



Agenda Item
3.5

Joint Commissioning Committee

Corporate Governance Report

Dyddiad y Cyfarfod / Date of Meeting	21/05/2024
Statws Cyhoeddi / Publication Status	Open/ Public
	Not Applicable
Awdur yr Adroddiad / Report Author	Helen Tyler, Head of Corporate Governance
Cyflwynydd yr Adroddiad / Report Presenter	Jacqui Maunder-Evans, Committee Secretary & Associate Director of Governance
Noddwr Gweithredol yr Adroddiad / Report Executive Sponsor	Jacqui Maunder-Evans, Committee Secretary & Associate Director of Governance

Pwrpas yr Adroddiad / Report Purpose	For Approval For Noting
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Engagement (internal/external) undertaken to date (including receipt /consideration at Committee/Group)		
Committee / Group / Individuals	Date	Outcome
N/A	Click or tap to enter a date.	Choose an item.

Acronyms / Glossary of Terms	
AGS	Annual Governance Statement
ARC	Audit & Risk Committee
EASC	Emergency Ambulance Services Committee
JCC	Joint Commissioning Committee
SO	Standing Orders

SFI	Standing Financial Instructions
WHSSC	Welsh health Specialised Services Committee

1. SITUATION/BACKGROUND

The purpose of this report is to provide an update on corporate governance matters that have arisen since the previous meeting.

There are a number of corporate governance matters that need to be reported as a regular item in-line with the governance and accountability framework for the Joint Commissioning Committee. This report encompasses all such issues as one agenda item.

2. SPECIFIC MATTERS FOR CONSIDERATION/APPROVAL

2.1 Matters Considered In-Committee

In accordance with the Standing Orders (SOs), the Joint Commissioning Committee (JCC) is required to report any decisions made in private "In-Committee" session, to the next available public meeting of the JC. An "In-Committee" meeting was held on 23 April 2024 and the following updates were received:

- Minutes of the EASC In Committee Meeting held on 19 March 2024,
- Minutes of the WHSSC In Committee Meeting held on 19 March 2024; and
- Any Other Business.

2.2 Welsh Health Circulars (WHCS)

Welsh Government (WG) issue Welsh Health Circulars (WHCs) around specific topics. The following WHCs have been received since 1 April 2024 and are available via the WG website, where further details as to the risks and governance issues are available:

- WHC/2024/017 Implementation of the Non-pay Elements of the 2022-4 Collective Agreement,
- WHC/2024/013 Governance on interim appointments to Executive and Senior Positions,
- WHC/2024/019 Interim amendments to the Model Standing Orders for Local Health Boards and NHS Trusts in Wales; and
- WHC/2024/022 Dispute Arbitration Process - Guidance for Disputed Debts (invoices and service agreements) within NHS Wales: 2024/25 – 2026/2

2.3 Annual Plan Of Committee Business 2024-2024

In accordance with the JCC Standing Orders (SO's) the Joint Commissioning Committee (JCC) are required to develop an Annual Plan of Committee business which includes proposals on meeting dates, venues, coverage of business activity during the year.

The plan shall set out the arrangements in place to enable the Joint Committee to meet its obligations to its citizens as outlined in Section 7.7 whilst also allowing Joint Committee members to contribute in either English or Welsh languages, where appropriate

The plan incorporates formal Joint Committee meetings, regular Committee Development sessions and, where appropriate, the planned activities of joint sub-Committees, Expert Panels and Advisory Groups.

The Annual Plan of Committee business for 2024-2025 is presented at **Appendix 1** for approval and the JCC are required to agree the plan for the forthcoming year by the end of May 2024, before being published on the Committee's website.

2.4 Predecessor Joint Committees/Teams Sub-Committee Annual Reports 2023-2024

The predecessor Joint Committees of EASC and WHSSC had established joint sub-committees in the discharge of its functions and the respective SOs stated that *"Each joint Sub-Committee shall submit an annual report to the Joint Committee through the Chair within 10 weeks of the end of the reporting year setting out its activities during the year and detailing the results of a review of its performance and that of any sub groups it has established."*

The relevant Sub-Committees and Chairs have reviewed and approved the Annual Reports for the reporting period 1 April 2023 to 31 March 2024 and they are presented at **Appendices 2-6** for assurance. The annual reports set out the activities of each Sub-Committee during the reporting period.

2.5 Predecessor Joint Committees Annual Governance Statement/Compliance Statement 2023-2024

Chapter 3 of the HM Treasury Financial Reporting Manual (FREM) stipulates that statutory NHS bodies are required to publish, as a single document, a three-part annual report and accounts which includes a Performance Report, an Accountability Report (including an Annual Governance Statement (AGS)) and Financial Statements.

As a hosted bodies under Cwm Taf Morgannwg UHB (CTMUHB), EASC and WHSSC did not have a statutory duty to produce an AGS and an Annual report but did do so, as a matter of good governance in accordance with the respective (SO's), to provide assurance to the LHBS and, in particular, to CTMUHB, as their host organisation, in relation to their governance and accountability arrangements.

The AGS is a key feature of an organisation's Annual Report and Accounts and demonstrates publicly the management and control of resources and the extent to which the body complies with its own governance requirements, including how they have monitored and evaluated the effectiveness of their governance arrangements. It is intended to bring together in one place all disclosures relating

to governance, risk and control.

The AGSs for EASC and WHSSC covering the period 1 April 2023- 31 March 2024 are presented at **Appendices 7 & 8**. The documents provides a clear understanding of both organisations and their internal control structures, the stewardship of each organisation, an explanation of the risks the organisations were exposed to– and how they were mitigated, the potential impact of the risks and operating environment on the achievements of the organisations, and how the organisations coped with the challenges faced. The AGSs also make reference to the relevant Legacy Statements.

The annual compliance statement for the National Collaborative Commissioning Unit (NCCU) covering the period 1 April 2023- 31 March 2024 is presented at **Appendix 9**.

The AGSs and the annual compliance statement will be presented to CTMUHB Audit & Risk Committee on 20 June 2024 for assurance.

2.6 Predecessor Joint Committees Annual Audit Enquiries Letter Responses For 2023-2024

The Auditor General for Wales, Audit Wales is responsible for obtaining reasonable assurance that the financial statements taken as a whole are free from material misstatement whether caused by fraud or error.

Assurance is sought, in compliance with the International Standard for Auditing (UK and Ireland), in relation to three main areas namely fraud, laws and regulations and related party relationships and transactions that impact on the audit of the financial statements.

The letters presented at **Appendices 10 & 11** details the assurance required, from both the management of EASC and WHSSC and 'those charged with governance' (the Joint Committee), together with the evidence provided, in response to a number of governance areas that impact on the audit of the financial statements.

The JCC are requested to approve the responses in readiness for submission to Audit Wales by 26 May 2024. The letters will be presented to CTMUHB Audit & Risk Committee on 20 June 2024 for assurance.

2.7 Update On The JCC Hosting Agreement And Memorandum Of Understanding

2.7.1 Hosting Agreement and Memorandum of Understanding

The Hosting Agreement with the other six LHBs and a Memorandum of Agreement between all seven LHBs have been finalised and were shared with the Oversight Board at the final meeting on 30 April 2024.

There is also a need to ensure there are appropriate Schemes of Delegation between the Host and the JCC Team. These are currently under consideration, with the arrangements being rolled forward for Quarter 1 where appropriate.

On 5 February 2024 Welsh Government confirmed their position and the decision that the Tier 1 Officer would hold Accountable Officer status for certain elements of their role, namely the propriety and regularity of public finances delegated to them by the Health Boards.

Once the documents have been approved by the 7 X HBs they will be brought back to the JCC for approval.

2.7.2 Accountable Officer Memorandum & Interface Agreement between the Chief Commissioner and the Chief Executive of CTMUHB

An Accountable Officer Memorandum for the Tier 1/Chief Commissioner has been discussed with Audit Wales and developed by the Host Body, together with an Interface Agreement between the Chief Commissioner and the Chief Executive of CTMUHB as the host. An Accountable Officer Letter to the Chief Executive of CTMUHB will also be re-issued in recognition of the Accountable Officer status of the Chief Commissioner. It is accepted this is a unique situation and should any issues or difficulties arise these will be explored by Welsh Government in association with the Host Body, the Chief Commissioner and Audit Wales where appropriate.

Once the documents have been approved by the 7 X HBs they will be brought back to the JCC for approval.

Further work is also underway to develop a Memorandum of Understanding between Welsh Government, the NHS Wales Executive and the new JCC. This will include:

- Confirmation of performance management arrangements for new JCC; and
- Clarity on roles and responsibilities

Objectives / Strategy	
Dolen i Nod (au) Strategol CBC Link to JCC Strategic Goal(s)	Choose an item.
	The JCC was established on 1 April 2024. As yet the JCC strategic goals have not yet been developed.
Dolen i Feysydd Strategol CBC / Link to JCC Strategic Areas	Not Applicable
	The JCC was established on 1 April 2024. As yet the JCC strategic areas have not yet been developed

Dolen i Ddeddf Llesiant Cenedlaethau'r Dyfodol – Nodau Llesiant / Link to Wellbeing of Future Generations Act – Wellbeing Goals 150623-guide-to-the-fg-act-en.pdf (futuregenerations.wales)	Choose an item.
	If more than one applies please list below:
Dolen i Hwyluswyr Ansawdd <i>(Canllawiau Statudol Dyletswydd Ansawdd (llyw.cymru)) /</i> Link to Enablers of Quality (Duty of Quality Statutory Guidance (gov.wales))	Choose an item.
	If more than one applies please list below:
Dolen i Feysydd Ansawdd <i>(Canllawiau Statudol Dyletswydd Ansawdd (llyw.cymru)) /</i> Link to Domains of Quality (Duty of Quality Statutory Guidance (gov.wales))	Choose an item.
	If more than one applies please list below:
Effaith Amgylcheddol/ Cynaliadwyedd (5R) / Environmental /Sustainability Impact (5Rs)	Choose an item.
	If more than one applies please list below:

Impact Assessment		
Ansawdd <i>Ydych chi wedi ymgymryd â Sgrinio Asesiad o'r Effaith ar Ansawdd? /</i> Quality <i>Have you undertaken a Quality Impact Assessment Screening?</i>	Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
	Outcome:	If no, please include rationale below: N/A

Cydraddoldeb <i>Ydych chi wedi ymgymryd â Sgrinio Aseiad o'r Effaith ar Gydraddoldeb? /</i> Equality <i>Have you undertaken an Equality Impact Assessment Screening?</i>	Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
	Outcome:	If no, please include rationale below: N/A
Cyfreithiol / Legal	Choose an item.	
	National Health Service Joint Commissioning Committee (Wales) Directions 2024 National Health Service Joint Commissioning Committee (Wales) Regulations 2024	
Enw da / Reputational	Choose an item.	
	There is no direct impact on the reputation of the Local Health Boards or the Joint Committee as a result of the activity outlined in this report.	
Effaith Adnoddau <i>(Pobl / Ariannol) /</i> Resource Impact <i>(People / Financial)</i>	Choose an item.	
	<p>There is no direct impact on resources as a result of the activity outlined in this report</p> <p>A sound system of financial control enacts robust financial control, safeguards public funds and the JCC's assets and resources. Robust governance arrangements underpinning financial management contribute towards internal control and value for money being achieved.</p>	

3. RECOMMENDATIONS

The JCC is asked to:

- **Note** the report,
- **Approve** the JCCs Annual Plan of Committee business for 2024-2025,
- **Approve** the Annual Governance Statements 2023-2024 for EASC and WHSSC, and the Annual Compliance Statement for the NCCU 2023-2024,
- **Review** the responses prepared for the EASC and WHSSC Annual Audit Enquiries Letter responses for 2023-2024 and, subject to any required amendment, endorse for onward submission to Audit Wales; and
- **Note** the update on the development of the JCC hosting agreement and memorandum of understanding.