



GIG
CYMRU
NHS
WALES

Bwrdd Iechyd Prifysgol
Bae Abertawe
Swansea Bay University
Health Board



Meeting Date	30 May 2019	Agenda Item	4.2
Report Title	Revised Standing Orders And Standing Financial Instructions (SFI's)		
Report Author	Jacqui Maunder, Governance Support		
Report Sponsor	Pam Wenger, Director of Corporate Governance/Board Secretary		
Presented by	Pam Wenger, Director of Corporate Governance/Board Secretary		
Freedom of Information	Open		
Purpose of the Report	The purpose of this report is to provide the Health Board with an update on the review of the Swansea Bay UHB's Standing Orders and to request that the Board approve the proposed changes.		
Key Issues	<ul style="list-style-type: none"> • The adoption of Standing Orders and Standing Financial Instructions is a key element of the corporate governance arrangements of the Board, • The adoption of the Welsh Government model standing orders ensures compliance with Welsh Government directives and guidance and ensures consistency across NHS Wales, • There are significant risks to the organisation if arrangements are not in place outlining accountabilities and delegated responsibilities to Officer Members of the Board. • The updated Standing Orders were considered by the Audit Committee on the 16 May 2019. 		
Specific Action Required <i>(please choose one only)</i>	Information	Discussion	Assurance
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Recommendations	<p>Members are asked to:</p> <ul style="list-style-type: none"> • NOTE the amendments to the Board's Standing Orders, • APPROVE the updated Standing Orders and supporting Schedules and the changes to the Schedule of additional delegations linked to the Standing Financial Instructions (SFIs). 		

REVISED STANDING ORDERS AND STANDING FINANCIAL INSTRUCTIONS (SFI'S)

1. INTRODUCTION

The purpose of this report is to provide an update to the board following review of the Health Board's Standing Orders and Standing Financial Instructions (SFI's).

2. BACKGROUND

The Welsh Government reissued new model Standing Orders (SOs) and Standing Financial Instructions (SFIs) for Local Health Boards (LHBs) on 27 March 2014. The National Health Service Finance (Wales) Act 2014 changed the duties of Local Health Boards to provide a rolling three-year financial duty and a requirement to prepare a plan that complies with that duty.

The Standing Orders were last approved by the Audit Committee on the 16 April 2018 and were approved at the Board meeting held on the 31 May 2018.

The Audit Committee considered and approved the draft updated Standing Orders at its meeting on the 16 May 2019.

To ensure effective governance for the Swansea Bay UHB, the standing orders are reviewed on an annual basis. The Standing Orders document has not changed significantly from previous versions and a summary of the amendments proposed is presented at **Appendix 1** for approval. The main focus of the review has been to ensure that the Standing Orders reflect the governance changes following the Bridgend Transition Programme, when responsibility for the providing health services for the geographical area of Bridgend transferred from Abertawe Bro Morgannwg UHB to Cwm Taf UHB on the 1 April 2019, and to reflect the new Health Board name "Swansea Bay University Health Board (SBUHB)".

A summary of the amendments made to the Standing orders and supporting schedules is presented at **Appendix 1**.

The full updated Standing Orders and accompanying documents are available on request. Note that the terms of reference for the individual Committees and advisory groups will be updated in line with the compilation of the Annual report 2018-2019.

3. GOVERNANCE AND RISK ISSUES

Section 11 of the Swansea Bay UHB standing order states that:

11.0.2 These SOs shall be reviewed annually by the Audit Committee [or equivalent], which shall report any proposed amendments to the Board for consideration. The requirement for review extends to all documents having the effect as if incorporated in SOs, including the equality impact assessment

The annual revision of the document is a key element of the corporate governance arrangements of the Swansea Bay UHB and provides assurance that the SOs are compliant with Welsh Government directives and model standing orders, is up to date with emerging legislation and regulatory guidance and ensures consistency in managing the business of Committee.

The Standing Orders and SFIs specify certain key responsibilities of the Chief Executive Officer (CEO), the Director of Finance & Procurement and other officers of the Board. The CEO's job description, together with the Accountable Officer Memorandum sets out the specific responsibilities, and the individual job descriptions determined for Director level posts also define in detail the specific responsibilities assigned to those post holders.

These documents, together with the associated financial delegations set out in the SFIs plus any agreed additional delegations form the basis of the Health Board Scheme of Delegation to Officers.

The Welsh Government are in the process of reviewing the model Standing orders for Health Boards and an updated model will be published in 2019 and will include new requirements emanating from the Quality and Governance Bill which is due to be laid before the National Assembly for Wales in Summer 2019.

Work has also begun to develop a decision rights framework to support the SO's which will identify what business decisions need to be made both to drive the Health Board and to drive alignment to strategy; who is involved in making them; and define the framework for how decisions will be made through operating processes and support tools.

4. FINANCIAL IMPLICATIONS

The SO's are supported by the Standard Financial Instructions (SFI's) which are based on the Welsh Government model SFI's which are currently being reviewed by the Deputy Directors of Finance Governance work stream.

The Local Health Boards (Area Change) (Transfer of Staff, Property and Liabilities) (Wales) Order 2019 governs the arrangements for the transfer of staff, rights and responsibilities, property, information, data and records, investigation of outstanding complaints and continuity in the exercise of functions.

5. RECOMMENDATION

Members of the Health Board are asked to:

- **NOTE** the amendments to the Board's Standing Orders,
- **APPROVE** the updated Standing Orders and supporting Schedules and the changes to the Schedule of additional delegations linked to the Standing Financial Instructions (SFIs).

Governance and Assurance		
Link to Enabling Objectives (please choose)	Supporting better health and wellbeing by actively promoting and empowering people to live well in resilient communities	
	Partnerships for Improving Health and Wellbeing	<input 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		
(please choose)	Staying Healthy	<input type="checkbox"/>
	Safe Care	<input checked="" 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 type="checkbox"/>
Quality, Safety and Patient Experience		
Informed decisions are more likely to impact favourably on the quality, safety and experience of patients and staff.		
Financial Implications		
<p>The SO's are supported by the Standard Financial Instructions (SFI's) which are based on the Welsh Government model SFI's which are currently being reviewed by the Deputy Directors of Finance Governance work stream.</p> <p>The Local Health Boards (Area Change) (Transfer of Staff, Property and Liabilities) (Wales) Order 2019 governs the arrangements for the transfer of staff, rights and responsibilities, property, information, data and records, investigation of outstanding complaints and continuity in the exercise of functions.</p>		
Legal Implications (including equality and diversity assessment)		
<p>Welsh Government published model Standing Orders and Standing Financial Instructions for Local Health Boards (LHBs), following the enactment of the National Health Service Finance (Wales) Act 2014 and in line with the powers of direction in section 12 (3) of the National Health Service Wales Act 2006 and all Boards are required to incorporate and adopt the model SOs and SFIs into their own HB SOs and SFIs.</p> <p>As a consequence of the Local Health Boards (Area Change) (Wales) (Miscellaneous Amendments) Order 2019 to recognise the Bridgend boundary change a number of changes were made to other statutory instruments:</p> <ul style="list-style-type: none"> • the Local Health Boards (Constitution, Membership and Procedures) (Wales) Regulations 2009; • Welsh Health Specialised Services Committee (Wales) Regulations 2009; • the Community Health Councils (Establishment, Transfer of Functions and Abolition) (Wales) Order 2010; • to the Community Health Councils (Constitution, Membership and Procedures) (Wales) Regulations 2010; • the Mental Health (Regional Provision) (Wales) Regulations 2012; • the Emergency Ambulance Services Committee (Wales) Regulations 2014; 		

<ul style="list-style-type: none"> the Safeguarding Boards (General) (Wales) Regulations 2015; <p>The Standing Orders have been subject to an Equality Impact Assessment and no adverse impacts were identified.</p>	
Staffing Implications	
<p>The Local Health Boards (Area Change) (Transfer of Staff, Property and Liabilities) (Wales) Order 2019 governs the arrangements for the transfer of staff, rights and responsibilities, property, information, data and records, investigation of outstanding complaints and continuity in the exercise of functions.</p>	
Long Term Implications (including the impact of the Well-being of Future Generations (Wales) Act 2015)	
<p>There are no known adverse implications of this report on equality & diversity. The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to the new Regulations.</p> <p>The Standing Orders support the sustainable development principle which requires bodies that are designated as 'public bodies' under section 6 of the 2015 Act to set well-being objectives and contribute to the achievement of well-being goals.</p>	
Report History	
Appendices	Appendix 1 – Summary of the Revisions to the Swansea Bay UHB Standing Orders & Standing Financial Instructions (SFI's)

Summary of the Revisions to the Swansea Bay UHB Standing Orders & Standing Financial Instructions (SFI's)

Doc/Page number	Amendment
Revised Standing Orders and Scheme of Financial Delegation	
Various	<p><u>References & Grammar</u></p> <p>Minor housekeeping amendments, including:</p> <ul style="list-style-type: none"> • Changing Cabinet Secretary for Health and Social Care to Minister for Health and Social Services.
Page 1	<p>Change of Name/Corporate Logo</p> <p>Changing Abertawe Bro Morgannwg University Health Board (CTUHB) to Swansea Bay University Health Board (SBUHB).</p> <p>New corporate logo to reflect the new corporate identity as Swansea Bay University Health Board UHB.</p>
Page 2 Page 8	<p>Legislative Changes</p> <p>The foreword has been updated to include reference to the legislative changes that were made to legally sanction the transfer of responsibility of the Bridgend area, from SBUHB to Cwm Taf Morgannwg UHB (CTMUHB).</p> <p>The Local Health Boards (Area Change) (Wales) (Miscellaneous Amendments) Order 2019</p> <p>This Order changes the areas of Cwm Taf University Local Health Board and Abertawe Bro Morgannwg University Local Health Board and also changed their names.</p> <p>The principal local government area of Bridgend is transferred from Abertawe Bro Morgannwg University Local Health Board and forms part of the area of Cwm Taf University Local Health Board. Abertawe Bro Morgannwg University Local Health Board is renamed Swansea Bay University Local Health Board and Cwm Taf University Local Health Board is renamed Cwm Taf Morgannwg University Local Health Board.</p> <p>Amendments giving effect to these changes are made to the Local Health Boards (Establishment and Dissolution) (Wales) Order 2009 and the Local Health Boards (Constitution, Membership and Procedures) (Wales) Regulations 2009.</p> <p>Changes to local health board areas have the effect of changing the area of the relevant Community Health Councils (CHCs). Accordingly, this Order amends the Community Health Councils (Establishment, Transfer of Functions and Abolition) (Wales) Order 2010 to reflect the changes in local health board areas.</p>

	<p>In addition, Abertawe Bro Morgannwg Community Health Council is renamed Swansea Bay Community Health Council, and Cwm Taf Community Health Council is renamed Cwm Taf Morgannwg Community Health Council. Amendments are also made to the number of members of those Councils.</p> <p>This Order also makes amendments to other statutory instruments arising from the changes described above.</p>
Page 11	<p>NHS Framework</p> <p>Additional reference to Well-being of Future Generations (Wales) Act 2015.</p>
2.0.7 Page 23	<p>RESERVATION AND DELEGATION OF LHB FUNCTIONS</p> <p>Reference to the newly established special health authority “Health, Education and Improvement Wales (HEIW)” has been included.</p> <p>Health Education and Improvement Wales (HEIW) is a Special Health Authority (SHA) that was established on 05 October 2017 and became operational on the 01 October 2018, following a six month period in shadow form under The Health Education and Improvement Wales (Establishment and Constitution) Order 2017 (SI No. 913 (W. 224)) “the Establishment Order”. Section 72 of the NHS Act 2006 places a duty on NHS bodies, including an SHA to co-operate with each other in exercising their functions. Section 82 of the NHS Act 2006 places a duty on NHS.</p>
6.2.5 6.3 6.5.16 Page 52 & 56	<p>Annual General Meeting (AGM),</p> <p>Calling Meetings &</p> <p>Proposing a formal notice of motion</p> <p>Clarification that reference to “days” refers to calendar days, e.g. Public notice of the intention to hold the AGM shall be given at least 10 calendar days prior to the meeting</p>
Schedule 1	<p><u>Scheme of Reservation and Delegation of Powers</u></p> <p>Minor housekeeping amendments.</p> <p>Page 12 – reference has been included to complying with the Nurse Staffing Levels (Wales) Act 2016 which states that NHS bodies are required to designate a senior registered nurse to calculate nurse staffing levels.</p>
Schedule 2	<p><u>Key Guidance, Instructions and Other Related Documents</u></p> <p>Links to The Good Governance Guide for NHS Wales Boards</p>
Schedule 3	<p><u>Board Committee Arrangements</u></p> <p>Each Committee’s Terms of reference are in the process of being updated formally through the individual Committees and will be updated</p>

	<p>and will be received by the Board with Committee Annual Reports during the Summer months.</p> <p>In the interim the individual terms of reference have been updated to include minor housekeeping, the new corporate logo, text changed to Arial font size 12 in accordance with the SBUHB corporate identity guidance, reference to “last approved date” has been added to ensure effective version control; and the terms of reference for the Health & Safety Committee have been added.</p>
Schedule 4	<p><u>Joint Committee Arrangements</u></p> <p>The Standing Orders approved by Welsh Government for the Emergency Ambulance Services Committee (EASC) and the Welsh Health Specialised Services Committee (WHSCC) have been included.</p>
Schedule 5	<p><u>Advisory Groups</u></p> <p>The 3 x separate schedules have been integrated into one document and reflect the Advisory Committee Arrangements outlined in the Welsh Government model standing orders.</p> <p>Each Advisory Group’s Terms of Reference are in the process of being updated formally through the individual groups and will be updated and be received and approved by the Board alongside the annual reports.</p>
Schedule 6	<p><u>Standing Financial Instructions (SFI’s)</u></p> <p>New logo and new name added.</p> <p>No other changes made.</p> <p>The SFI’s may need to be amended when the new management structures are agreed for Swansea Bay UHB.</p>
Schedule 7	<p><u>Standards of Business Conduct</u></p> <p>New logo and new name added.</p> <p>No other changes made. This will be updated once Welsh Government publish the new model standing orders for NHS Wales in late 2019.</p>
Schedule 8	<p><u>Procurement of Pharmaceutical Products</u></p> <p>New logo and new name added.</p> <p>No other changes made.</p>
Schedule 9	<p><u>Contracts Code – Building and Engineering Works</u></p> <p>New logo and new name added.</p> <p>No other changes made.</p> <p>Should be reviewed alongside the SFI’s.</p>
Schedule 10	<p><u>Counter Fraud Policy and Response Plan</u></p>

	<p>New logo and new name added.</p> <p>No other changes made.</p>
Schedule 11	<p><u>Capital Projects Control Manual</u></p> <p>New logo and new name added.</p> <p>No other changes made.</p>

All of the Schedules have been reviewed and updated where required and are published on the Swansea Bay UHB website with the Audit Committee papers. An Equality Impact Assessment has been undertaken and no adverse impacts were identified.