



PWYLLGOR CYLLID FINANCE COMMITTEE

DYDDIAD Y CYFARFOD: DATE OF MEETING:	26 January 2021
TEITL YR ADRODDIAD: TITLE OF REPORT:	Ministerial Directions
CYFARWYDDWR ARWEINIOL: LEAD DIRECTOR:	Huw Thomas, 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 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 7th July 2020 and 13th January 2021, and provides confirmation that all have been implemented/ adopted by HDdUHB.

Argymhelliad / Recommendation

The Finance Committee is asked to note that HDdUHB is compliant with the NSIs (MDs) issued by WG between 7th July 2020 and 13th January 2021.

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.
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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 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	This Direction has now been enacted.
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 (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.' (2) These Directions are given to Local Health Boards.</p>	<p>Previously reported to the Finance Committee on 24/07/2020 as currently in progress.</p> <p>This Direction has now been enacted with QAIF (Quality Assurance and Improvement Framework) Achievement payments being made to practice in December 2020.</p>

			(3) These Directions are made on 22nd June 2020 and come into force on 23rd June 2020.	
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	This Direction was enacted, however was 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.	This Direction has been enacted.
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.	This Direction has been enacted, however is subject to opticians being open again.
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.	This Direction has been enacted.
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.	This Direction has been enacted. Practices are now claiming for influenza administration.
2020. No 55	The Primary Medical Services (Directed Enhanced Services)	28/10/2020	Highlights the changes put in place for the 2020/21 Influenza immunisation programme.	This Direction has been enacted. Practices are now

	(Wales) (Amendment) (No.2) Directions 2020			claiming for influenza administration.
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 Influenza vaccination to be given to people aged 50 to 64 years old.	This Direction has been enacted. All necessary action has been taken as this is contractual.
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.	This Direction has been enacted.
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.	This Direction supersedes 2020 No. 25 (see above). This Direction has been enacted.
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.	This has been commissioned from GP practices w/c 04/01/2021 and will be used in accordance with the Directions for the roll out of the vaccination scheme in Primary Care.