

Review of NHS Wales Local Health Board Model Standing Orders – September 2019
Table of Amendments, Cross Reference to Legislation and Confirmation of Sections which are not for variation by NHS Body

* = The Local Health Boards (Constitution, Membership and Procedures) (Wales) Regulations 2009

Page Number	Previous Paragraph Reference	New Paragraph Reference	Section Heading	Reason for Amendment (if applicable)	Cross reference to legislation	Requirement of legislation – local amendment not permissible	Issued under Direction – local amendment not permissible
2	1	1	Forward	To reflect regulations	*Part 3, Regulation 15(6)	✓	
2	2	2	Forward	LHB to add title of their local Standards of Behaviour Framework/Policy	n/a		
8	Section A						
8	i)	i)	Statutory Framework	To reflect different position of Powys Teaching Local Health Board	The Local Health Boards (Establishment and Dissolution) (Wales) Order 2003	✓	
8	v)	v)	Statutory Framework	Amendment to better reflect legislative position	NHS (Wales) Act 2006, para 4 of Schedule 2	✓	
8	v)	vi)	Statutory Framework	Paragraph v) split to form two paragraphs.	NHS (Wales) Act 2006, Sections 12 and 13/Local Health Boards (Directed Functions) (Wales) Regulations 2009		
8	vi)	n/a deleted	Statutory Framework	Paragraph deleted and moved relocated as reader has already been to the direction making powers in para v) so for clarity subsequent paragraphs set out the directions issued for joint working			
9	vii)	vii)	Statutory Framework	Joint Committee amended to read 'WHSSC' – previous SOs only referred to one joint committee	The Welsh Health Specialised Services Committee (Wales) Directions 2009	✓	

9	n/a	viii)	Statutory Framework	New paragraph added to include EASC in SOs	The Emergency Ambulance Services Committee (Wales) Directions 2014	✓	
9	viii)	ix)	Statutory Framework	Paragraph renumbered and new sentence added to capture deleted section vi)			
9	x)	xi)	Statutory Framework	Paragraph renumbered and amendment to better reflect legal position with regard to the 2000 Regulations which predate the power in the 2006 Act but the NHS (Consequential Provisions) Act 2006 provides for the continuity of the law as if made under the NHSWA 2006	National Health Service Bodies and Local Authorities Partnership Arrangements (Wales) Regulations 2000/NHS (Wales) Act 2006	✓	
9	x)	xi)	Statutory Framework	Sentence added to reflect change in legislation	Social Services and Well-being (Wales) Act 2014	✓	
10	xi)	xii)	Statutory Framework	Paragraph renumbered and sentence added by legal services to recognise this also includes working with English bodies.	NHS Act 2006, Section 72	✓	
10	n/a	xiv)	Statutory Framework	New paragraph added by to reflect new legislative requirement.	Social Services and Well-being (Wales) Act 2014/The Partnership Arrangements (Wales) Regulations 2015	✓	
10	n/a	xv)	Statutory Framework	New paragraph added by to reflect new legislative requirement.	Well-being of Future Generations (Wales) Act 2015	✓	
10	xiii)	xvi)	Statutory Framework	Paragraph renumbered and replaced to reflect new Welsh language requirements	The Welsh Language Standards (No.7) Regulations 2018	✓	

Previously on page 9	xv)	n/a moved to new para 1.4.4	Statutory Framework	Paragraph regarding indemnity moved to new para 1.4.4 under Responsibilities of Board Members			
11	xvi)	xviii)	NHS Framework	Paragraph renumbered and amendment to reflect current name of Welsh Government and to improve grammar			
11	xviii)	xx)	NHS Framework	Main paragraph renumbered and new paragraph with link to Governance eManual inserted to ensure clarity re what is meant by the NHS Wales Values and Standards of Behaviour Framework			
11	xix)	xxi)	NHS Framework	Paragraph renumbered and amended and reference added to the Well-being of Future Generations Act (WBFGA)			
11	xx)	xxii)	NHS Framework	Paragraph renumbered and amended to reflect change from Ministerial Letters to Welsh Health Circulars in 2014			
12	xxi)	xxiii)	Local Health Board Framework	Paragraph renumbered and reference added to SFI's forming part of SOs and Schedule 2.1			
12	xxii)-xxiv)	xxiv)-xxvi)	Local Health Board Framework	Paragraphs renumbered due to additional paragraphs being added			
12	xxv)	xxvii)	Applying Standing Orders	Paragraph renumbered and LHB to add title of their local Standards of Behaviour Framework/Policy. Wording also added to re-enforce need for individual LHB to agree arrangements for Joint Committees	*Part 3, Regulation 15(5)	✓	
13	n/a	xxix)	Applying Standing Orders	Final paragraph regarding failure to comply with standing orders separated from previous paragraph to give emphasis.			

13	xxvii)	xxx)	Variation and Amendment of Standing Orders	Paragraph renumbered and cross reference in bullet point 3 amended from 6.5.14 to 7.5.14			
13 - 14	xxx)	xxxiii)	The role of the Board Secretary	Paragraph renumbered and additional sentence added to improve grammar			
13 - 14	xxx)	xxxiii)	The role of the Board Secretary	Paragraph renumbered and amended to reflect provisions within Model Role Profile issued in 2009			
14	xxxii)	xxxiv)	The role of the Board Secretary	Paragraph renumbered due to additional paragraphs being added			
15	Section B : Standing Orders						
15	1.0.2	1.0.2	The Local Health Board	To reflect different position of Powys Teaching Local Health Board	The Local Health Boards (Establishment and Dissolution) (Wales) Order 2003	✓	
15	1.1.1	1.1.1	Membership of Local Health Boards	Amendments regarding appointment of board members to better reflect regulations	*Part 2, Regulations 4(1), 4(2) and 4(6)	✓	
15	1.1.2	1.1.2	Membership of Local Health Boards	Amendment to delete typographical error			
16	1.1.3	1.1.3	Membership of Local Health Boards	<u>Officer Members [to be known as Executive Directors]</u> - No amendments	*Part 2, Regulation 3(2)	✓	
16	1.1.4	1.1.4	Membership of Local Health Boards	<u>Non Officer Members [to be known as Independent Members]</u> - No amendments			✓
16	n/a	1.1.5	Membership of Local Health Boards	<u>Associate Members</u> – new paragraph added to help clarify position with regard total number of Associate Members that may be appointed	*Part 2, Regulation s 4(3) and 4(4)		

16	1.1.5	1.1.6	Membership of Local Health Boards	Paragraph renumbered and amended to reflect legislation as Minister "may" appoint and therefore has a choice in the matter.	*Part 2, Regulation 4(4)	✓	✓
				Regulations are not specific re post holders but current arrangements have previously been determined.			
				To remain current until directed otherwise by the Minister.			
16	1.1.6	1.1.7	Membership of Local Health Boards	Paragraph renumbered	*Part 2, Regulation 4(4) and 4(5)	✓	
16	1.1.7	1.1.8	Membership of Local Health Boards	<u>Use of term "independent members"</u> - paragraph renumbered			
17	1.3.1	1.3.1	Tenure of Board Members	Amendment to make clearer that time served relates positions held on the Board even if these are different positions. It should also be noted that different arrangements are in place for Associate Members who are Chairs of the Stakeholder Reference Group and Health Professionals Forum who serve a shorter term. Refer to Schedule 5.1, Paragraph 1.4.6 for SRG and Schedule 5.2, Paragraph 1.4.6 for HPF.	*Part 2, Regulation 6 (5)	✓	
17	1.3.2	1.3.2	Tenure of Board Members	Amended to reflect reasons for appointment = necessary or expedient and to better reflect wording regarding holding a position on the same board and the total tenure that an individual can serve (which includes time appointed by Minister if relevant).	*Part 2, Regulations 4(4) and 7(5)	✓	
18	n/a	New 1.4.4	Responsibilities of Board Members	Paragraph moved from page 10, xiii) (see above)			

18 - 19	1.4.4-1.4.11	1.4.5-1.4.12	Responsibilities of Board Members	Paragraphs renumbered due to above insertion.			
20	2.0.3	2.0.3	Reservation and Delegation of LHB Functions	Sentences removed to ensure information is high level. Reference to SO 2.0.4 amended to SO 4.			
Previously on page 18	2.0.4	n/a	NHS Wales Shared Services	Information updated, deleted from this section and moved to Section 4			
20	2.2.1	2.2.1	Delegation of Board functions	'shall' replaced with 'may' as 'shall' implies that the board must delegate.			
				Sentence added to re-enforce that some functions cannot be delegated as issued under direction			
20	2.2.2	2.2.2	Delegation of Board functions	'shall' replaced with 'may' as 'shall' implies that the board must delegate.			
21	2.3.1	2.3.1	Delegation to officers	'will' replaced with 'may' as 'will' implies that the board must delegate.			
21	2.3.2	2.3.2	Delegation to officers	Correction of typographical error			
21	3	3	Committees	No amendments	*Part 3, Regulation 14		
22	n/a	3.2.2	Joint Committees	Information moved from 3.5 – Joint Committees established by the LHB to ensure better flow within document.			
22	3.5.2	3.2.3	Joint Committees	Previously para 3.5.2 – reference to EASC added	The Welsh Health Specialised Services Committee (Wales) Directions 2009 and The Emergency Ambulance Services Committee (Wales) Directions 2014	✓	
22	3.5.3	3.2.4	Joint Committees	Previously para 3.5.3	*Part 3, Regulation 15(5)	✓	

23	3.3	3.3	Sub-Committees	No amendments	*Part 3, Regulation 14(a), Regulation 15(4)	✓	
23	3.4	3.4	Committees	No amendments	*Part 3, Regulation 14(a), Regulation 15(4)	✓	✓
							regarding committees to be established as a minimum in 3.4.1
23	3.4.2	3.4.2	Committees	Deleted paragraph relating to structures to reduce duplication			
23	3.4.3	3.4.3	Committees	No amendments except correction of typographical error - each Committee must have SOs	*Schedule 3	✓	
23	3.4.3	3.4.3	Committees	Deleted paragraph relating to structures to reduce duplication			
24	3.4.6	3.4.6	Committees	'normally' removed after discussion with Board Secretaries to avoid confusion Paragraphs deleted in 3.4.2 and 3.4.3 added to this section			
Previously on page 22	3.5	n/a moved	Joint Committees	Section deleted and moved to 3.2 above			
24	3.6 - 3.8	3.5 - 3.7	Other Committees, Confidentiality & Reporting to the Board	Paragraphs renumbered			
24 - 25	2.0.4	4	Shared Services	Section moved to improve flow and some historical information removed.			
25	4	5	Advisory Groups	All subsequent paragraphs renumbered as NHS Wales Shared Services Partnership moved to section 4.			✓ - requirement for 3 Advisory Groups
25	4.0.1	5.0.1	Advisory Groups	Paragraph renumbered and 'organisations' added following comments from WAO	*Schedule 3, 4(2)		
25	4.0.2	5.0.2	Advisory Groups	Paragraph renumbered			

25	4.0.3	5.0.3	Advisory Groups	Paragraph renumbered. No amendments - refers to requirement to meet in public	*Schedule 3, 8(1)		
25 - 26	4.1	5.1	Advisory Groups	Paragraph renumbered and information common to all Advisory Groups amended to ensure consistency and brought together in one section to avoid duplication			
26	n/a	5.2.1	Advisory Groups	Advice and Feedback - as above.			
27	4.3	5.6	Stakeholder Reference Group	Section renumbered and main body of text moved to Schedule 5.1 with Terms of Reference			
28	4.10.1	5.8.1	Relationship between SRG and others	Paragraph renumbered and Local Service Boards replaced with Regional Partnership Boards			
29			Stakeholder Reference Group	Line added regarding need to refer to Schedule 5.1 for detailed Terms of Reference			
29	4.13	5.10	Healthcare Professionals Forum	Main body of text moved to Schedule 5.2 with Terms of Reference			
30	4.20.2	5.13.2	Healthcare Professionals Forum	Paragraph renumbered and cross reference amended from 6.5.7 to 7.5.7			
30			Healthcare Professionals Forum	Line added regarding need to refer to Schedule 5.2 for detailed Terms of Reference			
30	4.23	5.15	Local Partnership Forum	Main body of text moved to Schedule 5.3 with Terms of Reference			
31			Local Partnership Forum	Line added regarding need to refer to Schedule 5.3 for detailed Terms of Reference			
31	5.0.1	6.0.1	Working in Partnership	Paragraph renumbered and language modernised to compliment <i>A Healthier Wales</i> and changes in legislation re plans			

31	5.0.2	6.0.2	Working in Partnership	Paragraph renumbered and Local Service Boards replaced with Regional Partnership Boards			
31 - 32	n/a	6.0.3	Working in Partnership	New paragraph added to reflect the SSWB and WBFG requirements			
32	5.0.3	6.0.4	Working in Partnership	Paragraph renumbered due to additional paragraph being added			
32	5.1.1	6.1.1	Community Health Councils	Paragraph renumbered and amended to reflect updated legislation	Community Health Councils (Constitution, Membership and Procedures) (Wales) Regulations 2010/Community Health Councils (Establishment, Transfer of Functions and Abolition) (Wales) Order 2010 Amended by Community Health Councils (Constitution, Membership and Procedures) (Wales) (Amendment) Regulations 2015	✓	
33	5.1.5	6.1.5	Community Health Councils	Paragraph renumbered - Board shall make arrangements to meet with CHC	Community Health Councils (Constitution, Membership and Procedure) (Wales) Regulations 2010, Regulation 30	✓	
33	6.1.1	7.1.1	Putting the Citizen First	Paragraph renumbered and wording amended in response to comments from WAO and new Welsh Language requirements	Section 44, Welsh Language (Wales) Measure 2011	✓	

34	6.2.4	7.2.4	Annual Plan of Board Business	Paragraph renumbered and amended to include need to publish on website. Original intention to remove need to publish at organisations offices but this is required by legislation so not permitted.	Public Bodies (Admission to meetings) Act 1960, Section 1, subparagraph 4	✓	
34	6.2.5	7.2.5	Annual General Meeting	Section amended to include need to publish on website			
34	n/a	7.2.6	Annual General Meeting	Added paragraph re information which must be presented to AGM to ensure consistency with Manual for Accounts			
34	6.3	7.3	Calling Meetings	Paragraph renumbered - 7.3.2 specifies timescale for notice when calling a meeting which is applicable under some circumstances	*Schedule 3, 2(1)	✓	
35	6.4.3	7.4.3	Notifying and Equipping Board members	Paragraph renumbered and 'calendar' added to clarify number of days for advance publication of papers. Regulations specify 'clear' days but Board Secretaries preferred term 'calendar'	*Schedule 3, 2(3)	✓	
35	6.4.4	7.4.4	Notifying and Equipping Board members	Paragraph renumbered and amended to reflect need for additional impact assessments. Previously only referred to equality			
36	6.4.6	7.4.6	Notifying and Equipping Board members	Paragraph renumbered - Board members calling meetings	*Schedule 3, 2(5)	✓	
36	6.4.7	7.4.7	Notifying the public and others	Paragraph renumbered, ref to para 6.3 amended to 7.3 'calendar' added to clarify number of days for advance notice papers and ensure consistency with 7.4.3.	Public Bodies (Admission to meetings) Act 1960, Section 1, subparagraph 4	✓	

36	6.5.1	7.5.1	Admission of the public, press and observers	Paragraph renumbered - Deleted reference to induction loop - there are a number of alternative means for improving accessibility and adding this reference does not reflect this	Public Bodies (Admission to meetings) Act 1960, Section 1	✓	
36	6.5.2	7.5.2	Admission of the public, press and observers	Paragraph renumbered and Committees added to reflect legislation Note: Letter issued in November 2009 advising that Audit Committees should 'operate in private'	* Schedule 3, 8 & Public Bodies (Admission to meetings) Act 1960, Section 1	✓	
37	6.5.7	7.5.7	Addressing the Board	Paragraph renumbered and correction of typographical error			
38	6.5.10	7.5.10	Quorum	Paragraph renumbered	*Schedule 3, 6	✓	
40	6.5.24	7.5.24	Voting	Paragraph renumbered and 'organisations' added following comments from WAO	*Schedule 3, 4(2)	✓	
40	6.5.25	7.5.25	Voting	Paragraph renumbered - refers to majority voting	*Schedule 3, 4(1)	✓	
40	6.6	7.6	Record of Proceedings	Paragraph renumbered - Amendments to some sub-sections	*Schedule 3, 5 and 7	✓	
40	6.6.2	7.6.2	Record of Proceedings	Paragraph renumbered - Data Protection Legislation updated			
40 - 41	6.7.1	7.7.1	Confidentiality	Paragraph renumbered - LHB to add title of their local Standards of Behaviour Framework/Policy			
41	7.0.1	8.0.1	Values and Standards of Behaviour	Paragraph renumbered - LHB to add title of their local Standards of Behaviour Framework/Policy			
41	7.1.1	8.1.1	Declaration of Interests	Paragraph renumbered - LHB to add title of their local Standards of Behaviour Framework/Policy and reference to reporting to Chair and Board Secretary added to reflect practice			
43	7.2.8	8.2.8	Members with pecuniary (financial) interests	Paragraph renumbered	*Regulation 17	✓	

44	7.5	8.5	Dealing with offers of gifts, hospitality and sponsorship	Paragraph renumbered and extended to include reference to sponsorship following discussions with Board Secretaries Network			
44	7.5.1	8.5.1	Dealing with offers of gifts, hospitality and sponsorship	Paragraph renumbered - LHB to add title of their local Standards of Behaviour Framework/Policy and requirement for Board to 'approve' rather than 'adopt'			
44	7.5.3	8.5.3	Dealing with offers of gifts and hospitality	Paragraph renumbered and reference to sport removed as specifically prohibited in LHB policies			
45	n/a	8.6	Sponsorship	New section added			
45 - 46	7.6, 7.6.1 and 7.6.2	8.7, 8.7.1 and 8.7.2	Register of Gifts, Hospitality and Sponsorship	Paragraphs renumbered and reference to sponsorship added			
46	7.6.3	8.7.3	Register of Gifts and Hospitality	Paragraph renumbered and wording added to ensure clear paragraph refers gifts and hospitality only. Cross reference to 7.5.3 amended to 8.5.3			
46	7.6.5	8.7.5	Register of Gifts and Hospitality	Paragraph renumbered and wording added to refer to sponsorship			
46	8.0.1	9.0.1	Signing and Sealing of Documents	Paragraph renumbered and reference to Committees removed as they do not have authority to seal documents	Schedule 3, Part 4, Para 33 of NHS (Wales) Act 2006 re Trusts. Does not appear to be a corresponding requirement for LHBs	✓	
47	8.0.2	9.0.2	Signing and Sealing of Documents	Paragraph renumbered	Schedule 3, Part 4, Para 33(1) of NHS (Wales) Act 2006 re Trusts	Reflects requirement for Trusts	
47	8.2.1	9.2.1	Signature of documents	Paragraph renumbered and removed word 'normally' after discussions with Board Secretaries Network			

47	9.0.3	10.0.3	Gaining Assurance on Conduct of LHB Business	Paragraph renumbered and reference to Shared Services amended with correct title of NWSSP			
48	n/a	10.0.4 and 10.0.5	Gaining Assurance on Conduct of LHB Business	Paragraphs added to strengthen need to gain assurance from EASC and WHSSC			
48	9.2.3	10.2.3	Reviewing the performance of the Board, its Committees and Advisory Groups	Paragraph renumbered and title of Welsh Government updated			
49	9.3.1	10.3.1	External Assurance	Paragraph renumbered and amended to provide correct terminology for Audit General for Wales			
49	9.3.3	10.3.3	External Assurance	Paragraph renumbered and amended to reflect correct title of Public Accounts Committee			
49	9.3.4	10.3.4	External Assurance	Paragraph renumbered and reference to legislation removed on advice of WAO			
50	11.0.1	12.0.1	Review of Standing Orders	Paragraph renumbered and reference to equality removed to reflect widening of impact assessments			
50	11.0.2	12.0.2	Review of Standing Orders	As above			
55			Individuals to who powers have been delegated	Paragraph 3 - 'normally' removed after discussions with Board Secretaries Network			
57	5	5	Schedule of Matters Reserved for the Board	LHB to add title of their local Standards of Behaviour Framework/Policy			
58	16	16	Schedule of Matters Reserved for the Board	Amended to say Board 'approves' appointment of Chief Executive in accordance with regulations	*Part 2, Regulation 4(2) and 4(6) (must have regard to guidance issued by WG)	✓	

64			Schedule 2	Reference to SFIs forming Schedule 2.1 added together with page for addition of SFIs			
64			NHS Framework	Amended to reflect re-introduction of Welsh Health Circulars in 2014			
67	Schedule 4	Schedule 4	Terms of Reference Joint Committees	Reference added to Schedule 4.1 - WHSSC and Schedule 4.2 - EASC			
68 - 89	Schedule 5	Schedule 5	Advisory Groups	Text added from main SOs to strengthen Terms of Reference and avoid duplication			✓ - requirement for 3 Advisory Groups
69 - 75	n/a	Schedule 5.1	Stakeholder Reference Group	See above			
76 - 81	n/a	Schedule 5.2	Health Professionals' Forum	See above			
82 - 89	n/a	Schedule 5.3	Local Partnership Forum	See above and Model Terms of Reference for Local Partnership Forum incorporated			