

Task and Finish Ministerial Advisory Group

NHS Wales Accountability

Terms of Reference

Background

- The current governance structure of NHS Wales (Health Boards, Trusts and Special Health Authorities accountable to the Minister through their respective Chairs, and Chief Executives of Organisations accountable to the NHS Wales Chief Executive) was established following the NHS (Wales) Act 2006.
- The decision to establish the NHS Wales Executive was made in *A Healthier Wales*, as recommended by the Parliamentary Review of the Long-term Future of Health and Social Care, with the aim of consolidating national activity and bringing a consistent approach to planning, priority setting based on outcomes, performance management and accountability. It was reconfirmed in the Programme for Government.
- The NHS Wales Executive became operational on 1 April 2023.
- Establishing the NHS Wales Executive has not changed statutory accountability mechanisms. All NHS organisations remain directly accountable to Ministers, and the Welsh Government and Ministers will continue to set priorities, targets and outcome measures for the NHS. However, the NHS Wales Executive provides additional capacity at a national level to oversee and support delivery of these priorities.
- The Health Minister appoints Chairs and independent members to health boards, trusts and strategic health authorities who, along with the Chief Executive and Executive Team, have a responsibility for oversight of the organisations to which they are appointed.
- Alongside the establishment of the new NHS Wales Executive, *A Healthier Wales* included a specific action for the introduction of “*a range of ‘levers for change’, a combination of incentives and sanctions, to drive performance, reward achievement and address failure to deliver*”.
- Levers for change will provide some of the tools to drive improvements in performance and outcomes as part of the NHS Wales Executive’s aim of a stronger guiding hand, through clearer and more robust accountability and escalation arrangements. The levers for change work was paused during the pandemic and was updated in October 2022. It has been further updated in Q1 of 2023/24 to reflect the current priorities together with the operational and financial context alongside the work to revise the NHS Wales Assurance and Oversight Framework.
- The NHS Wales Assurance and Oversight Framework (AOF) will set out Welsh Government’s Ministers’ mechanism and approach for gaining assurance from NHS Wales organisations. The AOF will set out the oversight approach and the process for escalation and intervention and will be published in Autumn 2023.

- NHS Chairs' Performance Objectives are being strengthened to link to Planning Framework requirements and accountability conditions. This will reinforce accountability and link the performance management of the Chair more closely to that of the organisation they lead.

Purpose/Role of group

Within the context set out above the group is asked to:

- Reflect on the current governance structures within the NHS Wales system and provide observations of any strengths or weaknesses.
- Provide a view as to whether accountabilities are clear and appropriate.
- Provide any recommendations to strengthen the system.
- Take account of the fact that health ministers in Wales are closer to the NHS system than elsewhere and that the accountability mechanisms need to consider this.

In relation to levers for change the group is asked to:

- Review the levers for change paper from October 2022.
- Consider the role of incentives and sanctions to drive and improve delivery in NHS Wales organisations.
- Identify any other levers that could be used to drive performance.
- This is a task and finish Ministerial Advisory Group which has been established for a specific and time-limited purpose and has been classified by the Welsh Government as an ad hoc body by reason of its temporary nature.
- The Group will report to MHSS with recommendations at the end of its period (i.e. by 31st March 2024).
- It is noted that recommendations could potentially require new primary legislation if they are accepted and acknowledged that any such action will not be deliverable within this Senedd term but could be part of the next Programme for Government after the 2026 Senedd election.

Membership

- As a task and finish Ministerial Advisory Group the Group will be appointed on basis of advice from the Welsh Government Public Appointments Unit which states that Welsh Government policy is for such appointments to follow the spirit of the Commissioner for Public Appointment's Code of Practice for Ministerial Appointments to Public Bodies, in particular that appointments should be based on merit. The Health Minister will approve all members to the group as is usual practice.
- The Group will be Chaired by Ann Lloyd, Chair of Aneurin Bevan University Health Board.
- The Group will include some members from outside of NHS Wales who can provide additional expertise, perspective and challenge.
- Welsh Government will provide a relevant Policy Official to observe the Group and provide factual information on current arrangements and options which have been explored to date.

- The number of members will be capped at 10.
- The term of appointment for each member will be six months from the initial meeting.
- The Group members will not be remunerated. Travel and Subsistence expenses will be refunded.
- Members will need to complete and return a Registration and recording of interest form.
- Members should be made aware of the code of conduct.

Meetings

- The first meeting will be held in person with a virtual option, but meetings thereafter may be held virtually by default in line with Welsh Government guidelines.
- No deputies will be accepted in place of members.
- The secretariat function for the Group will be undertaken by the Welsh Government.
- No minimum number of members is required for a meeting to be quorate.
- There will not be a published output from each meeting; the Group will report back to MHSS at the end of their term.