

2014 No. 566 (W. 67)

**NATIONAL HEALTH
SERVICE, WALES**

**The Emergency Ambulance
Services Committee (Wales)
Regulations 2014**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the constitution and membership of the Emergency Ambulance Services Committee (“the joint committee”) including its procedures and administrative arrangements. The Emergency Ambulance Services Committee (Wales) Directions 2014 which were made on 10 March 2014 provide that the seven Local Health Boards in Wales will work jointly to exercise functions relating to the planning and securing of emergency ambulance services and for the purpose of jointly exercising those functions, Local Health Boards will establish the joint committee.

Part 2 of these Regulations makes provision for —

- (a) the composition and membership of the joint committee (regulation 3);
- (b) the appointment of the chair and vice-chair to the joint committee (regulation 4);
- (c) eligibility requirements for members of the joint committee (regulation 5 and Schedule 2); and
- (d) tenure of office, termination of appointment and suspension of members of the joint committee (regulations 6 to 9).

Part 3 contains provisions in relation to the meetings and proceedings of the joint committee including the powers of the vice- chair (regulations 10 and 11).

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these

Regulations. A copy can be obtained from the Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

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**The Emergency Ambulance
Services Committee (Wales)
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Made 10 March 2014

Laid before the National Assembly for Wales
11 March 2014

Coming into force 1 April 2014

The Welsh Ministers in exercise of the powers conferred on them by sections 11, 12(3), 13(2)(c) and (4)(c) and 203(9) and (10) of and paragraph 4 of Schedule 2 to the National Health Service (Wales) Act 2006⁽¹⁾ make the following Regulations:

PART 1

Introduction

Title and commencement

1. The title of these Regulations is the Emergency Ambulance Services Committee (Wales) Regulations 2014 and they come into force on 1 April 2014.

Interpretation

2. In these Regulations—

“the Act” (“*y Ddeddf*”) means the National Health Service (Wales) Act 2006;

“associate member” (“*aelod cyswllt*”) means a person who holds any office set out in accordance with regulation 3(3);

“chief officers” (“*prif swyddogion*”) means the chief officer of each Local Health Board;

“host Local Health Board” (“*Bwrdd Iechyd Lleol cynhaliol*”) means Cwm Taf University Local Health Board;

“health service body” (“*corff gwasanaeth iechyd*”) means the National Health Service Commissioning Board, the National Institute for Health and Care Excellence, the Health and Social Care Information Centre, a clinical commissioning group, a Special Health Authority, Strategic Health Authority, Local Health Board, NHS Trust, NHS Foundation Trust or Primary Care Trust;

“the joint committee” (“*y cyd-bwyllgor*”) means the Emergency Ambulance Services Committee established pursuant to the Emergency Ambulance Services Committee (Wales) Directions 2014 made on 10 March 2014.

“Local Health Board” (“*Bwrdd Iechyd Lleol*”) means a Local Health Board established in accordance with section 11(2) of the Act(1);

“member” (“*aelod*”) means a member of the joint committee as set out in regulation 3;

“nominated representative” (“*cynrychiolydd enwebedig*”) means an officer member nominated by the chief officer of each of the Local Health Boards. Officer member in this context means any office set out in regulation 3(2) of the Local Health Boards (Constitution, Membership and Procedures) (Wales) Regulations 2009(2); and

“officer member” (“*swyddog-aelod*”) means a member of the joint committee who holds any office set out in regulation 3(2).

PART 2

Membership of the joint committee

Membership of the joint committee

3.—(1) The members of the joint committee consist of—

- (a) the chief officers or nominated representatives;

(1) Powys Teaching Local Health Board was established under the Local Health Boards (Establishment) (Wales) Order 2003 (S.I. 2003/148 (W.18)). Abertawe Bro Morgannwg University Local Health Board, Aneurin Bevan University Local Health Board, Betsi Cadwaladr University Local Health Board, Cardiff and Vale University Local Health Board, Cwm Taf University Local Health Board and Hywel Dda University Local Health Board were established under the Local Health Boards (Establishment and Dissolution) (Wales) Order 2009 (S.I. 2009/778 (W.66)) as amended by S.I. 2013/2918 (W. 286)).

(2) S.I. 2009/779 (W.67).

(b) a chair; and

(c) the officer member employed by the host Local Health Board.

(2) The officer member for the purposes of regulation 3(1)(c) is the person employed to undertake the functions of the Chief Ambulance Services Commissioner in accordance with direction 3 of the Emergency Ambulance Services Committee (Wales) Directions 2014(1).

(3) In addition there will be three associate members who will be the chief executives of Velindre National Health Service Trust, the Welsh Ambulance Services National Health Service Trust and the Public Health Wales National Health Service Trust.

(4) Where a chief officer intends to nominate a representative for the purposes of regulation 3(1)(a), the nomination must be in writing addressed to the chair of the joint committee, and must specify whether the nomination is for a specific length of time.

Appointment of the chair and vice-chair

4.—(1) The chair is appointed by the Welsh Ministers.

(2) The joint committee must appoint a vice chair of the joint committee from amongst the chief officers or nominated representatives.

(3) Appointments made in accordance with paragraph (1) will be in accordance with the provisions in Schedule 1 to these Regulations.

(4) Where the joint committee appoints the vice-chair in accordance with paragraph (2) the appointment will be subject to standing orders relating to the joint committee.

(5) Where a chair is appointed in accordance with paragraph (1) regard must be had to the need to encourage diversity in the range of persons who may be appointed.

Eligibility requirements for members of the joint committee

5.—(1) Any person must fulfil the relevant requirements for eligibility in Schedule 2 to these Regulations before that person may be appointed as a chair of the joint committee and must continue to fulfil the relevant requirements while that person holds office.

(2) The officer member may only hold office on the joint committee provided he or she continues to

exercise the functions of the Chief Ambulance Services Commissioner.

(3) Any person appointed pursuant to regulation 4(2) to be a vice-chair or who is an associate member or chief officer of the joint committee will only hold office on the joint committee provided they continue to hold office as appropriate as a chief executive of a NHS Trust in Wales or a chief officer of a Local Health Board.

(4) A nominated representative of a chief officer may only hold office on the joint committee provided he or she continues to hold office as an officer member, as set out in regulation 3(2) of the Local Health Board (Constitution, Membership and Procedures) (Wales) Regulations 2009, of the chief officer's Local Health Board.

Tenure of office of chair

6.—(1) This regulation applies to any person who is appointed as chair of the joint committee.

(2) Subject to these Regulations, a chair holds and vacates office in accordance with the terms of that person's appointment.

(3) A chair may be appointed for a period of no longer than four years.

(4) Subject to paragraph (5) a chair may on the expiration of his or her term of office be re-appointed in accordance with regulation 4(1).

(5) A person may not hold office as a chair for the joint committee for a total period of more than eight years.

Tenure of office of vice-chair

7.—(1) This regulation applies to any person who is appointed as vice- chair of the joint committee.

(2) A vice-chair may be appointed for a period of no longer than two years.

(3) Subject to regulation 5(3) and paragraph (4) a vice-chair may on the expiration of his or her term of office on the joint committee be re-appointed in accordance with regulation 4(2).

(4) A person may not hold office as a vice-chair of the joint committee for a total period of more than four years.

(5) References to the tenure of office of the vice chair are to his or her appointment as a vice chair and not to his or her tenure of office as a member of the joint committee.

Termination of appointment of chair

8.—(1) The Welsh Ministers may immediately remove a chair from office if they determine that —

- (a) it is not in the interests of the health service in Wales; or
- (b) it is not conducive to the good management of the joint committee,

for that chair to continue to hold office.

(2) If it comes to the notice of the Welsh Ministers that a chair appointed has become ineligible under Schedule 2 to these Regulations, the Welsh Ministers may remove that chair from office.

(3) A chair appointed must immediately notify the joint committee and the Welsh Ministers if that chair becomes ineligible under Schedule 2 to these Regulations.

(4) If a chair appointed has failed to attend any meeting of the joint committee for a period of six months or more, the Welsh Ministers may remove that chair from office unless they are satisfied that —

- (a) the absence was due to a reasonable cause; and
- (b) the chair will be able to attend such meetings within such period as the Welsh Ministers consider reasonable.

(5) A chair may at any time resign his or her office by notice in writing to the Welsh Ministers and each Local Health Board but subject to the terms of that chair's appointment.

Suspension of chair

9.—(1) Before making a decision to remove a chair from office under regulation 8, the Welsh Ministers may suspend the tenure of office of that chair for such period as they consider reasonable.

(2) Where a chair is suspended in accordance with paragraph (1), the Welsh Ministers will immediately notify that chair and each Local Health Board in writing, stating the reasons for his or her suspension.

(3) A chair whose appointment is suspended under paragraph (1) may not perform the functions of chair.

PART 3

Meetings and proceedings of the joint committee

Meetings and proceedings

10.—(1) Each Local Health Board must agree standing orders for the regulation of the meetings and proceedings of the joint committee.

(2) The meetings and proceedings of the joint committee must be conducted in accordance with standing orders relating to the joint committee.

(3) Associate members may not vote in any meetings or proceedings of the joint committee.

Powers of vice-chair

11. Where the chair of the joint committee—

- (a) has died;
- (b) has ceased to hold office; or
- (c) is unable to perform the duties of chair owing to illness, absence or any other cause,

the vice-chair will act as chair until a new chair is appointed or the existing chair resumes the duties of chair, as the case may be.

Mark Drakeford

Minister for Health and Social Services, one of the Welsh Ministers.

10 March 2014

SCHEDULE 1 Regulation 4(1) and 4(3)

PROCEDURES FOR APPOINTMENT OF CHAIR

1. This Schedule applies to the appointment of a chair of the joint committee.

2. The Welsh Ministers will ensure that appropriate arrangements are in place for the appointment of the chair and that those arrangements take into account —

- (a) the principles from time to time laid down by the Commissioner for Public Appointments for Ministerial Appointments to Public Bodies;
- (b) the requirement that the appointment be open and transparent;
- (c) the requirement of fair and open competition in the appointment; and
- (d) the need to ensure that successful candidates meet the relevant eligibility requirements set out in Schedule 2 to these Regulations.

SCHEDULE 2 Regulation 5(1)

ELIGIBILITY REQUIREMENTS

Eligibility requirements for chair

General requirements

1.—(1) This Schedule applies in relation to the eligibility for appointment of the chair of the joint committee.

(2) Subject to paragraphs (4), (5), (6) and (8), a person is not eligible for appointment as a chair if that person—

- (a) has within the preceding five years been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and has received a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine;
- (b) is the subject of a bankruptcy restrictions order or an interim order or has made a composition or arrangement with creditors;
- (c) has been dismissed, other than by reason of redundancy, from any paid employment with a health service body;

- (d) has had his or her membership as chair, member or director of a health service body other than a clinical commissioning group terminated, other than by reason of redundancy, voluntary resignation, reorganisation of the health service body, or expiry of the period of office for which that person was appointed; or
- (e) has been removed from office as the chair or member of the governing body of a clinical commissioning group.

(3) For the purposes of paragraph (2)(a) the date of conviction is deemed to be the date on which the ordinary period allowed for making an appeal or application with respect to the conviction expires or, if such an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of its not being prosecuted.

(4) For the purposes of paragraph (2)(c), a person is not to be treated as having been in paid employment by reason only of having held the position of member, associate member or director of a health service body other than a clinical commissioning group, or of having held the position of chair or member of the governing body of a clinical commissioning group.

(5) Where a person is ineligible by reason of paragraph (2)(b)—

- (a) if the bankruptcy is annulled on the ground that the person ought not to have been adjudged bankrupt or on the ground that the person's debts have been paid in full, that person becomes eligible for appointment as a chair or officer member on the date of the annulment;
- (b) if the person is discharged from bankruptcy, that person becomes eligible for appointment as a chair or officer member on the date of the discharge;
- (c) if, having made a composition or arrangement with creditors, the person's debts are paid in full, that person becomes eligible for appointment as a chair or officer member on the date upon which such debts are paid in full; and
- (d) having made a composition or arrangement with creditors, that person becomes eligible for appointment as a chair or officer member on the expiry of five years from the date on which the terms of the deed of composition or arrangement were fulfilled.

(6) Subject to paragraph (7), where a person is ineligible by reason of paragraph (2)(c), that person may, after the expiry of two years from the date of

dismissal, apply in writing to the Welsh Ministers to remove the ineligibility, and the Welsh Ministers may direct that the ineligibility ceases.

(7) Where the Welsh Ministers refuse an application to remove an ineligibility, no further application may be made by that person until the expiry of two years beginning with the date of the application and this paragraph applies to any subsequent application.

(8) Where a person is ineligible by reason of paragraph (2)(d), that person becomes eligible for appointment as a chair on the expiry of two years from the date of termination of membership or such longer period as may have been specified by the body which terminated the membership, but the Welsh Ministers may, on application being made in writing to them by that person, reduce the period of ineligibility.