WELSH STATUTORY INSTRUMENTS

2012 No. 1261 (W.156)

NATIONAL HEALTH SERVICE, WALES

The Velindre National Health Service Trust Shared Services Committee (Wales) Regulations 2012

Made - - - -	*8 May 2012*
Laid before the National Assembly for Wales - -	*11 May 2012*
Coming into force - -	*1 June 2012*

The Welsh Ministers in exercise of the powers conferred on them by sections 19(1), 203(9) and (10) and paragraph 4(1)(f) of Schedule 3 to the National Health Service (Wales) Act 2006 [F1] make the following Regulations:

F1 2006 c. 42.

PART 1

Introduction

Title and commencement

1. The title of these Regulations is the Velindre National Health Service Trust Shared Services Committee (Wales) Regulations 2012 and they come into force on 1 June 2012.

Interpretation

2. In these Regulations—

"the Act" ("*y Ddeddf*") means the National Health Service (Wales) Act 2006;

"chief officers" ("*prif swyddogion*") means the chief officer of each Local Health Board and National Health Service Trust**[**[F2], and the chief officer or chief executive of each Special Health Authority established by the Welsh Ministers under section 22 of the Act**]**;

"executive director" ("*cyfarwyddwr gweithredol*") means, in accordance with paragraph 3 of Schedule 3 to the Act, a director who is an employee of the National Health Service Trust;

"health service body" ("*corff gwasanaeth iechyd*") means **[**[F3]a clinical commissioning group, the National Health Service Commissioning Board, the National Institute for Health and Care

Excellence, **[**[F4]Health Education England, the Health Research Authority,**]** the Health and Social Care Information Centre,**]** a Special Health Authority; a Strategic Health Authority; a Local Health Board; an NHS Trust; an NHS Foundation Trust or a Primary Care Trust;

"Local Health Board" ("*Bwrdd Iechyd Lleol*") means a Local Health Board established in accordance with section 11(2) of the Act [F5];

"member" ("*aelod*") means a member of the committee as set out in regulation 5;

"National Health Service Trust" ("*Ymddiriedolaeth Gwasanaeth Iechyd Gwladol*") means a National Health Service Trust established in accordance with section 18(1) of the Act [F6];

"nominated representative" ("*cynrychiolydd enwebedig*") means, in relation to a chief officer of a Local Health Board, an officer member of his or her Local Health Board and, in relation to a chief officer of a National Health Service Trust, an executive director of his or her National Health Service Trust **[**[F7]and, in relation to a chief officer of a Special Health Authority, an officer member of the chief officer's Special Health Authority**]**;

"officer member" ("*swyddog-aelod*") means a member of a Local Health Board that holds any office set out in regulation 3(2) of the Local Health Boards (Constitution, Membership and Procedures) (Wales) Regulations 2009;

"shared services" ("*cydwasanaethau*") means administrative, professional and technical services provided to the health service in Wales;

"the committee" ("*y pwyllgor*") means the Velindre National Health Service Trust Shared Services Committee established by these Regulations;

"Velindre National Health Service Trust" ("*Ymddiriedolaeth Gwasanaeth Iechyd Gwladol Felindre*") means Velindre National Health Service Trust established by the Velindre National Health Service Trust (Establishment) Order 1993 [F8].

F2 Words in reg. 2 inserted (1.4.2021) by The Velindre National Health Service Trust Shared Services Committee (Wales) (Amendment) Regulations 2021 (S.I. 2021/237), regs. 1(2), **2(2)**

F3 Words in reg. 2 inserted (1.4.2013) by The National Treatment Agency (Abolition) and the Health and Social Care Act 2012 (Consequential, Transitional and Saving Provisions) Order 2013 (S.I. 2013/235), art. 1(2), **Sch. 2 para. 173(2)**

F4 Words in reg. 2 inserted (1.4.2015) by The Care Act 2014 (Health Education England and the Health Research Authority) (Consequential Amendments and Revocations) Order 2015 (S.I. 2015/137), art. 1, **Sch. 2 para. 11(2)**

F5 Powys Teaching Local Health Board was established under the Local Health Boards (Establishment) (Wales) Order 2003 (S.I. 2003/148 (W.18)). Abertawe Bro Morgannwg University Local Health Board, Aneurin Bevan Local Health Board, Betsi Cadwaladr University Local Health Board, Cardiff and Vale University Local Health Board, Cwm Taf Local Health Board and Hywel Dda Local Health Board were established under the Local Health Boards (Establishment and Dissolution) (Wales) Order 2009 (S.I. 2009/778 (W.66)).

F6 Velindre National Health Service Trust and the Welsh Ambulance Service National Health Service Trust were established pursuant to powers contained in section 5(1) of the National Health Service and Community Care Act 1990 (c. 19). Following consolidation of the enabling authority, their Establishment Orders now have effect as if made under section 18 of the Act. Public Health Wales National Health Service Trust was established pursuant to section 18(1) of the Act.

F7 Words in reg. 2 inserted (1.4.2021) by The Velindre National Health Service Trust Shared Services Committee (Wales) (Amendment) Regulations 2021 (S.I. 2021/237), regs. 1(2), **2(3)**

F8 S.I. 1993/2838, as amended by S.I. 2009/2059 (W.178) and S.I. 2012/1262 (W.157).

PART 2

Establishment and functions of the committee

Establishment of the committee

3. Velindre National Health Service Trust will establish the committee.

Functions of the committee

4. The committee is responsible for exercising Velindre National Health Service Trust's functions in relation to shared services, including the setting of policy and strategy and the management and provision of shared services to Local Health Boards and National Health Service Trusts.

PART 3

Membership of the committee

Membership of the committee

5.—(1) The members of the committee consist of—

(a) a chair;

(b) the chief officers or their nominated representatives; and

(c) the person who has been designated as the accountable officer for shared services.

(2) For the purposes of regulation 5(1)(c), the person who is designated as the accountable officer for shared services, means the person who has been designated as accountable officer for shared services by the person who has been designated as an additional accounting officer, with responsibility for the NHS in Wales, in accordance with section 133(2) of the Government of Wales Act 2006 [F9].

(3) Where a chief officer intends to nominate a representative for the purposes of regulation 5(1)(b), the nomination must be in writing addressed to the chair of the committee, and must specify whether the nomination is for a specific length of time.

F9 2006 c. 32. In accordance with section 129(6) of the Government of Wales Act 2006, the Permanent Secretary of the Welsh Government is the principal accounting officer for the Welsh Ministers. In accordance with section 133(2) of the Government of Wales Act 2006, the Permanent Secretary may designate other members of staff of the Welsh Government as additional accounting officers. The Director General for Health and Social Services has been designated as an additional accounting officer responsible for the budgets for which he has administrative responsibility. Additional accounting officers may appoint accountable officers in certain public bodies, which include NHS Trusts. Accountable officers have their responsibilities set out in an Accountable Officer Memorandum.

Appointment of the chair and vice-chair

6.—(1) Subject to paragraph (2) the chair of the committee is appointed by the committee.

(2) The first chair of the committee is appointed by Velindre National Health Service Trust for a period of six months.

(3) The committee must appoint a vice chair of the committee from amongst the chief officers or their nominated representatives.

(4) Where the committee appoints the chair and vice chair of the committee in accordance with paragraphs (1) and (3), the appointments must be subject to standing orders relating to the committee and, in relation to appointments made in accordance with paragraph (1), the committee must satisfy itself that the person appointed has the necessary skills and experience to perform the duties of the chair.

(5) Where Velindre National Health Service Trust appoints the chair in accordance with paragraph (2), the appointment must be subject to Velindre National Health Service Trust's standing orders.

Eligibility requirements for members of the committee

7.—(1) All members must fulfil the requirements for eligibility in the Schedule to these Regulations and must continue to fulfil the requirements while that member holds office.

(2) Chief officers may only hold office on the committee provided he or she continues to hold office as a chief officer of a **[**F10Local Health Board, National Health Service Trust or as a chief officer or chief executive of a Special Health Authority**]**.

(3) A nominated representative of a chief officer may only hold office on the committee provided he or she continues to hold office, as appropriate, as an officer member of the chief officer's Local Health Board**[**F11, an executive director of the chief officer's National Health Service Trust or as an officer member of the chief officer's Special Health Authority**]**.

(4) Any person appointed pursuant to regulation 6(3) to be a vice chair may only hold the office of vice chair on the committee provided that person continues to hold office, as appropriate, as a chief officer or as an officer member of the chief officer's Local Health Board**[**F12, an executive director of the chief officer's National Health Service Trust or as an officer member of the chief officer's Special Health Authority**]**.

F10 Words in reg. 7(2) substituted (1.4.2021) by The Velindre National Health Service Trust Shared Services Committee (Wales) (Amendment) Regulations 2021 (S.I. 2021/237), regs. 1(2), **3(2)**

F11 Words in reg. 7(3) substituted (1.4.2021) by The Velindre National Health Service Trust Shared Services Committee (Wales) (Amendment) Regulations 2021 (S.I. 2021/237), regs. 1(2), **3(3)**

F12 Words in reg. 7(4) substituted (1.4.2021) by The Velindre National Health Service Trust Shared Services Committee (Wales) (Amendment) Regulations 2021 (S.I. 2021/237), regs. 1(2), **3(4)**

Tenure of office of chair and vice chair

8.—(1) This regulation applies to any person who is appointed as chair or vice chair of the committee.

(2) Subject to these Regulations, a chair or vice chair holds and vacates office in accordance with the terms of that person's appointment.

(3) A chair or vice chair may be appointed for a period of no longer than four years.

(4) Subject to paragraph (5) a chair or vice chair may on the expiration of his or her term of office be re-appointed in accordance with regulation 6(1) or 6(3) respectively.

(5) A person may not hold office as a chair or vice chair for the committee for a total period of more than eight years, and a person may not have consecutive appointments as a vice chair or, subject to paragraph (6), a chair.

(6) The first chair of the committee appointed by Velindre National Health Service Trust in accordance with regulation 6(2), may, when his or her term of appointment comes to an end, be

appointed to the position of chair by the committee if he or she is successful in the appointments process run by the committee in accordance with its standing orders.

(7) References to the tenure of office of the vice chair are to his or her appointment as vice chair and not to his or her tenure of office as a member of the committee.

Modifications etc. (not altering text)

C1 Reg. 8(5) excluded (temp.) (5.7.2020) by The National Health Service (Temporary Disapplication of Tenure of Office) (Wales) (Coronavirus) Regulations 2020 (S.I. 2020/585), regs. 1(2), **5** (with regs. 1(3), 8)

Termination of appointment of chair or vice chair

9.—(1) The committee may, remove a chair or vice chair from office if it determines that—

(a) it is not in the interests of the committee; or

(b) it is not conducive to the good management of the committee,

for that chair or vice chair to continue to hold office.

(2) If it comes to the notice of the committee that a chair or vice chair appointed has become ineligible under the Schedule to these Regulations, the committee must remove that chair or vice chair from office.

(3) A chair or vice chair appointed must immediately notify the committee if that chair or vice chair becomes ineligible under the Schedule to these Regulations.

(4) If a chair or vice chair has failed to attend any meeting of the committee for a period of six months or more, the committee may remove that chair or vice chair from office unless it is satisfied that—

(a) the absence was due to a reasonable cause; and

(b) the chair or vice chair will be able to attend such meetings within such period as the committee considers reasonable.

(5) A chair or vice chair may at any time resign his or her office by notice in writing to the committee but subject to the terms of that chair or vice chair's appointment.

(6) Reference in this regulation to removal of a vice chair or the resignation of a vice chair from office is to the removal of the appointment as vice chair or resignation from the appointment as vice chair, as appropriate, and not to the removal or resignation of the member who has been appointed as vice chair from office on the committee.

Suspension of chair or vice chair

10.—(1) Before making a decision to remove a chair or vice chair from office under regulation 9, the committee may suspend the tenure of office of that chair or vice chair for such period as it considers reasonable.

(2) Where a chair or vice chair is suspended in accordance with paragraph (1), the committee must immediately notify that chair or vice chair, each of the committee members and Velindre National Health Service Trust in writing, stating the reasons for his or her suspension.

(3) A chair or vice chair whose tenure of office is suspended under paragraph (1) may not perform the functions of chair or vice chair.

(4) Reference in this regulation to suspension of a vice chair is to the suspension of the appointment as vice chair and not to the suspension of the member who has been appointed as vice chair from office on the committee.