

## **DECLARATION OF COMPLIANCE WITH PUBLIC HEALTH WALES NHS TRUST GOVERNANCE ARRANGEMENTS FROM THE RESPONSIBLE OFFICER OF THE NHS WALES EXECUTIVE (NHS BASED) TO THE ACCOUNTABLE OFFICER FOR PUBLIC HEALTH WALES NHS TRUST**

### **NHS WALES EXECUTIVE (NHS BASED)**

#### **Introduction**

The Welsh Ministers and Public Health Wales NHS Trust have entered into a Hosting Agreement to enable and facilitate the hosting of those parts of the NHS Wales Executive based in the NHS (NHS based) by Public Health Wales NHS Trust (“Public Health Wales”), as the ‘Host Organisation’, on behalf of the Welsh Ministers.

The Hosting Agreement sets out appropriate governance and reporting arrangements for the NHS Wales Executive (NHS based) and is intended to ensure that hosting arrangements are clear and transparent and that the rights and obligations of parties to the Hosting Agreement are documented and agreed.

The Welsh Government has designated a Responsible Officer for the Hosted Unit, from within the NHS membership of the NHS Wales Executive Senior Leadership Team, and, in respect of the obligations of the Hosting Agreement, this person will report to the Accountable Officer of Public Health Wales.

This Declaration of Compliance has been prepared to provide:

- a prospective commitment from the Responsible Officer to comply with the terms of the Hosting Agreement for the coming year; and,
- a retrospective assurance from the Responsible Officer that the terms of the Hosting Agreement have been met for the preceding year.

#### **Section 1 – Commitment to compliance**

As the Responsible Officer for the NHS Wales Executive (NHS based), to which Public Health Wales is providing host services, I confirm for the reporting period 1<sup>st</sup> April 2023 - 31<sup>st</sup> March 2024 that I shall;

- a) Act at all times within the governance framework of the Public Health Wales NHS Trust and is not limited to the hosting arrangement;
- b) Ensure that proper financial procedures will be followed and that accounting records are maintained in a form suited to the requirements of management as well as in the form prescribed for published accounts and as may be stipulated from time to time by Public Health Wales;
- c) Ensure that the public funds for which I am responsible are properly and well managed and safeguarded in line with the responsibilities of budget management

set out in the Hosting Agreement (section 7.2), with independent and effective checks of cash balances in the hands of any official;

- d) Ensure that assets for which I am responsible such as land, buildings or other property, including stores and equipment, are controlled and safeguarded with similar care, and with checks as appropriate;
- e) Ensure that my obligations for the staffing, finance and operational arrangements of the NHS Wales Executive (NHS Based), as set out in the Hosting Agreement, are discharged in accordance with the Standing Orders, Standing Financial Instructions, and policies and procedures of Public Health Wales;
- f) Ensure that all items of expenditure, including payments to staff, fall within the legal powers of the Trust;
- g) Act within the schemes of delegation and ensure that I comply with guidance on classes of payment that I should authorise personally;
- h) Ensure that in delegating functions to officers I am satisfied of their ongoing capacity and capability to deliver on those functions, facilitating access to the information they need, ongoing training and development, as well as professional or specialist advice where appropriate;
- i) Ensure prudent and economical administration, for the avoidance of waste and extravagance, and for the efficient and effective use of all resources;
- j) Ensure that potential risks which could impact on the business and safety of the NHS Wales Executive (NHS Based) and/or Public Health Wales are identified, that their significance is assessed, and that a sound system of internal control is in place to manage them;
- k) Ensure that, in the consideration of policy proposals relating to the expenditure or income for which I have responsibility, all relevant financial considerations, including any issues of propriety, regularity or value for money, are taken into account, and where necessary brought to your attention, as Accountable Officer for Public Health Wales NHS Trust;
- l) Agree to attend any Board or committee meeting of Public Health Wales NHS Trust in relation to NHS Wales Executive (NHS Based) performance or governance issues that may affect the operational, financial or reputational performance of the Trust;
- m) Agree to such reporting structure as is reasonably required by you or the Board in relation to the delivery of your obligations;
- n) Ensure that staff operate within appropriate policies and procedures established by Public Health Wales in support of legislative compliance. This includes but is not exclusive to legislation relating to health and safety, equality, diversity and

inclusion, the Welsh Language and the well-being of future generations.

- o) Ensure that all data/information is managed in accordance with all relevant legislation (i.e. General Data Protection Regulations, Data Protection Act 1998, Freedom of Information Act 2000, and Access to Health Records 1990), NHS standards and guidance's issued by the Welsh Government, the Information Commissioner's Office and other professional bodies;
- p) Formally submit a declaration of compliance with the commitments outlined above and detailed in section 2 below at the end of March each year. This will support you as Accountable Officer for Public Health Wales Trust in signing your Annual Governance Statement; and
- q) To comply with any other responsibilities and obligations set out in the Hosting Agreement as may be varied via the Change Control Procedure at Appendix A of the Hosting Agreement or via a variation made in accordance with section 7(12) or (13) of the NHS (Wales) Act 2006.

**For the period 1<sup>st</sup> April 2023 to the 31<sup>st</sup> March 2024**

**Signed:**

**Date:**

**Position:**

## **Section 2 – Year End Declaration of Compliance**

*In relation to my responsibilities outlined above, I confirm;*

- i. *I have discharged my responsibilities as laid down in this Statement and confirm that the financial information contained within the Public Health Wales Trust accounts as they relate to the NHS Wales Executive (NHS Based) represent a true and fair view of its position on an ongoing basis;*
  - *That all losses and special payments cases have been properly managed in accordance to the instructions and procedures set out in the 'Losses and Special Payments Manual of Guidance' and also, in respect of handling personal injury claims, the guidance issued under cover of Welsh Health Circulars WHC(97)7, Section 8 PTR Guidance – Clinical Negligence and Personal Injury Litigation: Claims Handling : Putting Things Right –*

*Guidance on dealing with concerns about the NHS from 1<sup>st</sup> April 2012 (Version 2 – April 2012) which supersedes WHC(97)17 – Clinical Negligence and Personal Injury Litigation: Structured Settlements.*

- *The Civil Procedure Rules 1998*
- ii. *This responsibility also includes ensuring that counter fraud measures were put in place and operated in accordance with Welsh Government Directions on countering fraud in the NHS in Wales;*
- iii. *That the NHS Wales Executive (NHS Based) duty for internal control was fully embodied throughout the organisation that the Board Committees of PHW were provided with regular reports on such matters and that appropriate action was taken on any issues that emerge from these reports;*
- iv. *That appropriate action has been taken regarding recommendations made in any reports produced by the Public Accounts and Public Administration Committee of Senedd Cymru and the Public Accounts Committee of the UK Parliament; or made in reports to Welsh Government or the Senedd by the Auditor General for Wales or in reports to Parliament by the Comptroller and Auditor General;*
- v. *I have provided information as requested by the Auditor General for Wales and Audit Wales. I have co-operated with external auditors in any enquiries into the use the NHS Wales Executive (NHS Based) has made of public funds. I have provided, on your request, information on any points raised by external auditors which generate public, Welsh Government, Senedd or Parliamentary interest. Future arrangements for internal audit will comply with those described in the NHS Internal Audit Standards for NHS Wales. I will ensure prompt action is taken in response to concerns raised by both external and internal audit;*
- vi. *I have provided any information requested by relevant external body/regulator and any other statutory inspectorate agency such as the Health and Safety Executive; and ensured appropriate action was taken regarding recommendations made in any reports produced by these organisations;*
- vii. *As appropriate, I identified a senior official who, in any temporary period of unavailability due to illness or other cause, or during normal periods of annual leave, could act on my behalf if required;*
- viii. *The NHS Wales Executive (NHS Based) has in place effective management systems that safeguard public funds and are appropriate for the achievement of the Public Health Wales NHS Trust Governance objectives and as laid down in the Code of Conduct and Accountability. Managers at all levels;*
  - a. *Had a clear view of their objectives and the means to assess and, wherever possible, measure outputs or performance in relation to those*

*objectives;*

- b. were assigned well-defined responsibilities for making the best use of resources;*
  - c. received the information, training and access to the expert advice they need to exercise their responsibilities effectively.*
- ix. Management systems were in place, which covered the issue of relationships and responsibilities of the Public Health Wales NHS Trust Committees; and*
- x. I complied with 'Managing Welsh Public Money' issued by Welsh Government in exercising my responsibilities for regularity, propriety and value for money.*

**For the period 1<sup>st</sup> April 2023 to the 31<sup>st</sup> March 2024**

**Signed:**

**Position:**

**ENDS**