

PWYLLGOR CYLLID FINANCE COMMITTEE

DYDDIAD Y CYFARFOD: DATE OF MEETING:	24 July 2020
TEITL YR ADRODDIAD: TITLE OF REPORT:	Ministerial Directions
CYFARWYDDWR ARWEINIOL: LEAD DIRECTOR:	Huw Thomas, Executive Director of Finance
SWYDDOG ADRODD: REPORTING OFFICER:	Claire Bird, Assurance and Risk 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

The purpose of this report is to provide the Finance Committee with a status update and assurance that all NHS Non-Statutory Instruments (otherwise known as Ministerial Directions) received from the Welsh Government (WG) in 2020/21 have been implemented/ adopted by Hywel Dda University Health Board (HDdUHB).

Cefndir / Background

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

Non-Statutory Instruments (NSIs) are legislative in character; they alter legal rights and duties, however they are not SIs. NSIs 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, HDdUHB has a duty to provide assurance that the NSIs have been complied with.

During its recent review of the Annual Governance Statement, the Audit and Risk Assurance Committee (ARAC) requested that the internal assurance process regarding the adoption of, and actions in response to, these requirements be strengthened. As Ministerial Directions (MDs) potentially form part of the process of approving expenditure of public money, the Finance Committee will receive a quarterly assurance report on compliance with these.

Asesiad / Assessment

Appendix 1 details the NSIs (MDs) relating to the National Health Service issued between 1st April 2020 and 6th July 2020, and provides confirmation that all have been implemented/ adopted by HDdUHB.

Argymhelliad / Recommendation

The Finance Committee is asked to receive assurance that the HB is compliant with the NSIs (MDs) issued by WG between 1st April 2020 and 6th July 2020.

Amcanion: (rhaid cwblhau) Objectives: (must be completed)	
Committee ToR Reference: Cyfeirnod Cylch Gorchwyl y Pwyllgor:	5.5.12 Reviewing any investment/ disinvestment strategy, maintaining oversight of the investments and disinvestments, ensuring compliance with policies by: <ul style="list-style-type: none">• Establishing the overall methodology, processes and controls which govern investments and disinvestments, including the prioritisation of decisions;• Ensuring that robust processes are followed; and• Evaluating, scrutinising and monitoring subsequent investments/ disinvestments.• Evaluating, scrutinising and monitoring subsequent investments/ disinvestments.
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 Termiau: Glossary of Terms:	Incorporated within the main body of the report
Partïon / Pwyllgorau â ymgynhorwyd ymlaen llaw y Pwyllgor Cyllid: Parties / Committees consulted prior to Finance Committee:	ARAC 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 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

Appendix 1: WG 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.	This relates to a unique service provision. This has been enacted and the service provided.
2020. No.20	The National Health Service (General Medical Services Recurring Premises Costs during the COVID-19 Pandemic) (Wales) Directions 2020	20/04/2020	A contractor who receives financial assistance for recurring premises costs in accordance with Part 5 of the National Health Service (General Medical Services – Premises Costs) (Wales) Directions 2015, but is unable to provide general medical services from their practice premises in accordance with their GMS contract as a result of the COVID-19 pandemic, will continue to receive financial assistance for recurring premises costs for the period during which the contractor is unable to provide general medical services from the practice premises.	This direction confirms that current premises payments to practices are to continue at the same rate as before COVID-19. No further action required.

			(2) Paragraph (1) does not apply to a contractor that had served notice of their intention to terminate their GMS contract in accordance with paragraph 106 of Schedule 6 to the National Health Service (General Medical Services Contracts) (Wales) Regulations 2004(1) on or before the date on which these Directions come into force.	
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.	<p>This direction informed of payments to NHS Opticians as per the Chief Optometric Advisor's letter of 17th March 2020 which outlined the reduction of optometric services due the COVID-19 pandemic, while also explaining that optometrists would still receive a monthly NHS income.</p> <p>The Statement of General Ophthalmic Services Remuneration (COVID-19 Average Monthly Payment) and the National Health Service Directions 2020 (Wales Eye Care Services payments during the COVID-19 Pandemic) (Wales) outlined the legal framework of the calculations</p>

				<p>to be used for optometrists to receive a monthly NHS income during the COVID-19 period.</p> <p>These calculations have been coordinated by a Payments Team based in Pontypool, who are managed by the All Wales Payments Manager.</p>
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.	<p>This direction has been implemented with the following assurance from the NWSSP Premises Payments Supervisor:</p> <ul style="list-style-type: none"> • The reviews will continue to be done by Specialist Estates as normal. • The review will be done/ completed around 1 to 3 months prior to the review date unless it is a negotiated lease /rent with the landlord, which can take a lot longer. • Specialist Estates will liaise with the practices regarding any changes. • Timelines relating to the process do not change, except due to the

				current circumstances where the surveyors cannot access the practices but have all the information required to complete a review remotely.
2020. No.28	Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment) (No. 2) Directions 2020	23/06/2020	<p>The Welsh Ministers, in exercise of the powers conferred on them by sections 45, 203(9) and (10) and 204(1) of the National Health Service (Wales) Act 2006(1), and after consulting in accordance with section 45(4) of that Act with the bodies appearing to them to be representative of persons to whose remuneration these Directions relate, give the following Directions:</p> <p>Title, application and commencement</p> <p>(1) The title of these Directions is 'The Directions to Local Health Boards as to the Statement of Financial Entitlements (Amendment) (No. 2) Directions 2020.'</p> <p>(2) These Directions are given to Local Health Boards.</p> <p>(3) These Directions are made on 22nd June 2020 and come into force on 23rd June 2020.</p>	Currently in progress.

<p>2020. No.30</p>	<p>The Primary Medical Services (COVID-19 Care Homes) (Directed Enhanced Services) (Wales) Directions 2020</p>	<p>01/07/2020</p>	<p>The Directions provide for GPs to deliver services to care home residents during the COVID-19 pandemic.</p>	<p>This direction was implemented across GP Practices by the Assistant Director of Primary Care by the deadline of 01/07/2020. Practices were contacted to ask for Expression of Interests (EOIs) to deliver the service. One practice has declined to deliver, and is therefore working with neighbouring practices to provide cover to its registered patients who live in Care Homes. Nationally, through Heads of Primary Care (HOPC), it was noted that any contractual changes normally require 3 months' notice, which is preferable.</p>
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