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Bwrdd Iechyd Prifysgol  
Bae Abertawe  
Swansea Bay University  
Health Board



<b>Meeting Date</b>	<b>18 May 2021</b>	<b>Agenda Item</b>	<b>3.5</b>
<b>Report Title</b>	<b>Breaches in Standing Orders</b>		
<b>Report Author</b>	Liz Stauber, Head of Corporate Governance		
<b>Report Sponsor</b>	Pam Wenger, Director of Corporate Governance Darren Griffiths, Director of Finance and Performance (interim)		
<b>Presented by</b>	Pam Wenger, Director of Corporate Governance Darren Griffiths, Director of Finance and Performance (interim)		
<b>Freedom of Information</b>	Open		
<b>Purpose of the Report</b>	The purpose of this report is to set out breaches in standing orders which occurred during 2020-21.		
<b>Key Issues</b>	Any breach in compliance with standing order or standing financial instructions must be reported to the Audit Committee. There have been four for 2020-21: <ul style="list-style-type: none"> <li>- Non-streaming of board committees;</li> <li>- Late circulation of board papers;</li> <li>- Failure to achieve financial balance;</li> <li>- Failure to have an approved three-year plan.</li> </ul>		
<b>Specific Action Required</b> <i>(please choose one only)</i>	<b>Information</b>	<b>Discussion</b>	<b>Assurance</b>
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Recommendations</b>	Members are asked to: <ul style="list-style-type: none"> <li>• <b>NOTE</b> the breaches in standing orders which will be included in the annual report 2020-21.</li> </ul>		

## BREACHES IN STANDING ORDERS 2020-21

### 1. INTRODUCTION

The purpose of this report is to set out breaches in standing orders which occurred during 2020-21.

### 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.

Any breaches or failures to comply with the documents must be reported to the Audit Committee and subsequently included in the annual report.

### 3. GOVERNANCE AND RISK ISSUES

In March 2021, it became apparent that there had been four breaches in standing orders or standing financial instructions:

#### (i) Public Access to Board Committees

There is a requirement in standing orders that board committees must be accessible to the public. Due to the Covid-19 pandemic, all meetings are now held virtually so attendance is currently not possible. There have been no requests from members of the public to attend committee meetings during the year. As a result of the number and frequency of committees, it is too resource intensive to livestream committee meetings, but the health board will look at ways in which committees could be held in public where possible. Papers are available for each meeting in advance via the website for members of the public to access.

#### (ii) Late Circulation of Board Papers

Standing orders set out that board papers must be issued to members and published on the health board's website no later than seven days before the meeting. The papers for the March 2021 board meeting were issued a day later than required and therefore caused a breach in standing orders. This was due to additional scrutiny and assurances measures set out by the Chief Executive and mechanisms have been put in place to address these going forward for future board meetings.

#### (iii) Failure to Achieve Financial Balance

The health board is required to achieve financial balance as part of its standing financial instructions. As it reported an end-of-year deficit position for 2020-21, it did not comply with this requirement. The detail is included in the annual accounts.

#### (iv) Failure to Have an Approved Three-Year Plan

There is also a requirement in the standing financial instructions to have an approved three-year plan. The organisation was unable to submit such a document in 2020-21 however it did submit an annual plan following board approval in March 2020. This was noted to be a 'point in time' plan as the Covid-19 pandemic was starting to accelerate and the health board's response commenced. On 18<sup>th</sup> March

2020, the health board received a letter from Welsh Government confirming that the three-year/annual plan process was on pause to enable NHS Wales organisations to focus on the immediate actions needed in response to the Covid-19 pandemic. As such, the health board was required to submit specific plans for each of the first two quarters of the year and one which covered the latter six months which set out how the health board would manage its response to the pandemic, as well as continuing to maintain non-Covid-19 essential services and consider its recovery.

#### **4. FINANCIAL IMPLICATIONS**

While there are no financial implications associated with this report, it is important to note that the requirements to financial balance and have a three-year plan are also aligned to the Assessment against Section 175 of the National Health Service (Wales) Act 2014 therefore compliance against these duties was also not achieved. This is referenced in the annual report for completeness.

#### **5. RECOMMENDATION**

Members are asked to:

- **NOTE** the breaches in standing orders which will be included in the annual report 2020-21.

<b>Governance and Assurance</b>		
<b>Link to Enabling Objectives</b> <i>(please choose)</i>	<b>Supporting better health and wellbeing by actively promoting and empowering people to live well in resilient communities</b>	
	Partnerships for Improving Health and Wellbeing	<input type="checkbox"/>
	Co-Production and Health Literacy	<input checked="" type="checkbox"/>
	Digitally Enabled Health and Wellbeing	<input type="checkbox"/>
	<b>Deliver better care through excellent health and care services achieving the outcomes that matter most to people</b>	
	Best Value Outcomes and High Quality Care	<input 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 checked="" type="checkbox"/>
<b>Health and Care Standards</b>		
<i>(please choose)</i>	Staying Healthy	<input type="checkbox"/>
	Safe Care	<input type="checkbox"/>
	Effective Care	<input type="checkbox"/>
	Dignified Care	<input type="checkbox"/>
	Timely Care	<input type="checkbox"/>
	Individual Care	<input type="checkbox"/>
	Staff and Resources	<input checked="" type="checkbox"/>
<b>Quality, Safety and Patient Experience</b>		
Adherence to the standing orders ensures the correct governance procedures are in place to support quality, safety and patient experience.		
<b>Financial Implications</b>		
While there are no financial implications associated with this report, it is important to note that the requirements to financial balance and have a three-year plan are also aligned to the Assessment against Section 175 of the National Health Service (Wales) Act 2014 therefore compliance against these duties was also not achieved.		
<b>Legal Implications (including equality and diversity assessment)</b>		
The health board has a statutory responsibility to ensure it has standing orders in place by which to manage its day-to-day business.		
<b>Staffing Implications</b>		
There are no staffing implications.		
<b>Long Term Implications (including the impact of the Well-being of Future Generations (Wales) Act 2015)</b>		
Standing orders will ensure the health board continues to have good governance procedures in place for its long-term future.		
<b>Report History</b>	First report to the committee in 2021-22.	
<b>Appendices</b>	No appendices	