treatment at home.	Complete

2018 No. 52	The Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment) Directions 2018	03/07/18	The amendment Directions make provision for an uplift of 1% for pay and a 1.4% increase for general expenses (excluding indemnity) to be applied to global sum and the enhanced service for vaccinations and immunisations. An uplift of £2.7m towards the rising costs of professional indemnity for GPs and practice teams is to be paid directly to practices through the global sum.	Complete
2018 No.55	Mental Health Act 1983 (Approved Clinicians) (Wales) Directions 2018	20/07/18	These Directions are given to Local Health Boards and apply in relation to approving persons to act as approved clinicians in relation to Wales.	Complete
2018 No.69	Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment) (No.2) Directions 2018	23/11/18	The amendment Directions make provision for an additional 3% pay uplift applied wholly to Global Sum and the revised Dispensing Doctors Feescales.	Complete

Ministerial Directions can be accessed via the Welsh Government website –
<https://gweddi.gov.wales/legislation/subordinate/nonsi/nhswales/2018/?lang=en>