
WELSH STATUTORY INSTRUMENTS

2004 No. 551 (W.55)

**HEALTH CARE AND ASSOCIATED
PROFESSIONS, WALES**

The Health Professions Wales (Establishment,
Membership, Constitution and Functions) Order 2004

Made - - - - 2nd March 2004
Coming into force - - 5th March 2004

The National Assembly for Wales, in exercise of powers conferred by sections 4(1), (3), (4) and (7), 5 and 8 of the Health (Wales) Act 2003⁽¹⁾, makes the following Order: —

Citation, commencement and interpretation

1.—(1) This order may be cited as the Health Professions Wales (Establishment, Membership, Constitution and Functions) Order 2004 and comes into force on 5th March 2004.

(2) In this Order —

“the Assembly” (“*y Cynulliad*”) means the National Assembly for Wales;

“establishment date” (“*dyddiad sefydlu*”) means 1st March 2004

“operational date” (“*dyddiad gweithredol*”) means 1st April 2004

“HPW” (“*PIC*”) means Health Professions Wales or Proffesiynau Iechyd Cymru established by article 2 of this Order.

Establishment of Health Professions Wales

2. There is hereby established, with effect from the establishment date, a body corporate which shall be known as Health Professions Wales or Proffesiynau Iechyd Cymru.

Purpose and functions of HPW

3.—(1) HPW is established for the purpose of undertaking functions in relation to health care professions and health care support workers.

(2) The functions of HPW shall be such as to enable it to—

(a) on behalf of the Assembly—

(1) 2003 c. 4.

- (i) promote and advise on the quality and provision of education, training and practice,
 - (ii) undertake the functions of a local supervising authority pursuant to article 42(1)(b) and article 43 of the Nursing and Midwifery Order 2001(2),
 - (iii) undertake functions under section 63 (except those relating to the making of subordinate legislation) of the Health Services and Public Health Act 1968(3);
 - (b) enter into arrangements with the Health Professions Council(4) for carrying out functions on behalf of that Council in relation to Wales;
 - (c) enter into arrangements with the Nursing and Midwifery Council(5) for carrying out functions on behalf of that Council in relation to Wales;
 - (d) enter into arrangements with any other body for carrying out functions on behalf of that body in relation to Wales; and
 - (e) carry out such arrangements.
- (3) HPW shall undertake its functions with effect from the operational date
- (4) Anything authorised or required to be done by HPW may be done by any member or member of staff of HPW who, or any committee or sub-committee of HPW which, is authorised for the purpose by HPW (whether generally or specially).
- (5) HPW may charge such fees as it considers appropriate for any services which it provides in discharging any function.
- (6) HPW may do anything which it considers necessary or expedient for the purpose of, or in connection with, the exercise of its functions.
- (7) The validity of any proceedings of HPW shall not be affected by—
- (a) any vacancy in the office of chair or other member,
 - (b) any defect in a person's appointment as chair or other member, or
 - (c) the composition for the time being of the membership of HPW.

Limited functions before operational date

4. Between its establishment date and its operational date HPW shall have the functions —
- (a) of entering into contracts including contracts of employment; and
 - (b) of doing such other things as are reasonably necessary to enable it to begin to operate satisfactorily with effect from its operational date.

Accounting date of HPW

5. The accounting date of HPW shall be 31st March.

Members of HPW

- 6.—(1) HPW shall consist of—

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- (2) S.I.2002/253; relevant amending instruments are S.I. 2002/881 and S.I. 2002/1125. Functions of local supervising authorities were transferred from health Authorities to the National Assembly for Wales by the Health Authorities (Transfer of Functions, Staff, property, Rights and Liabilities and Abolition) (Wales) Order 2003 S.I. 2003/813 (W.98).
 - (3) 1968 c. 46. Functions of the Minister of Health transferred to the Secretary of State for Health by the Secretary of State for Social Services Order 1968, S.I. 1968/1699 and the Transfer of Functions (Health and Social Security) Order 1988, S.I. 1988/1843.
Functions of the Secretary of State for Health, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672, art 2, Sch 1.
 - (4) Established by S.I. 2002/254 as amended by S.I. 2003/1571 and S.I. 2003/1572.
 - (5) Established by S.I. 2002/253; relevant amending instruments are S.I. 2002/881 and S.I. 2002/1125.

- (a) a chair (who shall be a member of HPW) appointed by the Assembly;
 - (b) other members appointed by the Assembly and the Assembly may, if it thinks fit, appoint one of the other members as vice-chair.
- (2) The maximum number of members of HPW shall be 24.
- (3) If no vice-chair has been appointed by the Assembly, then the members may appoint one of their number to be vice-chair for such period, not exceeding the remainder of that member's term as a member of HPW, as the members may specify.
- (4) Where —
- (a) a member is appointed either by the Assembly under article 6(1)(b) or the members under article 6(3) to be vice-chair, and
 - (b) the chair has died or has ceased to hold office, or is unable to perform the duties of the chair owing to illness, absence from United Kingdom or any other cause,
- the vice-chair shall act as chair until a new chair is appointed or the existing chair resumes the duties of chair as the case may be, and references to the chair shall, so long as there is no chair able to perform the duties of chair, be taken to include references to the vice-chair.
- (5) The members of HPW shall be—
- (a)
 - (i) persons from professions represented by the Welsh Therapies Advisory Committee, the Welsh Scientific Advisory Committee and the Welsh Nursing and Midwifery Committee(6);
 - (ii) professionals having such qualifications, interests or experience as would be valuable in the exercise of its functions; and
 - (iii) from persons representing health care support workers; and
 - (b) persons having such qualifications, interests or experience as will be valuable to HPW in the exercise of its functions but who are not members of, or are not on the registers of, the Nursing and Midwifery Council, the Health Professions Council, or other regulatory body relating to health care professions and health care support workers.
- (6) The Assembly shall exercise its powers to appoint members of HPW to secure that at all times not less than 45% of the members are persons appointed in accordance with paragraph (5)(b) above.
- (7) The chair and other members of HPW shall hold office and vacate office in accordance with the terms of their respective appointments.
- (8) The terms of appointment of the chair, vice-chair and other members of HPW shall be such as the Assembly may determine but shall not exceed—
- (i) in the case of the chair, a maximum term of five years,
 - (ii) in the case of the vice-chair, a maximum term of five years, and
 - (iii) in the case of other members, a maximum term of five years;
- (i) Subject to paragraph (ii) below, previous service as chair or other member of HPW does not affect a person's eligibility for appointment to as chair, vice-chair or other member.
 - (ii) A person who has been a member for ten consecutive years shall not be eligible for reappointment.
- (10) A person holding office as chair, vice-chair or other member of HPW may resign that office by giving notice in writing to the person responsible for making the appointment.

(6) The Welsh Therapies Advisory Committee, the Welsh Scientific Advisory Committee and the Welsh Nursing and Midwifery Committee are recognised by the Assembly under paragraph 1(1) of Schedule 6 of the 1977 Act as being representative of a category or categories persons providing services forming part of the health service.

(11) HPW must, if required to do so by the Assembly, pay the chair, vice-chair and other members of HPW and any member of a committee or sub-committee who is not a member of HPW such remuneration, and such other travelling and other allowances, as the Assembly may determine.

Removal from office

7. A person shall be removed from office as chair, vice-chair or other member of HPW if—
- (a) there is a change in that person’s qualifications, interests or experience such that it appears to the Assembly that the person concerned will no longer contribute to the exercise of the functions of HPW in such a manner as justifies that person’s continued membership;
 - (b) if the Assembly is satisfied that the person has been absent from 2 consecutive meetings of HPW without reasonable excuse or the permission of HPW or is otherwise unfit or unable to carry out the functions of chair, vice-chair or other member;
 - (c) in such other circumstances as may be provided for by HPW in standing orders.

Chief Executive

- 8.—(1) HPW must appoint a person as Chief Executive.
- (2) The first person appointed under paragraph (1) shall be the person identified by the Assembly to hold such office at the date when this Order comes into force.
- (3) The second and any subsequent Chief Executive appointed under paragraph (1)—
- (a) may be appointed only with the consent of the Assembly; and
 - (b) is to be appointed on such terms and conditions as the Assembly may determine.
- (4) HPW must, if required to do so by the Assembly—
- (a) pay to or in respect of any person who is or has been the Chief Executive of HPW such pension, allowances or gratuities as the Assembly may determine; or
 - (b) make such payments as the Assembly may determine towards provision for the payment of a pension, allowance or gratuity to or in respect of any such person.

Staff

9. Subject to any direction given by the Assembly in respect of—
- (a) any conditions to be fulfilled for appointment; and
 - (b) as to the terms and conditions of employment of staff (including provision about the payment of pensions, allowances or gratuities and the payment of compensation for loss of employment),

HPW may appoint such employees as it thinks fit.

Proceedings

- 10.—(1) HPW shall adopt such standing or other orders relating to the proceedings of HPW as it thinks fit.
- (2) The orders may be varied or revoked at any subsequent meeting of the HPW.
- (3) HPW may appoint committees and sub-committees which may consist of persons who are not members of HPW.

Accounts and audit

11.—(1) HPW must keep proper accounts and proper records in relation to the exercise of its functions.

(2) HPW must prepare accounts for each financial year in such form as the Assembly may determine.

(3) The accounts prepared by HPW for any financial year must be submitted to the Auditor General for Wales before the end of such period after the end of the financial year as the Assembly may direct.

(4) The Auditor General for Wales must—

(a) examine and certify accounts submitted to him under paragraph (3); and

(b) lay before the Assembly a copy of them as certified together with a report on them.

(5) The Auditor General for Wales may carry out examinations in to the economy, efficiency and effectiveness with which HPW has used its resources in carrying out its functions.

(6) Nothing in paragraph (5) shall be construed as entitling the Auditor General for Wales to question the merits of the policy objectives of HPW.

(7) The Auditor General for Wales may lay before the Assembly a report of the results of any examination carried out by under paragraph (5).

Reports and information

12.—(1) As soon as practicable after the end of each financial year, HPW must report to the Assembly on the exercise of its functions during the year.

(2) HPW must publish the report made under paragraph (1).

(3) HPW must also provide the Assembly with such other information relating to the exercise of its functions as the Assembly may request.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(7).

2nd March 2004

D. Elis-Thomas
The Presiding Officer of the National Assembly

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order establishes a body corporate to be known as Health Professions Wales or Proffesiynau Iechyd Cymru (“HPW”) (article 2).

HPW is established for the purpose of undertaking functions in relation to health care professions and health care support workers.

HPW will undertake certain functions on behalf of the Assembly in respect of promoting and advising on the quality and provision of education, training and practice of health care professions, local supervising authority for midwives and functions under section 63 of the Health Services and Public Health Act 1963 (article 3(2)(a)). HPW will also undertake certain functions in Wales on behalf of bodies such as the Health Professions Council, the Nursing and Midwifery Council (article 3(2)(b),(c) and (d)).

This Order also makes provisions for the constitution and membership of HPW including procedural and administrative arrangements (articles 6 to 12).