



PWYLLGOR ADNODDAU CYNALIADWY SUSTAINABLE RESOURCES COMMITTEE

DYDDIAD Y CYFARFOD: DATE OF MEETING:	28 February 2023
TEITL YR ADRODDIAD: TITLE OF REPORT:	Ministerial Directions
CYFARWYDDWR ARWEINIOL: LEAD DIRECTOR:	Huw Thomas, Director of Finance
SWYDDOG ADRODD: REPORTING OFFICER:	Charlotte Wilmshurst, Assistant Director, 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

The purpose of this report is to provide the Sustainable Resources Committee with a status update and assurance that all NHS Non-Statutory Instruments, otherwise known as Ministerial Directions (MD), received from Welsh Government (WG) 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 (SI).

Non-Statutory Instruments (NSI) 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 of compliance with the NSIs.

During the 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 MDs potentially form part of the process of approving expenditure of public money, the Sustainable Resources Committee will receive a quarterly assurance report on compliance.

Asesiad / Assessment

The table attached at Appendix 1 details the MDs relating to the National Health Service issued between 1 August 2022 and 31 January 2023, as well as MDs issued previously which are still in the process of being implemented. Appendix 1 provides details that all MDs

have either been implemented/ adopted by HDdUHB or are in the process of being implemented.

Argymhelliad / Recommendation

The Sustainable Resources Committee is requested to receive that HDdUHB is compliant with the NSIs (MDs) issued by WG between 1 August 2022 and 31 January 2023.

**Amcanion: (rhaid cwblhau)
Objectives: (must be completed)**

Committee ToR Reference: Cyfeirnod Cylch Gorchwyl y Pwyllgor:	3.12 Review 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.
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

Partion / Pwyllgorau â ymgynhorwyd ymlaen llaw y Pwyllgor Adnoddau Cynaliadwy: Parties / Committees consulted prior to Sustainable Resources Committee:	Board Secretary
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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 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:	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.
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 2022/23)

Direction Number	Name of Direction	Date Issued	Description	Progress on Implementation	RAG Status
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.	Confirmation from Head of Children and Adolescent Mental Health Service (CAMHS) that Welsh Government (WG) has published its 3-year plan for Neurodevelopmental Services on 11 October 2022 and are now undertaking consultation sessions across Wales. The plan aims to deliver the improvements through a targeted program reflecting three main work streams: Workstream One – Tackling Urgent Need; Workstream Two – Building Sustainable Services; Workstream Three –Infrastructure and workforce. In addition, a report has been commissioned on the Code of Practice and is currently awaiting delivery. Due to this being a 3 year plan, the status of Ministerial Direction has been reverted to ‘amber’, with an estimated completion date of October 2025.	

Direction Number	Name of Direction	Date Issued	Description	Progress on Implementation	RAG Status
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.	The back pay for Global Sum was paid to GP practices in November (in respect of April-September) and December (in respect of October-December). The new uplifted rate has been applied to Payments automatically from January 2023 (paid 31/01/23).	
2022. No 24	The Primary Care (Contracted Services: Outpatient Waiting List Scheme) Directions 2022	12/08/2022	Directions and guidance for Local Health Boards on reviewing outpatient waiting lists.	Assistant Director of Primary Care confirmed the MD was discussed with finance colleagues in late Summer/Autumn 2022 where it was decided that the Outpatient Waiting List Scheme (OWLS) would not be commissioned. There has been very little appetite for this scheme across Wales.	

Direction Number	Name of Direction	Date Issued	Description	Progress on Implementation	RAG Status
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.	Assistant Director of Primary Care confirmed this is implemented as part of GMS service provision.	
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.	The Ministerial Direction has been received and implemented. This is the contractual mechanism for commissioning the autumn booster programme.	

Direction Number	Name of Direction	Date Issued	Description	Progress on Implementation	RAG Status
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.	Implemented by Processing & Professional Services Team Managers. Implementation is on the first working day of the calendar month to which those changes apply. Fees and Discounts app has been updated. No issues noted with implementation, all actioned as per Standing Financial Entitlements (SFE).	
2023. No 01	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.	NHS Wales Shared Services Partnership (NWSSP) confirmed that COMPASS system has been updated with the increases as instructed by WG.	

Direction Number	Name of Direction	Date Issued	Description	Progress on Implementation	RAG Status
2023. No 02	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.	NHS Wales Shared Services Partnership (NWSSP) confirmed that COMPASS system has been updated with the increases as instructed by WG	