

WHC/2024/019



Llywodraeth Cymru
Welsh Government

WELSH HEALTH CIRCULAR

Status: Compliance

Category: Governance

Title: Interim amendments to the Model Standing Orders for Local Health Boards and NHS Trusts in Wales

Date of Expiry / Review: October 2024

Action by:

Required by: In accordance with Board and Committee timetable.

Chairs of Local Health Boards

Chairs of NHS Trusts

Directors of Corporate Governance/Board

Sender: Ceri Sullivan, Interim Head of NHS Governance, Health and Social Services Group

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Mae'r ddogfen hon ar gael yn Gymraeg hefyd / This document is also available in Welsh

Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg / We welcome correspondence and telephone calls in Welsh

Introduction and Background: NHS bodies in Wales must agree Standing Orders (SOs). This, together with a set of Standing Financial Instructions (SFIs) and a scheme of decisions reserved to the Board; a scheme of delegations to officers and others; and a range of other framework documents set out the arrangements within which the Board, its Committees, Advisory Groups and NHS staff make decisions and carry out their activities. The Standing Orders should be based upon the model determined by the Welsh Government.

The Welsh Government has made interim amendments to the following model documents:

- Model Standing Orders - Local Health Boards
- Model Standing Orders for - NHS Trusts

The latest versions of the model documents have been published on the NHS Wales Governance e-manual and be accessed here:

[Model Standing Orders, Reservation and Delegation of Powers for Local Health Boards \[March 2024\]](#)

[Model Standing Orders, Reservation and Delegation of Powers for NHS Trusts](#)

A summary of the interim Amendments can be found in the enclosures.

Enclosures:

Letter to Chairs of Local Health Boards and letter to Chairs of NHS Trusts in Wales.



Ein cyf/Our ref: MA-EM-0728-24

Chairs of Local Health Boards

18 March 2024

Dear Chairs

**Interim Review of Model Standing Orders, Reservation and Delegation of Powers –
Local Health Boards and development of new Model Standing Orders and
Reservation and Delegation of Powers for the NHS Wales Joint Commissioning
Committee**

As you are aware the new NHS Wales Joint Commissioning Committee will be established from 1 April 2024 as a Joint Committee of the seven Health Boards. This is in accordance with the NHS Wales Joint Commissioning Committee (Wales) Directions 2024.

In preparation for the establishment of the new Joint Committee Model Standing Orders and a Scheme of Reservation and Delegation of Powers have been developed. It has also been necessary to make some amendments to the Local Health Board Model Standing and Reservation and Delegation of Powers. These amendments also remove all references to the Welsh Health Services Commissioning Committee (WHSSC) and the Emergency Ambulance Services Committee (EASC) which will cease to exist on 31 March 2024.

The amendments to the Local Health Board documents and the issuing of Model documents for the NHS Wales Joint Commissioning Committee are in accordance with my powers of direction contained within Section 12(3) of the National Health Services (Wales) Act 2006.

These amendments supersede those issued on 27 July 2023 and as confirmed in Welsh Health Circular WHC2023/032. A new WHC will be published to confirm this.

Your Board is required to incorporate and adopt this latest review into your organisations Standing Orders and Reservation and Delegation of Powers. The NHS Wales Joint Commissioning Standing Orders form part of Schedule 4 of the Local Health Board Model Standing Orders.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Model Standing Financial Instructions for the NHS Wales Joint Commissioning Committee are under development these will be issued in due course.

Yours sincerely,



Eluned Morgan AS/MS
Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol
Minister for Health and Social Services

Copy: Chairs of NHS Trusts and Special Health Authorities
Chairs of EASC and WHSSC
Chief Executives of Local Health Boards, NHS Trusts and Special Health Authorities
Directors of Governance/Board Secretaries of Local Health Boards, NHS Trusts and Special Health Authorities
Managing Director, WHSSC
Chief Ambulance Services Commissioner, EASC
Committee Secretaries, EASC and WHSSC

Amendments to the Model Standing Orders and Reservation and Delegation of Powers for Local Health Board following the establishment of the NHS Wales Joint Commissioning Committee

On 1 April 2024 the Welsh Health Specialised Services Committee (WHSSC) and the Emergency Ambulance Services Committee (EASC) will cease to exist. They are to be replaced by the NHS Wales Joint Commissioning Committee. The new Joint Commissioning Committee will take on the functions of the former EASC and WHSSC together with commissioning of 111 and Sexual Assault and Referral Centres.

As a result of the establishment of the new Joint Commissioning Committee the following amendments are required to the LHB Model Standing Orders:

Remove the following paragraphs:

- xi) **The Welsh Health Specialised Services Committee (Wales) Directions 2009 (2009/35)** provide that the seven LHBs in Wales will work jointly to exercise functions relating to the planning and securing of specialised and tertiary services and for the purpose of jointly exercising those functions will establish the Welsh Health Specialised Services Committee ("WHSSC"). Under powers set out in paragraph 4 of Schedule 2 to the NHS (Wales) Act 2006, the Welsh Ministers have made the **Welsh Health Specialised Services Committee (Wales) Regulations 2009 (S.I. 2009/3097)**, which make provision for the constitution and membership of the WHSSC including its procedures and administrative arrangements.
- xii) **The Emergency Ambulance Services Committee (Wales) Directions 2014 (2014/8)** as amended by the **Emergency Ambulance Services (Wales) Amendment Directions 2016 (2016/8)** provide that the seven LHBs in Wales will work jointly to exercise functions relating to the planning and securing of emergency ambulance services and for the purpose of jointly exercising those functions will establish the Emergency Ambulance Services Committee ("EASC"). Under powers set out in paragraph 4 of Schedule 2 to the NHS (Wales) Act 2006, the Minister has made **The Emergency Ambulance Services Committee (Wales) Regulations 2014 (2014/566)** which make provision for the constitution and membership of the EASC including its procedures and administrative arrangements.

and replace with:

- xi) **The National Health Service Joint Commissioning Committee (Wales) Directions 2024 (WG24-06)** provide that the seven LHBs in Wales will establish a joint committee to exercise the functions of planning, securing and commissioning:
 - (a) specialised services for –
 - (i) cancer and blood disorders,
 - (ii) cardiac conditions,

- (iii) mental health and vulnerable groups,
- (iv) neurosciences, and
- (v) women and children,
- (b) services where there is agreement between the Local Health Boards that they should be arranged on a regional and national basis,
- (c) emergency medical services,
- (d) non-emergency patient transport services,
- (e) emergency medical retrieval and transfer services,
- (f) NHS 111 services,
- (g) sexual assault referral centres, and
- (h) other services as directed by the Welsh Ministers.

Under powers set out in paragraph 4 of Schedule 2 to the NHS (Wales) Act 2006, the Welsh Ministers have made the **National Health Service Wales Joint Commissioning Committee (Wales) Regulations 2024 (2024 No. 135 (W29))**, which make provision for the constitution and membership of the Joint Commissioning Committee, including its procedures and administrative arrangements.

Renumber paragraphs after xi)

Paragraph 3.2 – Joint Committees

Remove paragraph 3.2.3

3.2.3 The Board shall establish, as a minimum, the following joint-Committees:

- The Welsh Health Specialised Services Committee (WHSSC).
- The Emergency Ambulance Services Committee

and replace with

3.2.3 The Board shall establish, as a minimum, the following joint-Committee(s):

- The National Health Service Wales Joint Commissioning Committee (JCC)

Section 10 - GAINING ASSURANCE ON THE CONDUCT OF LHB BUSINESS

Remove paragraph 10.0.4

10.0.4 Assurances in respect of the functions discharged by WHSSC and EASC shall be achieved by the reports of the respective Joint Committee Chair, and reported back by the Chief Executive. Reference should be made to paragraph 3.2 above regarding the governance arrangements which should be agreed for each of the Joint Committees.

and replace with

10.0.4 Assurances in respect of the functions discharged by the National Health

Services Wales Joint Commissioning Committee (the JCC) shall be achieved by the reports of the JCC Chair, and reported back by the Chief Executive. Reference should be made to paragraph 3.2 above regarding the governance arrangements which should be agreed for each of the Joint Committees.

Schedule 1 – Model Scheme of Reservation and Delegation of Powers

Remove

THE BOARD		AREA	DECISIONS RESERVED TO THE BOARD
1	FULL	GENERAL	Board may determine any matter for which it has statutory or delegated authority in accordance with SOs (except for those decisions delegated to the Welsh Health Specialised Services Committee (WHSSC) or Emergency Ambulance Services Committee (EASC)).

and replace with

THE BOARD		AREA	DECISIONS RESERVED TO THE BOARD
1	FULL	GENERAL	Board may determine any matter for which it has statutory or delegated authority in accordance with SOs (except for those decisions delegated to the NHS Wales Joint Commissioning Committee (the JCC)).

Schedule 4 – Joint Committee Arrangements

Remove

Schedule 4.1 – Welsh Health Services Specialised Services Committee

Schedule 4.2 – Emergency Ambulance Services Committee

and replace with

Schedule 4.1 – National Health Service Wales Joint Commissioning Committee



Our ref: MA/EM/0837/24

Chairs of NHS Trusts

26 March 2024

Dear Chairs

Interim Review of Model Standing Orders, Reservation and Delegation of Powers for NHS Trusts and Amendments to the title of the Welsh Ambulance Service NHS Trust

As you are aware the new NHS Wales Joint Commissioning Committee will be established from 1 April 2024 as a Joint Committee of the seven Health Boards. This is in accordance with the NHS Wales Joint Commissioning Committee (Wales) Directions 2024.

In preparation for the establishment of the new Joint Committee Model Standing Orders and a Scheme of Reservation and Delegation of Powers have been developed for incorporation into the Local Health Board Model Standing Orders. It has also been necessary to make some amendments to the Model Standing Orders and Reservation and Delegation of Powers for NHS Trusts. These amendments include the removal of all references to the Welsh Health Services Commissioning Committee (WHSSC) and the Emergency Ambulance Services Committee (EASC) which will cease to exist on 31 March 2024.

The amendments to NHS Trust documents within Section 19(1) of the National Health Services (Wales) Act 2006.

These amendments supersede those issued on 27 July 2023 and as confirmed in Welsh Health Circular WHC2023/032. A new WHC will be published to confirm this.

Your Board is required to incorporate and adopt this latest review into your organisations Standing Orders and Reservation and Delegation of Powers.

In addition, the Welsh Ambulance Services NHS Trust has recently obtained university status. The Model Standing Orders and Reservation and Delegation of Powers for NHS Trusts have therefore been updated to reflect the body's new title which will come into force on the 1 April 2024.

Yours sincerely,

Eluned Morgan AS/MS
Cabinet Secretary for Health and Social Care
Ysgrifennydd y Cabinet dros Iechyd a Gofal Cymdeithasol

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Copied to:

Chairs of Local Health Boards and Special Health Authorities,

Chairs of EASC and WHSSC,

Chief Executives of Local Health Boards,

NHS Trusts and Special Health Authorities Directors of Governance/Board

Secretaries of Local Health Boards, NHS Trusts and Special Health Authorities

Managing Director, WHSSC

Chief Ambulance Services Commissioner, EASC

Committee Secretaries, EASC and WHSSC

Amendments to the Model Standing Orders and Reservation and Delegation of Powers for NHS Trusts following the establishment of the NHS Wales Joint Commissioning Committee and the Welsh Ambulance Services NHS Trust obtaining University status

On 1 April 2024 the Welsh Health Specialised Services Committee (WHSSC) and the Emergency Ambulance Services Committee (EASC) will cease to exist. They are to be replaced by the NHS Wales Joint Commissioning Committee. The new Joint Commissioning Committee will take on the functions of the former EASC and WHSSC together with commissioning of 111 and Sexual Assault and Referral Centres.

As a result of the establishment of the new Joint Commissioning Committee the following amendments are required to the Model Standing Orders (SO's), Reservation and Delegation of Powers for NHS Trusts:

Remove the following paragraphs:

- xi) NHS Trusts work closely with the seven Local Health Boards (LHBs) in Wales. The chief executive of the Trust is an associate member of the following joint-committees of the LHBs:
- The Welsh Health Specialised Services Committee, and
 - The Emergency Ambulance Services Committee.
- xii) **The Welsh Health Specialised Services Committee (Wales) Directions 2009 (2009/35)** provide that the seven LHBs in Wales will work jointly to exercise functions relating to the planning and securing of specialised and tertiary services and for the purpose of jointly exercising those functions will establish the Welsh Health Specialised Services Committee ("WHSSC"). Under powers set out in paragraph 4 of Schedule 2 to the NHS (Wales) Act 2006, the Welsh Ministers have made the **Welsh Health Specialised Services Committee (Wales) Regulations 2009 (S.I. 2009/3097)**, which make provision for the constitution and membership of the WHSSC including its procedures and administrative arrangements.
- xiii) **The Emergency Ambulance Services Committee (Wales) Directions 2014 (2014/8)** as amended by the **Emergency Ambulance Services (Wales) Amendment Directions 2016 (2016/8)** provide that the seven LHBs in Wales will work jointly to exercise functions relating to the planning and securing of emergency ambulance services and for the purpose of jointly exercising those functions will establish the Emergency Ambulance Services Committee ("EASC"). Under powers set out in paragraph 4 of Schedule 2 to the NHS (Wales) Act 2006, the Minister has made **The Emergency Ambulance Services Committee (Wales) Regulations 2014 (2014/566)** which make provision for the constitution and membership of the EASC including its procedures and administrative arrangements.

and replace with:

- xi) **The National Health Service Joint Commissioning Committee (Wales) Directions 2024 (WG24-06)** provide that the seven Health Boards in Wales will establish a joint committee to exercise the functions of planning, securing and commissioning:
- (a) specialised services for –
 - (i) cancer and blood disorders,
 - (ii) cardiac conditions,
 - (iii) mental health and vulnerable groups,
 - (iv) neurosciences, and
 - (v) women and children,
 - (b) services where there is agreement between the Local Health Boards that they should be arranged on a regional and national basis,
 - (c) emergency medical services,
 - (d) non-emergency patient transport services,
 - (e) emergency medical retrieval and transfer services,
 - (f) NHS 111 services,
 - (g) sexual assault referral centres, and
 - (h) other services as directed by the Welsh Ministers.

Under powers set out in paragraph 4 of Schedule 2 to the NHS (Wales) Act 2006, the Welsh Ministers have made the **National Health Service Wales Joint Commissioning Committee (Wales) Regulations 2024 (2024 No. 135 (W29))**, which make provision for the constitution and membership of the Joint Commissioning Committee, including its procedures and administrative arrangements.

Renumber paragraphs after xi)

Section 10 - GAINING ASSURANCE ON THE CONDUCT OF TRUST BUSINESS

Remove paragraph 10.0.4

- 10.0.4 Whilst the Trust is not a member of WHSSC or EASC the Chief Executive does attend the Committees as an Associate Member. Assurances in respect of the functions discharged by WHSSC and EASC shall be achieved by the reports of the respective Joint Committee Chair, and reported back by the Chief Executive.

As a result of the Welsh Ambulance Services NHS Trust obtaining University status the Model SO's, Reservation and Delegation of Powers will need to be amended to remove all references to the Welsh Ambulance Services NHS Trust and replaced with the Welsh Ambulance Services University NHS Trust.

As a result of the body obtaining university status, WAST have been advised that one Non-Executive board position should be occupied by an 'Academic Board Member'. Therefore paragraph 1.1.7 needs to include reference to this requirement.

- 1.1.7 **[For WAST – A total of 6 (excluding the Chair and Vice-Chair) appointed by**

the Minister for Health and Social Services, which will include:

- A person who holds a health related post in a university;