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| Agenda Item |
| 5.1 |

Joint Commissioning Committee

Joint Commissioning Committee Scheme of Reservation and Delegation of Powers

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| Dyddiad y Cyfarfod / Date of Meeting | 20/05/2025 |
| Statws Cyhoeddi / Publication Status | Open/ Public |
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| Cyflwynydd yr Adroddiad / Report Presenter | Stacey Taylor, Director of Finance & Value Jacqui Maunder, Committee Secretary |
| Noddwr yr Adroddiad / Report Sponsor | Chief Commissioner |

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| Pwrpas yr Adroddiad / Report Purpose | For Approval |
|---|--------------|

| Engagement (internal/external) undertaken to date (including receipt /consideration at Committee/Group) | | |
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| Committee/Group/Individuals | Date | Outcome |
| Senior Leadership Team (SLT) | 7 May 2025 | Endorsed |

| Acronyms / Glossary of Terms | |
|-------------------------------------|---|
| LHB | Local Health Board |
| NWJCC | NHS Wales Joint Commissioning Committee |
| SO's | Standing Orders |
| SFI | Standing Financial Instructions |

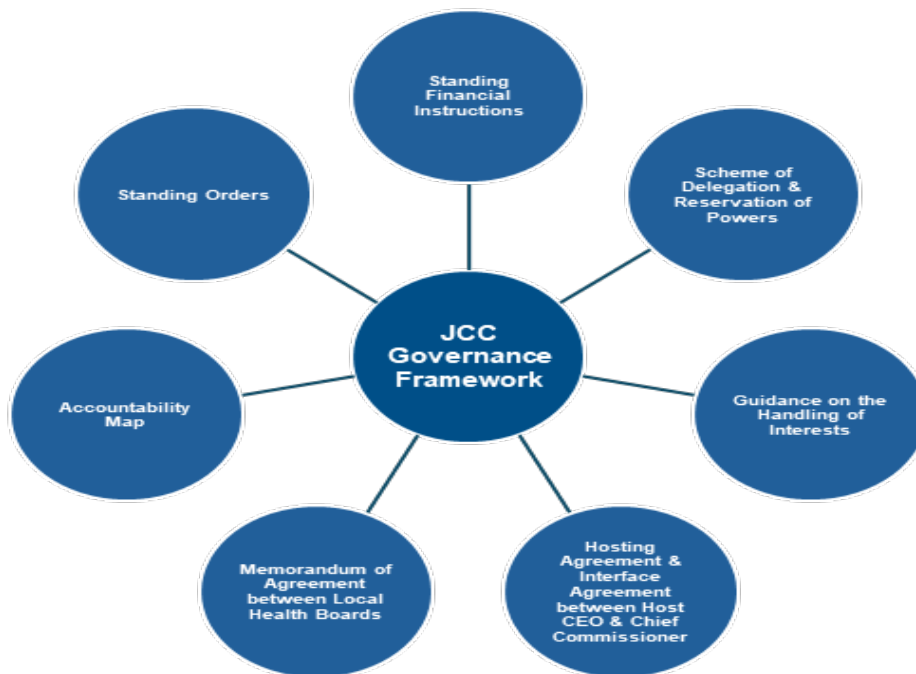
1. SITUATION/BACKGROUND

The purpose of this report is to request that the Joint Committee Approve the adoption of the updated Scheme of Delegation and Reservation of Powers for the matters further delegated from the NHS Wales Joint Commissioning Committee (NWJCC) to the Chief Commissioner (and other Officers as appropriate) all of which must be formally adopted by the Joint Committee and approved by LHB Boards as a schedule to their own SOs, and review and approve the updated financial scheme of delegation and the financial authorisation limits.

1.1 GOVERNANCE FRAMEWORK OF THE NHS WALES JOINT COMMISSIONING COMMITTEE

1.1 The Governance Framework for the NWJCC contains a number of key components which, combined, set out the legislative framework, constitution and ways of working for the NWJCC in its operations and handling of business. These documents are an integral part of the wider governance framework of Health Boards (HBs) and have been developed within that context.

1.2 The Governance Framework of the NWJCC will contain the following and an update on each element is provided below:



Section 4 of the NWJCC Standing Orders (SOs) stipulate that the Joint Committee may make arrangements for certain functions to be carried out on its behalf, so that the day-to-day business of the Joint Committee may be carried out effectively and in a manner that secures the achievement of its aims and objectives. In doing so, the Joint Committee must set out clearly the terms and conditions upon which any delegation is being made. The Joint Committee’s determination of those matters that it will retain, and those that will be delegated to others shall be set out in a:

- Schedule of matters reserved to the Joint Committee,
- Scheme of delegation to joint sub-Committees and others; and
- Scheme of delegation to the Chief Commissioner and others as appropriate all of which must be formally adopted by the Joint Committee and approved by LHB Boards as a schedule to their own SOs.

The Joint Committee retains full responsibility for any functions delegated to others to carry out on its behalf.

Each of the 7 x HBs are required to formally adopt the NWJCC’s SOs, Scheme of Delegation and Reservation of Powers, and Standing Financial Instructions (SFIs), as part of its overall governance framework for the HB, with the NWJCC being a formal Joint Committee.

| Joint Committee Meeting | Governance Document |
|--------------------------------|--|
| 9 April 2024 | <p>1.Standing Orders 2.Standing Financial Instructions, 3.Scheme of Reservation and Delegation of Powers and 4. NWJCC Transitional Delegated Financial authorisation matrix</p> <p>The 7 x HBs approved the NWJCC SOs, the Scheme of Reservation and Delegation of Powers and SFIs in March 2024, and the Joint Committee adopted the NWJCC Standing SO’s, the Scheme of Reservation and Delegation of Powers and SFIs at its inaugural meeting on 8 April 2024, and they were included as a schedule to each of the HBs own SOs and have effect as if incorporated within them. The Joint Committee also approved the NWJCC Transitional Delegated Financial authorisation matrix.</p> <p>It was recognised that the Scheme of Reservation and Delegation of Powers and the NWJCC Transitional Delegated Financial authorisation matrix would need to be updated further during the transition phase to reflect developments</p> |

| Joint Committee Meeting | Governance Document |
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| | concerning delegated matters to the NWJCC, the Chief Commissioner, Directors and the new sub-committees once established. |
| 9 April 2024 | <p>1.Accountability Map & 2.Guidance on the Handling of Interests</p> <p>The Accountability Map outlining the formal accountabilities and formal relationships between Welsh Government, Health Boards, the Host Body (CTMUHB), the NWJCC and its Team; and the Guidance on the Handling of Interests which sets out the arrangements for the appropriate handling of declarations of interests within the NWJCC’s business, were both received by the Joint Committee at its inaugural meeting on 8 April 2024</p> |
| 17 September 2024 | <p>1.The Hosting Agreement (HA) and 2.Memorandum of Agreement (MoA)</p> <p>The Hosting Agreement (HA) and the Memorandum of Agreement (MoA) were endorsed by the Joint Committee on 17 September 2024 and were approved by the 7 x HBs at their September 2024 Board meetings.</p> <p>The Joint Committee were advised that work was ongoing during the transition phase to finalise the last part of the governance framework namely updating the Scheme of Reservation and Delegation of Powers.</p> |

2.ASSESSMENT

2.1 Scheme of Delegation and Reservation of Powers

The NWJCC’s Scheme of Reservation and Delegation of Powers forms an annex to the NWJCC’s SOs, which form a schedule to each HBs own SOs and have effect as if incorporated within them. The Scheme of Delegation and Reservation of Powers, sets out in the context of the NWJCC’s business:

- Those matters reserved for HBs;
- Those matters delegated from HBs and reserved for the NWJCC; and
- Those matters further delegated from the NWJCC to the Chief Commissioner (and other Officers as appropriate).

The Scheme of Reservation and Delegation of Powers is set out in two parts. The first part is the Schedule of Matters Reserved to the HBs and the Joint Committee see **Appendix 1** which is prescribed by Welsh Government; the second part is the Scheme of Delegation to the Chief Commissioner, Corporate Directors and Officers. Section 6.15 of the NWJCC SOs state:

*"The JCC will delegate certain functions to the Chief Commissioner. For these aspects, the Chief Commissioner, when compiling the Scheme of Delegation, shall set out proposals for those functions they will perform personally and shall nominate other officers to undertake the remaining functions. The Chief Commissioner will still be accountable to the Joint Committee for all functions delegated to them irrespective of any further delegation to other officers.
(SO 6.15)"*

In addition to the responsibilities delegated from the NWJCC, the Chief Commissioner will have delegated responsibilities from the Host Body (set out within the Hosting Agreement) and delegated responsibilities from Welsh Government (set out within an Accountable Officer Memorandum).

It is also necessary for the Host Body to confirm within its respective Scheme of Delegation and Reservation of Powers any functions delegated to the Chief Commissioner and Joint Commissioning Committee Team as the employer and provider of administrative (e.g. finance, workforce) services.

For completeness a mapping exercise has been undertaken to capture all of the delegations into one document, which is presented as the Scheme of Reservation and Delegation of Powers to the Chief Commissioner see **Appendix 2**. This includes delegations to the NWJCC, the Chief Commissioner and Tier 2 Directors.

2.2 Financial Authorisation Matrix Limits

The NWJCC's SFIs form an annex to the NWJCC's SOs, which form a schedule to each Local Health Boards (LHBs) own SOs and have effect as if incorporated within them. They are designed to translate statutory and Welsh Government financial requirements for the NHS in Wales into day-to-day operating practice. These SFIs will align with the JCC's Scheme of Delegation and Reservation of Powers and also be underpinned by an operational Scheme of Delegation which provides delegated authorisation levels and other delegated responsibilities in respect of financial management and control.

Section 10 of the NWJCC SFIs state that the Chief Commissioner will approve the level of non-pay expenditure and the operational scheme of delegation and authorisation to budget holders and managers within the parameters set out in the NWJCC's Scheme of Reservation and Delegation of Powers. The Chief

Commissioner will set out in the operational scheme of delegation and authorisation:

- a) The list of managers who are authorised to place requisitions for the supply of goods and services, and
- b) The maximum level of each requisition and the system for authorisation above that level.

The additional delegations for NWJCC staff emanating from the CTMUHB additional delegations appended to their SFIs is presented at **Appendix 3**, and the updated financial authorisation matrix for the NWJCC is presented at **Appendix 4** and members are asked to discuss and agree the suggested financial delegations.

Section 10.3 of the SFIs state that budget holders and managers must ensure that they comply fully with the Scheme of Delegation, guidance and limits specified by the Director of Finance and Value. Therefore, all budget holders are required to confirm in writing that they have read and understood their responsibilities in accordance with the SOs and SFIs.

2.3 Welsh Public Money and the Handling of Interests

Financial stewardship involves the responsible management and use of financial resources, ensuring that decisions align with long-term goals and values. The handling of public money in Wales is governed by a framework called [Managing Welsh Public Money](#). This framework outlines principles for managing public resources responsibly and in the public interest. It is important that the NWJCC demonstrates:

- **Transparency:** Ensuring that all financial decisions and transactions are open and clear to the public,
- **Accountability:** Public sector organisations must be accountable for their financial decisions and actions, ensuring they align with legal and ethical standards,
- **Value for Money:** Resources should be used efficiently and effectively to achieve the best possible outcomes for the public; and
- **Integrity:** Handling conflicts of interest with strict adherence to rules and guidelines to maintain trust and fairness

The Handling of Interest guidance approved to support the formation of the NWJCC from 1 April 2024 is presented at **Appendix 5** for information to support budget holders in understanding their roles as budget holders.

| Objectives / Strategy | |
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| Dolen i Amcan (au) Strategol CBC Link to JCC Strategic Objectives(s) | Maximise Value |
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| 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) | A Resilient Wales |
| | |
| Dolen i Hwyluswyr Ansawdd (Canllawiau Statudol Dyletswydd Ansawdd (llyw.cymru)) / Link to Enablers of Quality (Duty of Quality Statutory Guidance (gov.wales)) | Leadership |
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| Dolen i Feysydd Ansawdd (Canllawiau Statudol Dyletswydd Ansawdd (llyw.cymru)) / Link to Domains of Quality (Duty of Quality Statutory Guidance (gov.wales)) | Effective |
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| Effaith Amgylcheddol/ Cynaliadwyedd (5R) / Environmental /Sustainability Impact (5Rs) | No - Not Applicable |
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| Impact Assessment | | |
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| Ansawdd Ydych chi wedi ymgymryd â Sgrinio Asesiad o'r Effaith ar Ansawdd? / Quality Have you undertaken a Quality Impact Assessment Screening? | Yes: <input type="checkbox"/> | No: <input checked="" type="checkbox"/> |
| | Outcome: | |
| Cydraddoldeb | Yes: <input type="checkbox"/> | No: <input checked="" type="checkbox"/> |

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| <p>Ydych chi wedi ymgymryd â Sgrinio Aseiad o'r Effaith ar Gydraddoldeb? / Equality Have you undertaken an Equality Impact Assessment Screening?</p> | <p>Outcome:</p> | <p>A Regulatory Impact Assessment is contained with the Explanatory Memorandum to The National Health Service Joint Commissioning Committee (Wales) Regulations 2024.</p> |
| <p>Cyfreithiol / Legal</p> | <p>Section 4.2 of the NWJCC SOs state: Reservation and Delegation of Joint Committee Functions 4.2 Within the framework approved by each LHB Board and set out within these JCC SOs and subject to any directions that may be given by the Welsh Ministers; the Joint Committee may make arrangements for certain functions to be carried out on its behalf, so that the day-to-day business of the Joint Committee may be carried out effectively and in a manner that secures the achievement of its aims and objectives. In doing so, the Joint Committee must set out clearly the terms and conditions upon which any delegation is being made. 4.3 The Joint Committee's determination of those matters that it will retain, and those that will be delegated to others shall be set out in a) Schedule of matters reserved to the Joint Committee b) Scheme of delegation to joint sub-Committees and others, and c) Scheme of delegation to the Chief Commissioner and others as appropriate all of which must be formally adopted by the Joint Committee and approved by LHB Boards as a schedule to their own SOs. 4.4 The Joint Committee retains full responsibility for any functions delegated to others to carry out on its behalf.</p> | |
| <p>Enw da / Reputational</p> | <p>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.</p> | |
| <p>Effaith Adnoddau (Pobl /Ariannol) /</p> | <p>There is no direct impact on resources as a result of the activity outlined in this report.</p> | |

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| Resource Impact (People / Financial) | There is not expected to be an additional cost associated with the proposal in this report. Determining and approving the Joint Committee’s budget and financial framework (including overall distribution of the financial allocation and unbudgeted expenditure) is reserved to the Joint Committee and the Chief Commissioner. |
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3. RECOMMENDATIONS

The Joint Committee are asked to:

- **Note** the development of the NWJCC’s governance framework, as a key component of the Health Board’s governance framework;
- **Discuss and Approve** the adoption of the updated Scheme of Delegation and Reservation of Powers for the matters further delegated from the NWJCC to the Chief Commissioner (and other Officers as appropriate) all of which must be formally adopted by the Joint Committee and approved by LHB Boards as a schedule to their own SOs,
- **Discuss and Approve** the financial delegations outlined within the updated financial authorisation matrix,
- **Note** that each Director will receive a letter outlining their responsibilities as budget holder and will receive the appropriate training to support them in financial management,
- **Note** the financial authorisation matrix will need to be endorsed by the NWJCC and approved by the 7 X Health Boards; and
- **Note** the Handling of Interest Guidance developed to support the members of the Joint Committee and NWJCC Officers in discharging their roles effectively.