

Explanatory Memorandum to The Official Statistics (Wales) (Amendment) Order 2021

This Explanatory Memorandum has been prepared by the Department for Health and Social Services and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the **Official Statistics (Wales) (Amendment) Order 2021**

Rebecca Evans

Minister for Finance and Trefnydd

2 March 2021

1. Description

1.1 The Legislation summarised below will support the launch of a new Special Health Authority called Digital Health and Care Wales (DHCW).

a. The Official Statistics (Wales) (Amendment) Order 2021

1.2 The order provides for the addition of Digital Health and Care Wales to the list of official statistics providers in Wales.

2. Matters of special interest to the Legislation, Justice and Constitution Committee

2.1 There are no matters of special interest to the Legislation, Justice and Constitution Committee regarding the laying of this Order.

3. Legislative background

3.1 Section 6 of the Statistics and Registration Service Act 2007 provides that Welsh Ministers are able to make orders identifying public bodies as providers of official statistics. The most recent order made by Welsh Ministers under the 2007 was the Official Statistics (Wales) Order 2017, which listed 19 official statistics providers in Wales, including Velindre NHS Trust.

3.2 On 30 December 2020, Digital Health and Care Wales was established through the Digital Health and Care Wales (Establishment and Membership) Order 2020.

3.3 Additional legislation is being prepared to transfer staff, property, rights and liabilities to DHCW from Velindre NHS Trust as well as an amendment to the Velindre National Health Service Trust (Establishment) Order 1993 to remove functions relating to NWIS, as these functions will be transferred to DHCW upon completion of the legislation on 1 April 2021.

4. Purpose & intended effect of the legislation

Background

4.1 The NHS Wales Informatics Service ('NWIS') is the organisation leading on the delivery of national digital health and care services for NHS Wales. Established on 1 April 2010 (as part of the NHS Wales Healthcare Reform Programme) it brought together:

- Informing Healthcare (IHC),
- Health Solutions Wales (HSW),
- Business Services Centre (Information Management and Technology element only),
- Corporate Health Information Programme (CHIP), and the
- Primary Care Informatics Programme (PCIP).

- 4.2 NWIS is a non-statutory organisation, hosted under the statutory framework of Velindre NHS Trust. It has its own Directors and Corporate Structure, with staff located across Wales.

Purpose

- 4.3 In 2019, Welsh Government commissioned two major reviews of digital delivery in Wales looking at how digital systems are designed to work together ('the Digital Architecture Review') and at delivery structures and decision-making arrangements ('the Digital Governance Review'). These two reviews provide the context to our approach and delivery.
- 4.4 Given the sensitivity of the recommendations raised by the 'Digital Governance Review', officials developed options based on the general engagement undertaken by both reviews, including the stakeholder task and finish groups, on consideration of existing governance and hosting models across NHS Wales (which provide several examples of different approaches), and discussions with the Minister.
- 4.5 In a written statement on 30 September 2019, the Minister for Health and Social Services announced:

“The NHS Wales Informatics Service (NWIS) will transition from its current structure, as part of Velindre Trust, to a new Special Health Authority. Establishing our national digital services organisation as a dedicated organisation reflects the importance of digital technology as a key enabler of change, as set out in A Healthier Wales. This change will strengthen governance and accountability, both in terms of relationships with other NHS Wales organisations and through stronger leadership and oversight, through an independent chair and board members, with experience and understanding of digital change.”

- 4.6 On 30 December 2020, Digital Health and Care Wales was established through the Digital Health and Care Wales (Establishment and Membership) Order 2020.

Intended effect of the legislation

- 4.7 Key functions relating to the collection, analysis and dissemination of health and care data will be conferred on Digital Health and Care Wales. The Statistics Order makes provision for Digital Health and Care Wales to be added to the list of official statistics providers. This means that statistical outputs required by the Welsh Ministers can be published by the new organisation as official statistics.

5. Consultation

- 5.1 Before making an order under section 6 of the 2007 Act, Welsh Ministers are required to consult with the UK Statistics Authority. Engagement between Welsh Government officials and the UK Statistics Authority took place in February 2021 and on 19 February 2021, the Minister for Finance and Trefnydd wrote to the Chair of the UK Statistics Authority to formally seek opinions on the inclusion of DHCW as an official statistics provider. On 26 February 2021 the Chair signalled that he was content for DHCW to be included in the Order.

6. Regulatory Impact Assessment (RIA)

- 6.1 As this Order makes a routine technical amendment relating to the transfer of functions from one organisation to another and no major policy impact is anticipated, an RIA is not required. This is in line with the policy set out in the Welsh Ministers' code of practice for carrying out regulatory impact assessments for subordinate legislation.