



Gofal Cymdeithasol **Cymru** Social Care **Wales**

CYFARFOD BWRDD / BOARD MEETING: 27.04.17

EITEM/ITEM:

6

TEITL/TITLE:
SCW/17/04

**Social Care Wales Board and Committee structure:
discussion**

AWDUR/AUTHOR:

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**CYFRANIADAU GAN/
CONTRIBUTIONS FROM:**

ATODIADAU/APPENDICIES:

Appendix 1

Delegated roles and responsibilities relating to Social Care Wales and the Accounting Officer's accountability to the Board and Welsh Government.

TRAFODWYD YN FLAENOROL YN/ITEM PREVIOUSLY DISCUSSED AT:

Executive Management Team, Audit and Scrutiny Committee meeting

CYSWLLT I'R CYNLLUN BUSNES/LINK TO BUSINESS PLAN:

This work is linked to the Social Care Wales governance workstream, focusing on a transparent and effective organisation.

PENDERFYNIAD / DECISION:

Members are invited to **discuss** the proposed Social Care Wales Board and Committee structure to **provide** a steer.

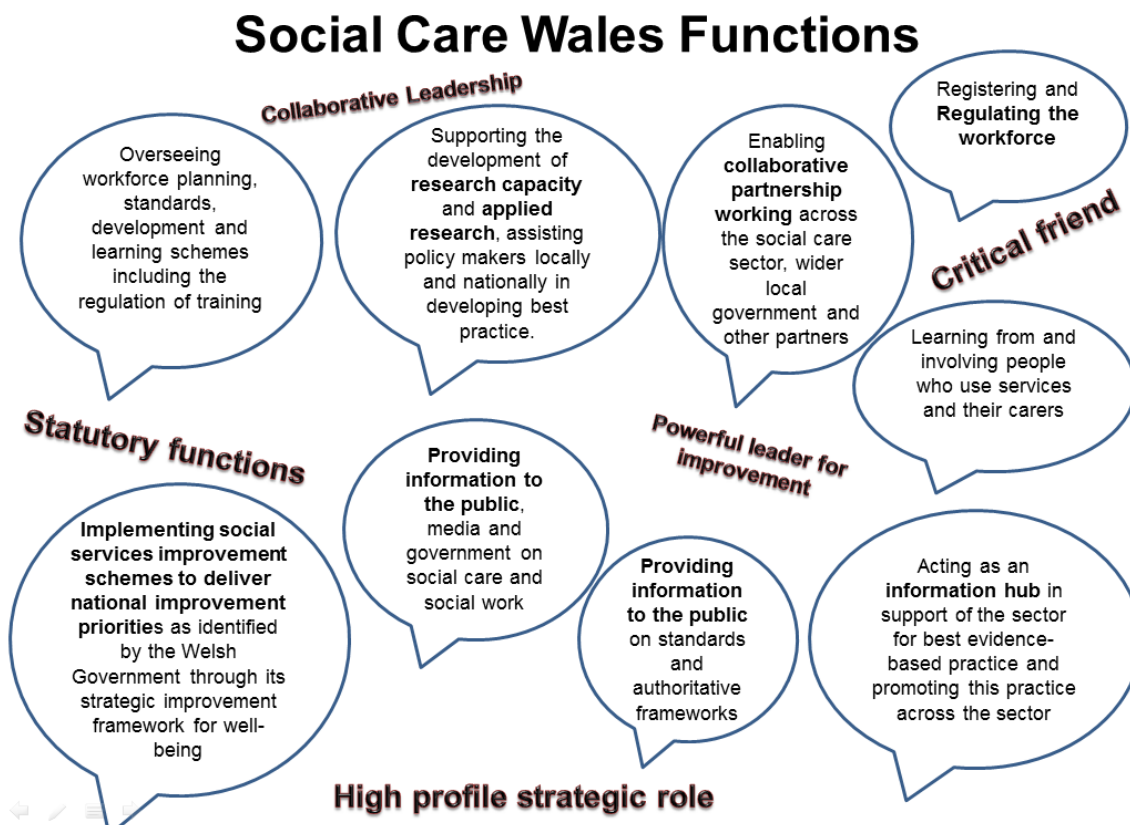
Social Care Wales Board and Committee structure: discussions

1. Introduction

- 1.1 This paper provides the Board with an opportunity to inform and shape the development of the Social Care Wales Board and Committee structure.
- 1.2 The Audit and Scrutiny Committee of the predecessor body, Care Council for Wales, had an opportunity to discuss and shape considerations for the future Committee structure in their November 2016 meeting. Their feedback has been included within these considerations.

2. Background

- 2.1 The Regulation and Inspection of Social Care (Wales) Act 2016 reconstituted the Care Council as Social Care Wales. It combines responsibility for regulation, workforce development, research co-ordination and service improvement all in one body. Social Care Wales is responsible for the following:



- 2.2 Social Care Wales remains a lay-led organisation, with a smaller board, but is expected to provide the sector with genuine ownership of the improvement

development activities as well as ensuring that the voice of the citizen is embedded throughout its work, including its governance arrangements.

3. Framework of the Board and Committee structure

- 3.1 In accordance with the Regulation and Inspection of Social Care (Wales) Act 2016 Social Care Wales Board consists of a Chair and no more than 14 other members. Board Members were appointed by the Minister and consists of a 'varied membership which comprises a majority of persons who are not, and have not been, social care workers or representatives of social care workers'¹.

Transition to Social Care Wales Advisory Panel

- 3.2 There were a number of recommendations within the report to the Minister from the Advisory Panel on Social Care Wales' governance, which were used to help inform the proposed shape and structure of the future Board and its Committees. These are as follows:

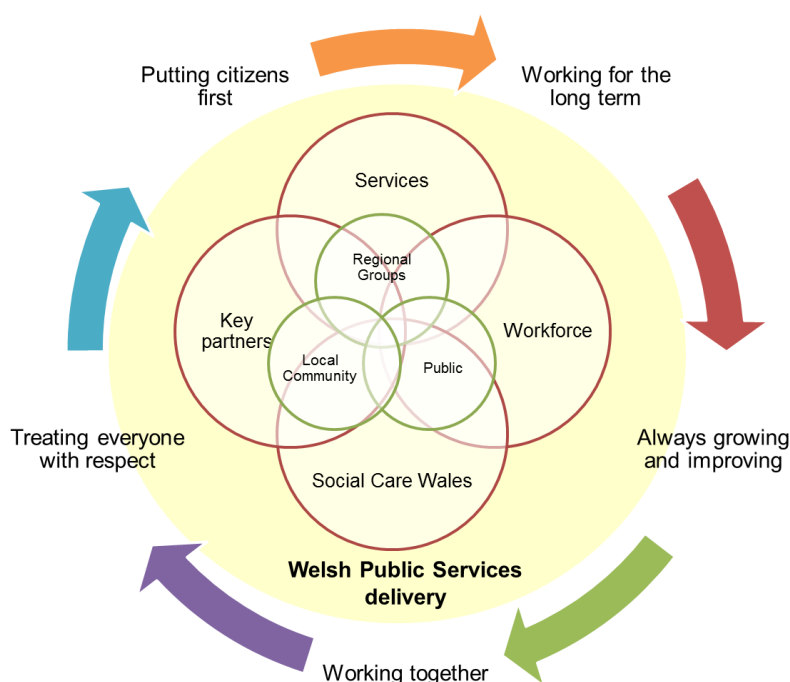
- **Relationships:** maintain and strengthen regional links through Social Care Wales Board attendance at forums, networks etc. This has been fed into the job description for the Board Members and their ambassadorial role.
- **Clear accountability:** Social Care Wales develops and implements due process, clear lines of delegation and reporting arrangements which sets out how conflicts will be managed.
- **Safeguards:** Social Care Wales Board to develop Committee structure, based on the principles of the Social Services and Wellbeing Act, which puts in place safeguards to guard against conflicts of interest and/or issues that might arise combining regulation and improvement.
- **Conflict of interests:** The Registrar and the Accounting Officer will be two different people, as an additional safeguard, to guard against conflicts of interest and/or issues that might arise combining regulation and improvement.
- **Sustainability:** Regulations supporting the recruitment, appointment and Membership of the Board are flexible in their approach to support a sustainable, citizen centred Social Care Wales Board composition model.

- 3.3 It is important that in any Board and Committee structure for Social Care Wales we **put in place safeguards to guard against conflicts of interest and/or issues that might arise combining regulation and improvement**. This was one of the recommendations following the publication of the National Assembly for Wales Health and Social Care Committee Regulation and Inspection of Social Care (Wales) Bill: Stage 1 Committee Report which states the following:

"the governance arrangements for the newly-constituted Social Care Wales will ensure that there is no conflict of interest, or perceived conflict of interest, between the exercise of its regulatory and other functions".

¹ Schedule 2, (2) (6), Regulation and Inspection of Social Care (Wales) Act

- 3.4 The Regulation and Inspection of Social Care (Wales) Act 2016 gave Social Care Wales a number of powers and functions including the regulation of the social care workforce and to improve their practise through evidence based learning and improvement. The Act states that Social Care Wales will be responsible for promoting best practice across the sector. The focus for Social Care Wales is on regulation for improvement and not on inspection, which will be led by the Care and Social Services Inspectorate Wales (CSSIW). Social Care Wales will work closely with CSSIW to share information to support improvement within the sector but both have very distinct roles in regulation of the workforce and inspection of the settings.
- 3.5 Therefore, it will be important for the Board and its staff to consider how existing and future relationships with stakeholders will need to be managed to enable collaborative partnership working across the social care sector, wider local government and other partners. The aim is to engender collective ownership of Social Care Wales by the sector and the people of Wales to build trust and a shared endeavour in the work of the organisation. Whilst Social Care Wales has distinct statutory responsibilities it will use collaborative leadership techniques to help create a virtual organisation of shared values and priorities, as the diagram below aims to illustrate:



4. Role and responsibility of the Board

- 4.1 The Social Care Wales Board's primary responsibility is to ensure effective governance of Social Care Wales – 'for overseeing Social Care Wales'

strategic direction, operations, and accountability'² in meeting its main objective in protecting, promoting and maintaining the safety and well-being of the public in Wales.

- 4.2 In line with the Model Framework of a Welsh Government Sponsored Body (WGSB) the role of the Board is to:
- provide effective leadership for Social Care Wales; defining and developing strategic direction and setting strategic objectives
 - promote effective leadership and stewardship for the operation of Social Care Wales; holding the Chief Executive to account for ensuring that Social Care Wales' activities are conducted effectively and efficiently
 - monitor performance to ensure that Social Care Wales fully meets its aims, objectives and performance targets
 - promote high standards of public finance, upholding the principles of regularity, propriety and value for money.
- 4.3 In order to do this the Board must ensure that effective arrangements are in place to provide assurance on risk management, governance and internal control. It must establish an Audit and Risk Committee chaired by a non-executive member (but not the Chair) to provide it with independent advice.
- 4.4 The Board is expected to assure itself of the effectiveness of the internal control and risk management systems.
- 4.5 The personal responsibility of the Chief Executive as Accounting Officer, is to ensure regularity, propriety and value for money in no way detracts from that of members of the Board, who each have a duty to act in a way that promotes high standards of public finance and for ensuring that Social Care Wales' activities are conducted in an efficient and effective manner. Appendix 1 provides further information on the roles and responsibilities of those with delegated powers relating to Social Care Wales. It also outlines the Accounting Officer's accountability to the Board and to Welsh Government.
- 4.6 The Board must not give the Chief Executive instructions that conflict with her duties as Social Care Wales' Accounting Officer.
- 4.7 In particular the Board is responsible for:
- establishing and taking forward the strategic aims and objectives of Social Care Wales consistent with its overall purpose and within the policy and resources framework determined by the Minister
 - ensuring that the Minister is kept informed fully of any changes that are likely to impact on the strategic direction of Social Care Wales or on the attainability of its responsibilities, and of steps needed to deal with such changes

² The *International Framework: Good Governance in the Public Sector* was developed jointly by the Chartered Institute of Public Finance and Accountancy (CIPFA) and the International Federation of Accountants® (IFAC®), July 2014

- ensuring compliance with any statutory or administrative requirements in respect of the use of public funds; that it operates within the limits of its statutory authority and any delegated authority agreed with the sponsor department, and in accordance with any other conditions relating to the use of public funds; and that, in reaching decisions, it takes into account guidance issued by the Welsh Government
- ensuring that it receives and reviews regularly, financial information concerning the management of Social Care Wales; that it is informed in a timely manner about any concerns as to the activities of Social Care Wales; and that, where applicable, it provides positive assurance to the Minister, via the Sponsor team, that appropriate remedial action has been taken to address any such concerns
- demonstrating high standards of corporate governance at all times, including by using the Audit and Risk Committee to help the Board to address key financial and other risks
- appointing the Chief Executive officer to the organisation.

4.8 In undertaking their duties and responsibilities Board members have an individual responsibility to:

- comply at all times with Social Care Wales' Code of Conduct for Board Members, and with the rules relating to the use of public funds and conflicts of interest
- not misuse information gained in the course of their public service for personal gain or political profit, nor seek to use the opportunity of public service to promote their private interests or those of persons or organisations with whom they have a relationship
- comply with Social Care Wales' rules on the acceptance of gifts and hospitality, and of business appointments
- act always in good faith and in the best interests of Social Care Wales
- act as an ambassador for Social Care Wales.

4.9 The Board may, to the extent permitted by the Regulation and Inspection of Social Care (Wales) Act 2016, delegate to staff responsibility for the administration of day-to-day management issues but it remains ultimately responsible and accountable for all those matters. Social Care Wales must maintain a list of matters which are reserved for decision by its board as well as a scheme of delegation approved by the board.

5. Issues and analysis

5.1 For discussion at the Board meeting a high level overview of the proposed Social Care Wales' Board and Committee structure has been produced which takes into account the:

- Legislative framework of the Regulation and Inspection of Social Care (Wales) Act 2016
- understanding of the broad functions of Social Care Wales; and the

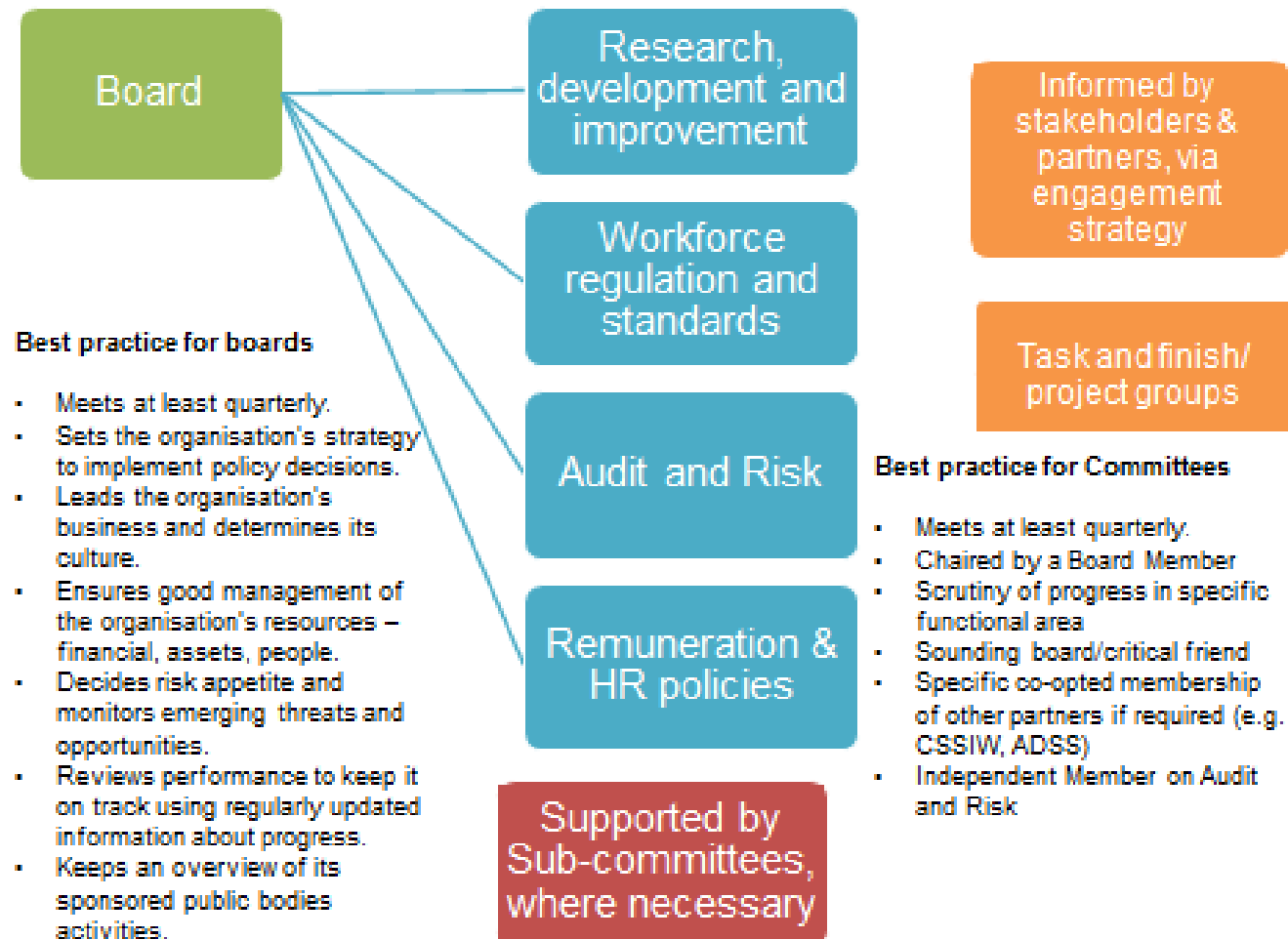
- requirements of being a Welsh Government Sponsored Body as outlined in Managing Welsh Public Money and the Model Governance Framework with Welsh Government.

6. Recommendations

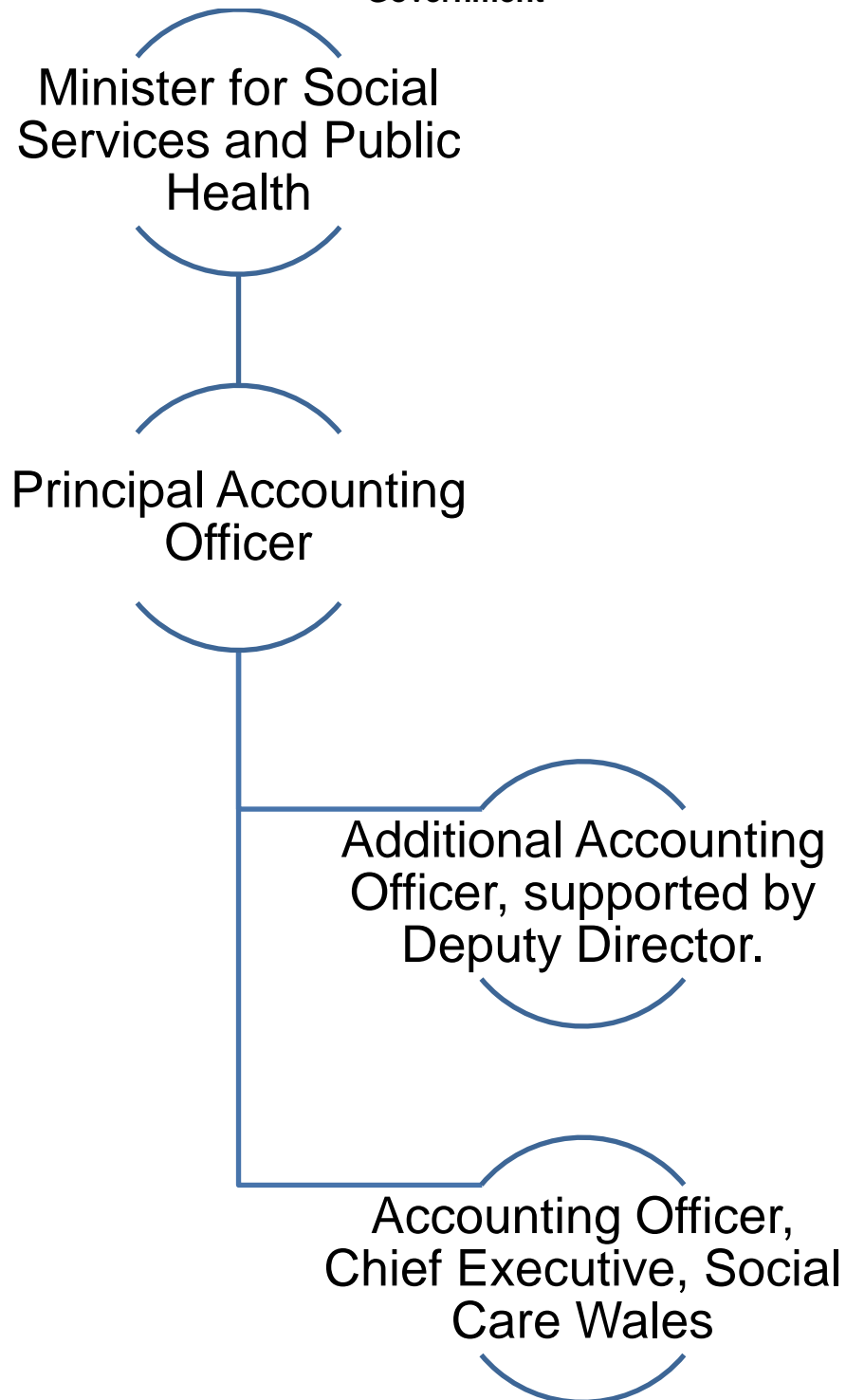
6.1 Members are invited to discuss the proposed structure and consider:

- a) to what extent would this provide the necessary structure to support effective governance?
- b) are there any gaps?
- c) from experience on being on other Boards what other considerations should be taken into account in the further development of the Board and Committee structure for Social Care Wales?
- d) Delegating responsibility to the Chief Executive to finalise the governance structure, in liaison with the Chair, as per the scheme of delegation.

Social Care Wales Board and Committee structure: for discussion



Accountability of the Accounting Officer with the Welsh Ministers and Welsh Government



Rebecca Evans**The Minister for Social Services and Public Health**

The Minister for Social Services and Public Health exercises the functions of the Welsh Ministers in relation to social care in Wales. The Minister will meet at least once a year with the Chair of the Board to discuss and evaluate the financial performance of Social Care Wales, its contribution to Wales and to Welsh Government's social care policy.

The Minister for Social Services and Public Health will appoint Board Members and approve the appointment of the CEO, and will determine the terms and conditions of their appointment. The Minister will also assess the performance of the Chair of Social Care Wales. In addition, the Minister will approve the terms and conditions of employment of staff of Social Care Wales, as proposed by Social Care Wales¹.

The Minister for Social Services and Public Health will agree and allocate funding to Social Care Wales in accordance with the agreed grant allocation.

Sian Morgan**Principal Accounting Officer for the Welsh Ministers****Permanent Secretary to the Welsh Government**

He is accountable to the National Assembly (through the National Assembly's Public Accounts Committee) and to the UK Parliament (through the House of Commons Committee on Public Accounts) for:

- the regularity and propriety of the Welsh Assembly Government's finances;
- the keeping of proper accounts of the Welsh Ministers; and
- the effective and efficient use of resources including the grant-in-aid voted to Social Care Wales under the Welsh Government's Annual Budget Motion.

Dr Andrew Goodall**Additional Accounting Officer****Director General of Health and Social Services/Chief Executive, NHS Wales**

The Additional Accounting Officer is accountable to the National Assembly for the grant-in-aid awarded to Social Care Wales and for advising the Minister:

- on an appropriate framework of objectives and targets for Social Care Wales in the light of the department's wider strategic aims and key delivery and performance indicators.
- on an appropriate budget for Social Care Wales in the light of the sponsor department's overall spending priorities; and
- on how well Social Care Wales is achieving its strategic objectives within the policy and resources framework determined by the Minister and whether it is delivering value for money.

Sue Evans**Accounting Officer****Chief Executive Officer****Social Care Wales**

Albert Heaney
Director of Social Services and Integration

The Minister is professionally supported by Albert Heaney, the Director of Social Services and Integration and his team who provide the day-to-day sponsor role, although the Accounting Officer role of Sue Evans, the Chief Executive Officer, remains with the Director General.

The Social Services Improvement Division, in the sponsor department, is the primary contact for Social Care Wales. They are the main source of advice to the Minister on the discharge of her responsibilities in respect of Social Care Wales. They also support the AAO (Andrew Goodall) on his responsibilities towards Social Care Wales. Officials of the sponsor team will liaise regularly with WGSB officials to review financial performance against plans and achievement against targets. The sponsor team will also take the opportunity to inform and explain wider policy developments that might impact on Social Care Wales and the wider social care sector.

The role of the Accounting Officer in relation to the Board and to Welsh Ministers

Social Care Wales Board

- a) advising the board on the discharge of its responsibilities;
- b) advising the board on Social Care Wales' performance against its aims and objectives;
- c) ensuring that financial considerations are taken fully into account by the board at all stages;
- d) ensuring that a system of risk management is maintained;
- e) ensuring that robust internal management and financial controls are in place, establishing procedures for handling complaints about Social Care Wales; and developing and maintaining appropriate personnel management policies, all of which shall be readily available to all staff; and
- f) taking action as appropriate in accordance with the terms of the accounting officer's memorandum if the board or its Chairperson is contemplating a course of action involving a transaction which the Chief Executive considers would infringe the requirements of propriety or regularity, or does not represent prudent or economical administration, or, efficiency or effectiveness, questionable feasibility or is unethical.

Welsh Ministers

- a) in relation to the signing of accounts; propriety and regularity of Social Care Wales' finances;
- b) economy, efficiency and effectiveness with which Social Care Wales uses its resources;
- c) responsibilities owed to the Welsh Ministers, the National Assembly for Wales or the Public Accounts Committee of the National Assembly;
- d) responsibilities owed to the House of Commons or the Committee of Public Accounts of that House.

Sue Evans,
Chief
Executive
Accounting
Officer