

SL(5)782 – The Digital Health and Care Wales (Transfer of Staff, Property, Rights and Liabilities) Order 2021

Background and Purpose

This Order forms part of a suite of legislation to support the launch of a new Special Health Authority called Digital Health and Care Wales (DHCW). DHCW has been established under section 22 of the National Health Service (Wales) Act 2006.

DHCW's functions will relate to the provision of digital platforms, systems and services and supporting the intended improvement of such systems. Until now, a number of these functions have been exercised by the National Health Service Wales Informatics Service ("NWIS"). NWIS forms part of the shared services hosted by Velindre University National Health Service Trust ("Velindre University NHS Trust").

This Order makes provision for the transfer of particular staff (article 3), property (article 4), rights and liabilities (article 5) from Velindre University NHS Trust to DHCW.

Article 6 makes provision for the transfer of data, records and information.

Article 7 makes provision for the continuity of things done by, or in relation to, Velindre University NHS Trust.

Procedure

Negative.

The Order was made by the Welsh Ministers before it was laid before the Senedd.

The Senedd can annul the Order within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date it was laid before the Senedd.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

One point is identified for reporting under Standing Order 21.3 in respect of this instrument.

1. Standing Order 21.3(ii) - that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

This Order forms part of a suite of four pieces of subordinate legislation.

Paragraph 2.1 of the Explanatory Memorandum accompanying the Order states as follows:



"The four statutory instruments being brought forward as part of the go-live of DHCW are being made together, are inextricably linked, and would be difficult to understand if read in isolation. It is therefore considered beneficial to bring forward a single composite Explanatory Memorandum and Regulatory Impact Assessment."

At the time of writing, only two of the instruments have been laid, on 4 March 2021. As such, those two instruments have needed to be considered in isolation, without reference to the other two instruments.

Welsh Government response

Merit Scrutiny point: A Joint Explanatory Memorandum was created reflecting that four pieces of legislation, relating to the establishment of DHCW and the transfer of the NHS Wales Informatics Service from Velindre into DHCW, are required ahead of the planned go-live of the new organisation on 1 April 2021. Only two of the four pieces of legislation were required to be laid before the Senedd - *The Digital Health and Care Wales (Transfer of Staff, Property, Rights and Liabilities) Order 2021*; *The Velindre National Health Service Trust Shared Services Committee (Wales) (Amendment) Regulations 2021*. The four pieces of legislation are linked in terms of their sequencing so that the new organisation may operate from 1 April 2021 and so the Joint Explanatory Memorandum refers to all four.

The Velindre National Health Service Trust (Establishment) (Amendment) Order 2021 can be viewed here: [2021 No. 232 \(W. 58\)](#). The Digital Health and Care Wales (Functions) Directions 2021 are due to be issued on 1 April 2021.

Committee Consideration

The Committee considered the instrument and Government response at its meeting on 22 March 2021 and reports to the Senedd in line with the reporting point above.

