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Bwrdd Iechyd Prifysgol
Bae Abertawe
Swansea Bay University
Health Board



Meeting Date	18 May 2021	Agenda Item	3.4
Report Title	Amendments to Standing Orders		
Report Author	Liz Stauber, Head of Corporate Governance		
Report Sponsor	Pam Wenger, Director of Corporate Governance		
Presented by	Pam Wenger, Director of Corporate Governance		
Freedom of Information	Open		
Purpose of the Report	The purpose of the report is to seek agreement of changes to the standing orders and standing financial instructions following revised models from Welsh Government.		
Key Issues	Local health boards and trusts in Wales must agree standing orders for the regulation of their proceedings and business. They are designed to translate the statutory requirements into day-to-day operating practice and, together with the adoption of a scheme of decisions reserved to the board; a scheme of delegations to officers and others; and standing financial instructions, they provide the regulatory framework for the business conduct of the health board. The documents are based on 'models' issued by Welsh Government and updates to these templates are issued on a routine basis.		
Specific Action Required <i>(please choose one only)</i>	Information	Discussion	Assurance
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Recommendations	Approval		
	<input checked="" type="checkbox"/>		
Recommendations	Members are asked to: <ul style="list-style-type: none"> • AGREE the amendments made to the standing orders and standing financial instructions in-line with Welsh Government recommendations; • AGREE the proposal to remove the 'contracts code – building and engineering works' and have it as a standalone policy managed by capital planning. 		

AMENDMENTS TO STANDING ORDERS

1. INTRODUCTION

The purpose of the report is to seek agreement of changes to the standing orders and standing financial instructions following revised models from Welsh Government.

2. BACKGROUND

Local health boards and trusts in Wales must agree standing orders for the regulation of their proceedings and business. They are designed to translate the statutory requirements into day-to-day operating practice and, together with the adoption of a scheme of decisions reserved to the board; a scheme of delegations to officers and others; and standing financial instructions, they provide the regulatory framework for the business conduct of the health board. The documents are based on 'models' issued by Welsh Government and updates to these templates are issued on a routine basis.

3. GOVERNANCE AND RISK ISSUES

(i) Welsh Government Changes to the Model Standing Orders and Standing Financial Instructions

The changes recommended by Welsh Government are set out in the tables in appendix one and cover four documents:

- Main standing orders;
- Schedule one – scheme of delegation;
- Schedule two – key guidance;
- Schedule six – standing financial instructions.

The amendments to the first three do not contain anything significant, with the majority of changes to the order or wording of entries to maintain consistency with other documents. There are also some revisions to reflect updates in legislation, particularly the Wellbeing of Future Generations Act, or to align with ministerial instructions, as well as update hyperlinks to new versions of national documents, such as the all-Wales governance e-manual.

In terms of the standing financial instructions, a number of chapters have been rewritten or removed to better align with the processes within NHS Wales. These are based on the work of the all-Wales directors of finance group who revised the model standing financial instructions. These were then shared with the board secretaries' network and Welsh Government for review and ratification.

A full set of the revised standing orders is available on request from the head of corporate governance but has not been appended to the report for ease.

(ii) Proposed Local Changes

Upon reviewing the standing financial instructions following the changes recommended by Welsh Government, it is suggested that the 'contracts code – building and engineering works' appended to the standing financial instructions be removed and managed as a standalone policy by the capital planning team as this is an operational document. General procurement and contract processes are referred to in the standing financial instructions.

4. FINANCIAL IMPLICATIONS

There are no financial implications of which the committee should be aware.

5. RECOMMENDATION

Members are asked to:

- **AGREE** the amendments made to the standing orders and standing financial instructions in-line with Welsh Government recommendations;
- **AGREE** the proposal to remove the 'contracts code – building and engineering works' and have it as a standalone policy managed by capital planning.

Governance and Assurance		
Link to Enabling Objectives <i>(please choose)</i>	Supporting better health and wellbeing by actively promoting and empowering people to live well in resilient communities	
	Partnerships for Improving Health and Wellbeing	<input checked="" type="checkbox"/>
	Co-Production and Health Literacy	<input type="checkbox"/>
	Digitally Enabled Health and Wellbeing	<input type="checkbox"/>
	Deliver better care through excellent health and care services achieving the outcomes that matter most to people	
	Best Value Outcomes and High Quality Care	<input checked="" type="checkbox"/>
	Partnerships for Care	<input type="checkbox"/>
	Excellent Staff	<input type="checkbox"/>
	Digitally Enabled Care	<input type="checkbox"/>
	Outstanding Research, Innovation, Education and Learning	<input type="checkbox"/>
Health and Care Standards		
<i>(please choose)</i>	Staying Healthy	<input type="checkbox"/>
	Safe Care	<input checked="" type="checkbox"/>
	Effective Care	<input checked="" type="checkbox"/>
	Dignified Care	<input checked="" type="checkbox"/>
	Timely Care	<input checked="" type="checkbox"/>
	Individual Care	<input type="checkbox"/>
	Staff and Resources	<input type="checkbox"/>
Quality, Safety and Patient Experience		
Adherence to the standing orders ensures the correct governance procedures are in place to support quality, safety and patient experience.		
Financial Implications		
There are no financial implications.		
Legal Implications (including equality and diversity assessment)		
The health board has a statutory responsibility to ensure it has standing orders in place by which to manage its day-to-day business.		
Staffing Implications		
There are no staffing implications.		
Long Term Implications (including the impact of the Well-being of Future Generations (Wales) Act 2015)		
Standing orders will ensure the health board continues to have good governance procedures in place for its long-term future.		
Report History	Revised standing orders were approved by the board in November 2020.	
Appendices	Appendix 1 – proposed amendments to the standing orders and standing financial instructions	

❖ Main Standing Orders

Page	Section	Change
2	Foreword	New link to the all-Wales governance e-manual
8	Statutory Framework (paragraph xiv)	New link to section nine of Social Services and Well-being (Wales) Act 2014
9	Statutory Framework (paragraph xx)	New link to the NHS Wales values and standards of behaviour framework
9	Statutory Framework (paragraph xxii)	New link to the all-Wales governance e-manual
13	Membership of Local Health Boards (paragraph 1.1.1)	Membership of board increased from 20 to 24 and reference to Associate Members as included in the number added.
13	Membership of Local Health Boards Standing Orders (paragraph 1.1.2)	Amended to clarify that Officer and non-Officer members have voting rights whereas Associate Members do not even though considered members of the Board.
14	Membership of Local Health Boards (paragraph 1.1.5)	New paragraph added to reflect view of Minister that it is not normally appropriate for a Non Officer Member to serve on the Board of more than one NHS body in Wales.
23	NHS Wales Shared Services Partnership (paragraph 4.0.2)	'as amended' added and 'and Special Health Authorities' to reflect extension of Committee to Special Health Authorities.
31	Putting the Citizen First (paragraph 7.1.1)	Bullet point two amended to reflect meetings held virtually. No other amendments made.
32	Annual General Meeting (paragraph 7.2.5)	'Removed need for the agenda to be displayed on principal sites as no-longer a requirement of the Public Bodies (Admission to Meetings) Act.

Page	Section	Change
32	Annual General Meeting (paragraph 7.2.5)	Removed reference to Annual Quality Statement as this is not a requirement for 2020/21 and requirements will be changing in future years.
34	Notifying the Public and Others (paragraph 7.4.7)	Removed need for public part of agenda to be displayed on principal sites as no-longer a requirement of the Public Bodies (Admission to Meetings) Act.
48	External Assurance (paragraph 10.3.3)	Amended to reflect correct titles for organisation.

❖ Schedule One – Scheme of Delegation

*Welsh Government has reordered some of the entries to improve the flow; these have not been listed and only details of amendments to the content are specified.

Page	Section	Change
5	General (row one)	Added: (except for those decisions delegated to the Welsh Health Specialised Services Committee (WHSSC) or Emergency Ambulance Services Committee (EASC).
5	General (row three)	New section to 'Approve the LHB's Governance Framework' added
5	Footnote	Assembly changed to Welsh Government
5	Operating Arrangements (row six)	Wording amended to ensure consistent with standing orders which state non-compliance should be reported to the Board Secretary, who will ask the Audit Committee to formally consider the matter and make proposals to the Board on any action to be taken.
6	Operating Arrangements (row seven)	Wording in red added: Receive report and proposals regarding any non-compliance with Standing Orders, and where required ratify in public session any action required in response to failure to comply with standing orders.
6	Organisation Structure and Staffing (row 10)	Wording in red added: Require, receive and determine action in response to the declaration of Board members' interests, in accordance with advice received e.g. from Audit Committee or Board Secretary
6	Strategy and Planning (row 12)	Language modernised to refer to population and health and care

Page	Section	Change
7	Strategy and Planning (row 13)	New section: Approval of Joint Area Plan prepared under the direction of the Regional Partnership Board and in response to the population assessment
7	Strategy and Planning (row 14)	New section to reflect introduction of legislation: Agreement of Well-being objectives in accordance with the requirements of the Well-being and Future Generations (Wales) Act 2015
7	Strategy and Planning (row 15)	New section added to reflect introduction of legislation: Approval of Well-being Plan prepared and agreed by the Public Service Board
7	Operating Arrangements (row 18)	Separate section for risk and assurance
7	Strategy and Planning (row 19)	Separate section for risk and assurance
7	Operating Arrangements (row 20)	Amended working – strikethrough for deletions and red for additions: Approve Ratify policies for dealing with raising concerns, complaints and incidents in accordance with the Putting Things Right and health and safety requirements.
7	Operating Arrangements (row 21)	Amended working – strikethrough for deletions and red for additions: Agree the arrangements for ensuring the adoption of the standards of governance and performance (including the quality and safety of healthcare, and the patient experience) to be met by the LHB, including standards/requirements determined by Welsh Government, regulators, professional bodies/others, e.g. National Institute of Health and Care Excellence (NICE) Royal Colleges
8	Strategy and Planning (row 22)	Amended working – strikethrough for deletions and red for additions: Approve the LHB's citizen patient, public, staff, partnership and stakeholder engagement and co-production strategies including communication
8	Organisation Structure and Staffing (row 24)	Amended as previous scheme did not reflect requirements of regulations. Strikethrough for deletions and red for additions: Approve Appointment and manage appraisal, discipline and dismissal of the Chief Executive of officer members of the Board (Chief Executive and Directors) in accordance with the provisions of the Regulations and in accordance with Ministerial Instructions
8	Organisation Structure and Staffing (row 25)	Amended as previous scheme did not reflect requirements of regulations. Wording added: Termination of appointment and suspension officer members in accordance with the provisions of the Regulations and in accordance with Ministerial instructions

Page	Section	Change
8	Organisation Structure and Staffing (row 26)	Split from section above to reflect regulations and clarify arrangements and wording added: Consider appraisal of officer members of the Board (Chief Executive and Directors)
8	Organisation Structure and Staffing (row 27)	Split from section above to reflect regulations and clarify arrangements. Wording added in red: Approve the appointment, appraisal, discipline and dismissal of any other Board level appointments and other senior employees, in accordance with Ministerial Instructions e.g. the Board Secretary
9	Organisation Structure and Staffing (row 28)	New entry: Consider and approve redundancy and Early Release Applications, noting that where the settlement is £50,000 or above subsequent agreement of Welsh Government is required.
9	Organisation Structure and Staffing (row 33)	Amended wording to reflect the standing order: Approve the standing orders and terms of reference and reporting arrangements of all Committees, joint-Committees and groups established by the Board
9	Operating Arrangements (row 35)	Added reference to the Manual for Accounts and need to ensure delegated in accordance with provisions of Manual for Accounts. Additional working in red and removed words with strikethrough: Approve individual compensation payments in line with SFIs the provisions of Annex 4 to Chapter 6 of the Welsh Government Manual for Accounts
10	Organisation Structure and Staffing (row 38)	Crossed referenced to SFIs and additional wording in red: Approve the arrangements relating to the discharge of the LHB's responsibilities as a corporate trustee of funds held on trust in accordance with the provision of Paragraph 20 of the Standing Financial Instructions.
11	Performance and Assurance (row 42)	Added 'as appropriate' as some activities, such as approval of improvement plans may be delegated to a committee and additional wording in red: Receive reports from the LHB's Executive on progress and performance in the delivery of the LHB's strategic aims, objectives and priorities and approve action required, including improvement plans as appropriate.
11	Performance and Assurance (row 43)	Added 'as appropriate' as some activities, such as approval of improvement plans may be delegated to a committee. Receive reports from the LHB's Committees, groups and other internal sources on the LHB's performance and approve action required, including improvement plans as appropriate.
11	Performance and Assurance (row 44)	Amended WAO to Audit Wales and added 'significant' as it is appropriate for Committees to discharge in some instances. Receive reports on the LHB's performance produced by external regulators and inspectors (including, e.g. Audit Wales , HIW, etc.) that raise significant issue or concerns impacting on the LHB's ability to achieve its aims and objectives and approve action required, including improvement plans, taking account of the advice of Board Committees (as appropriate).

Page	Section	Change
11	Performance and Assurance (row 47)	Amended title of standards and added reference to Board requiring assurance: Receive the annual opinion assurance regarding the LHB's performance against the Health and Care Standards for Wales and the arrangements for approving required action, including improvement plans.
11	Performance and Assurance (row 48)	Assembly changed to Welsh Government and 'where required' added: Approve the LHB's Reporting Arrangements, including reports on activity and performance locally, to citizens, partners and stakeholders and nationally to the Assembly Welsh Government where required.
12	Performance and Assurance (row 49)	Added 'in accordance with directions and guidance issued' Receive, approve and ensure the publication of LHB reports, including its Annual Report and annual financial accounts in accordance with directions and guidance issued

❖ Schedule Two – Key Guidance

Page	Section	Change
1	NHS Wales Framework	New link to the all-Wales governance e-manual

❖ Schedule Six – Standing Financial Instructions

Page	Section	Change
7	Introduction - General	Explicit cross reference to schedule 2.1 of standing orders
7	Overriding Standing Financial Instructions	Deleted [] as Audit Committee is named in standing orders
9	The Board	Wording expanded to be more explicit about approving plans etc.
9	The Board	Clarifying arrangements for delegation, that is those matters not reserved to Board
12	Audit Committee	Deleted [] as Audit Committee is named in standing orders and hyperlink to NHS Wales Audit Committee Handbook inserted

Page	Section	Change
12	Chief Executive	Section updated to latest Public Sector Internal Audit Standards and hyperlink inserted
13	Internal Audit	Section updated to latest Public Sector Internal Audit Standards
13-15	External Audit	Section deleted as Audit Wales produce an annual audit plan for audited bodies, an audit strategy is not used.
15	External Audit	New paragraphs added from the 2018 Health Education and Improvement Wales (HEIW) standing financial instructions to ensure consistency
15	External Audit	Reference included for "structured assessments"
15	Fraud and Corruption	Section corrected to link local counter fraud specialist (LCFS) requirement to directions to NHS bodies on Counter Fraud Measures 2005 - not counter fraud manual
15	Fraud and Corruption	Section updated to latest name for NHS Counter Fraud Authority (NHSCFA)
16	Fraud and Corruption	explicit reference to "proactive and reactive" counter fraud work
16	Fraud and Corruption	section updated to latest requirement to participate in National Fraud Initiative (NFI)
17-19	Allocations & Financial Duty & Integrated Planning Chapters	Major rewrite and merging of two chapters into one. This has now been restructured around the two statutory financial duties for health boards - this is then consistent with how this is set out in legislation, in Welsh Government circulars on financial duties and in the NHS Planning Framework. The last standing financial instruction update in 2014 amended existing chapters to reflect NHS Finance (Wales) Act 2014 requirements - opportunity now taken for a more comprehensive rewrite and to ensure consistency in wording and message with relevant circulars and directions issued since 2014.
17	Financial Duties	Cross referencing chapter to NHS Finance (Wales) Act 2014 legislation and financial duties circular - including hyperlink
17	First Financial Duty	More narrative on the first financial duty aligned with wording in financial duties circular
18	Second Financial Duty	Significantly more narrative and explicit requirements on the second financial duty aligned with NHS planning framework and hyperlink inserted to the latest NHS Planning Framework. This reflects the importance of IMTPs (integrated medium term plans) for boards and requirements for the organisations

Page	Section	Change
18	Second Financial Duty	Clarity and context for IMTPs to demonstrate meeting Wellbeing of Future Generations Act requirements on well-being objectives, Wellbeing Goals, five ways of working and prevention.
18	Second Financial Duty	More narrative on following NHS Planning Framework, CEO and board responsibilities for IMTP
20	Financial Management and Budgetary Control	Chapter heading and contents updated in language to be consistent with that used in NHS financial management and reporting. "Budgetary Control" in the way wording was used and structure was out of date.
20	Budget Setting	Section updated and enhanced to include specific reference to board approved plans and business cases, Wellbeing of Future Generations Act etc.
20	Budgetary Delegation	Tidy up of section to include relevant delegation requirements from Chief Executive to budget holders and letters of accountability
21	Financial Management, Reporting and Budgetary Control	Section updated and enhanced to reflect current financial management rather than just budgetary control. The section has more details on financial management reporting including NHS Finance Academy best practice guide to board financial reporting
23	Reporting to Welsh Government - Monitoring Returns	Hyperlink to financial monitoring returns circular inserted
24	Annual Accounts	Minor changes to chapter mainly cross referencing Welsh Government's Manual for Accounts requirements
--	Shared and Hosted Services Arrangements	Chapter deleted as this is fully covered in standing orders chapter four "NHS Wales Shared Services Partnership"
25	Banking Arrangements	Chapter updated to reflect requirement, not option, to use Government Banking Service and also to update to reflect best banking arrangements practice
27-30	Income, Fees and Charges and Security of Cash, Cheques and other Negotiable Instruments	Chapter split into two for clarity - one on cash, and handling of cash, and one on income and debt recovery.

Page	Section	Change
27	General	Section has been updated and enhanced - specifically around use of payment cards
29	Income Due and Debt Recovery	Explicit reference now included for role of budget holders to inform on income due and on any salary and expenses overpayments
31	Non-Pay Expenditure	Non-Pay expenditure chapter brought forward to chapter 10 (just before the procurement chapter). This aligns with Procure To Pay (P2P) process for non-pay goods and services - that is the authority to initiate expenditure just before the requisitioning and procuring of those goods and service.
31	Director of Finance's responsibilities	Elements of responsibility taken out as responsibilities for national systems and national processes now lie with the NHS Wales Shared Services Partnership (NWSSP)
33	Departures from SFI's	New section - similar section applies in Welsh Government standing financial instructions
	Grant Funding, Procurement and Contracting for Goods and Services	Grant Funding section transferred to its own separate chapter (chapter 13)
48	Grant Funding	Grant funding paragraph transfers from chapter 11 to 13
34-45	Procurement and Contracting for Goods and Services	Chapter rewritten to align with the arrangements in NHS Wales, including clarifying responsibilities of both health boards and also NWSSP Procurement Services. The procurement chapter has been reordered so that sections are in line with procurement manual, specifically the P2P process
34	Procurement Services	New section to clarify responsibilities of both health boards and also NWSSP Procurement Services. Also noting that "procurement" also refers to local procurement - for example pharmacy and works who undertake procurement on a devolved basis
34	Policies and procedures	Reference to procurement manual included. Procurement manual now replaces supplementary guidance as schedule one of the standing financial instructions thereby formally adopted and incorporated within the standing financial instructions. Further specific clarification of responsibilities of both health boards and also NWSSP Procurement Services
34	Procurement Principles	Reference made to the primary regulations/guidance updated to "The Public Contract Regulations (2015, No. 102) and Wales Procurement Policy Statement (WPPS)

Page	Section	Change
35	Procurement Regulations and Legislation Governing Public Procurement	Reference made to latest relevant legislation & regulations - "The Public Contract Regulations (2015, No. 102)" Wellbeing of Future Generations Act (2015) as well as other relevant legislation and regulation, e.g. Welsh language (Wales) Measure 2011. Reference to EU directives removed, focus on protection of civil rights law (adopted in UK Law)
36	Procurement Procedures	Responsibility for setting and maintaining and making procedures available with NWSSP and responsibility for following with the health board
36	Procurement Consent	Welsh Government consent moved to a section on its own. Reference made to requirements for local health boards to provide a contract summary to Welsh Government for contracts between £500,000 and £1 million prior to the contract being let. Additional sentence to note consent requirements apply to goods and services procured through public sector contract frameworks.
37	Sustainable Procurement	Section inserted to emphasise requirement for sustainable development and wellbeing goals. New paragraph detailing requirement to consider the Welsh Government guidance on ethical procurement and the new code of practice on ethical employment in supply chains
39	Planning Procurements & Procurement Process	Procurement procedures section improved, updated and enhanced into two sections: 11.9 planning procurements and 11.10 procurement process - as recommended by NWSSP Procurement Services
40	Procurement Thresholds	Additional narrative on application of thresholds now included
40	Designing Competitions	New section - as recommended by NWSSP Procurement Services. Details on budget holder responsibilities, performance measures and criteria
41	Single Quotation or Single Tender Application	New section - as recommended by NWSSP Procurement Services detailing the exceptionality, steps required, authorisation and reporting requirements etc.
42	Disposals	New section as recommended by NWSSP Procurement Services
43	Evaluation, Approval and Award	New section on evaluation, approval and award which is aligned with detail contained in procurement manual.
43	Contract Management	Additional bullet points added on obligations/actions

Page	Section	Change
44	Extending & Varying Contracts	New section as recommended by NWSSP Procurement Services detailing when varying is applicable, limits, process and risks etc.
44	Transactional Processes - Requisitioning	Clarified as part of the core transactional processes and separated to provide greater emphasis i.e. supportive of 'No Purchase Order, No Pay' policy. Also supported by Finance Academy Transactional Process Manual
45	No Purchase Order, No Pay	New section to ensure compliance with 'No Purchase Order, No Pay' policy
46	Health Care Agreements	Health care agreements set in the context of local health commissioning services internally, from its own local health board provided services, and externally, from other local health boards, trusts and other providers. Aligns with local health board statutory responsibility for resident population.
47	Reports to Board on Health Care Agreements	Links reporting to board reports on overall commissioning and financial performance.
48-50	Grant Funding - Legal Advice	New section emphasising need, under grant funding, to seek legal advice and to follow grants toolkit.
51	Remuneration and Terms of Service Committee	New paragraph defining role for committee on redundancy cases, voluntary early release applications as well as any novel employment and pay cases, such as compromise agreements and non-disclosure agreements
51	Staff Appointments	New paragraph linking staff appointment to authorisation in accordance with scheme of delegation
	Pay Rates and Terms and Conditions	New paragraph on pay for board members and other senior employees
52	Payroll	Defining payroll service from NHS Wales Shared Services Partnership
52	Payroll	Explicit reference to comply with HMRC, pensions agency and other regulations etc
52	Payroll	Reference to service level agreement, not contract, for payroll service from NWSSP

Page	Section	Change
54	Capital Plan, Capital Investment, Fixed Asset Registers and Security of Assets	Additional sections added to the chapter on capital plan (15.1), capital investment decisions (15.2) and Capital Projects (15.3). These comprehensive additions include aligning with IMTP, NHS Wales Infrastructure Investment Guidance and Better Business Cases (including hyperlinks to both)
54	Capital Investment Procedures and Responsibilities	Explicit reference for Chief Executive responsibility to ensure capital plan is approved by board, and for Directors of Planning and Finance to issue detailed procedures.
55	Capital Procedures and Responsibilities	Reference included to application of Welsh Government Project Bank Accounts policy on capital schemes greater than £2m
56	Capital Financing with the Private Sector	Reference made to the new mutual investment model within this section.
56	Asset Registers	Responsibilities explicitly identified and updated in this section
59	Control of Stores, Stocktaking, condemnations and disposal	Director of Finance responsibilities paragraph expanded
61	Disposals and Condemnations, Losses and Special Payments	Chapter updated to reflect current names for Welsh Government and the Health and Social Services Group. Also emphasised that disposals and condemnation applied to assets and goods, not just assets.
63-64	Informatics and Digital	Chapter updated to reflect current landscape, and naming convention, from "Information Management and Technology" to "Digital, Data and Technology". Chapter more focused on informatics, and the governance thereof, rather than information management and technology (in the traditional sense of IT)
63	Responsibilities and duties of the responsible Director	References updated to include Network and Information Systems Regulations 2018, General Data Protection Regulations and any relevant domestic law considerations via the Data Protection Act 2018.

Page	Section	Change
66	Funds Held on Trust (Charitable Funds)	Minor wording changes to reflect they are called both funds held on trust and charitable funds and added reference to annual accounts requirement
68	Retention of Records	References updated to Data Protection Act 2018.