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Changes to legislation: There are currently no known outstanding effects for the Health and Social Care (Quality and Engagement) (Wales) Act 2020, SCHEDULE 1. (See end of Document for details)

SCHEDULE 1

(introduced by section 12(2))

CITIZEN VOICE BODY FOR HEALTH AND SOCIAL CARE, WALES

PART 1

STATUS

Status

- 1 (1) The Citizen Voice Body is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.
- (2) The Body's property is not to be regarded as property of, or property held on behalf of, the Crown.

Commencement Information

- II** Sch. 1 para. 1 in force at 1.4.2022 by S.I. 2022/208, art. 3(e)

PART 2

MEMBERS

Membership

- 2 (1) The Citizen Voice Body's members are—
 - (a) a person appointed by the Welsh Ministers as its chairing member,
 - (b) a person appointed by the Welsh Ministers as deputy to the chairing member,
 - (c) at least 6 but not more than 8 other persons appointed by the Welsh Ministers,
 - (d) its chief executive (see paragraph 9), and
 - (e) where one or more trade unions are recognised by the Body, a person appointed as its associate member (see paragraph 6).
- (2) In this Schedule, the members appointed by the Welsh Ministers are collectively referred to as “non-executive members”; and any reference in this Schedule to the exercise by the non-executive members of a function is a reference to the non-executive members exercising the function as a committee of the Body.

Commencement Information

- II** Sch. 1 para. 2 in force at 1.4.2022 by S.I. 2022/208, art. 3(e)

Disqualification from appointment as non-executive member

- 3 A person is disqualified from being appointed as a non-executive member of the Citizen Voice Body, if the person is a member of the Body's staff.

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Commencement Information

I3 Sch. 1 para. 3 in force at 1.4.2022 by S.I. 2022/208, art. 3(e)

Terms of non-executive membership

- 4 (1) A non-executive member of the Citizen Voice Body holds office for such period, and on such terms and conditions, as may be specified in the terms of appointment, but this is subject to sub-paragraphs (2) and (4) and paragraph 5.
- (2) The period of office specified in a non-executive member's terms of appointment may not exceed 4 years.
- (3) A person who has held office as a non-executive member may be reappointed as a non-executive member once only (and sub-paragraph (2) applies in relation to the appointment).
- (4) A non-executive member may resign from office by giving written notice to the Welsh Ministers.
- (5) The Citizen Voice Body may, with the approval of the Welsh Ministers—
- (a) pay its non-executive members remuneration, expenses and allowances;
 - (b) pay pensions to, or in respect of, persons who have been non-executive members of the Body, and amounts for or towards provision of pensions to, or in respect of, persons who have been non-executive members of the Body.

Commencement Information

I4 Sch. 1 para. 4 in force at 1.4.2022 by S.I. 2022/208, art. 3(e)

Removal of non-executive members from office

- 5 (1) The Welsh Ministers may by written notice to a non-executive member of the Citizen Voice Body remove that person from office if the Welsh Ministers are satisfied—
- (a) that the person is unfit to continue as a member, or
 - (b) that the person is unable or unwilling to exercise the functions of a member.
- (2) The Welsh Ministers may by written notice to a non-executive member of the Body suspend that person from office if it appears to them that there may be grounds to exercise the power in sub-paragraph (1).
- (3) A person ceases to be a non-executive member of the Body if the person becomes a member of the Body's staff.

Commencement Information

I5 Sch. 1 para. 5 in force at 1.4.2022 by S.I. 2022/208, art. 3(e)

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VALID FROM 01/04/2023

Appointment of the associate member

- 6
- (1) Sub-paragraph (2) applies where—
 - (a) one or more trade unions are recognised by the Citizen Voice Body, and
 - (b) the position of associate member is unoccupied.
 - (2) The non-executive members must invite each of the trade unions recognised by the Body to nominate an eligible candidate for appointment as the Body's associate member.
 - (3) The invitation must specify the period within which a nomination is to be made.
 - (4) The non-executive members must appoint a person, from among the eligible candidates nominated during the period specified under sub-paragraph (3), as the Body's associate member.
 - (5) A person is an eligible candidate for appointment as the Body's associate member, only if the person is—
 - (a) a member of the Body's staff, and
 - (b) a member of a trade union recognised by the Body.
 - (6) In this Part—

“recognised”, in relation to a trade union, has the meaning given by the Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52);

“trade union” has the meaning given by that Act.

VALID FROM 01/04/2023

Terms of associate membership etc.

- 7
- (1) An associate member of the Citizen Voice Body is not eligible to vote in any proceedings of the Body.
 - (2) An associate member of the Body holds office for such period, and on such terms and conditions, as may be specified by the non-executive members in the terms of appointment, but this is subject to sub-paragraphs (3) and (5) and paragraph 8.
 - (3) The period of office specified in an associate member's terms of appointment may not exceed 4 years.
 - (4) A person who has held office as an associate member may be reappointed under paragraph 6 as an associate member (and sub-paragraph (3) applies in relation to the appointment).
 - (5) An associate member of the Body may resign from office by giving written notice to the non-executive members.
 - (6) The Citizen Voice Body may pay an associate member expenses.

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VALID FROM 01/04/2023

Removal of associate member from office

- 8 (1) The non-executive members may by written notice to the associate member of the Citizen Voice Body remove that person from office as the associate member if satisfied—
- (a) that the person is unfit to continue as a member, or
 - (b) that the person is unable or unwilling to exercise the functions of a member.
- (2) The non-executive members may by written notice to the associate member of the Body suspend that person from office as the associate member, if it appears to them that there may be grounds to exercise the power in sub-paragraph (1).
- (3) An associate member ceases to hold office if the member ceases to be an eligible candidate for appointment as an associate member (see paragraph 6(5)).

PART 3

STAFF

Chief executive

- 9 (1) The non-executive members of the Citizen Voice Body must appoint a person as the Body's chief executive.
- (2) The chief executive is appointed on such terms and conditions (including terms and conditions as to remuneration, allowances and pension) as may be specified by the non-executive members in the terms of the appointment.
- (3) An appointment under this paragraph may not be made without the approval of the Welsh Ministers.

Commencement Information

I6 Sch. 1 para. 9 in force at 1.4.2022 by S.I. 2022/208, art. 3(e)

Other staff

- 10 (1) The Citizen Voice Body may appoint other members of staff, in addition to a chief executive.
- (2) A member of staff appointed under this paragraph is appointed on such terms and conditions (including terms and conditions as to remuneration, allowances and pension) as the Body may specify in the terms of the appointment.
- (3) The Body may not agree terms and conditions as to remuneration, allowances or pension without the approval of the Welsh Ministers.

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Commencement Information

I7 Sch. 1 para. 10 in force at 1.4.2022 by S.I. 2022/208, art. 3(e)

PART 4

ANCILLARY FUNCTIONS ETC.

Committees

- 11 (1) The Citizen Voice Body may establish committees and sub-committees.
- (2) A committee or sub-committee may include, or be comprised entirely of, persons who are not members of the Body.
- (3) The Body may pay expenses and allowances to any person who—
- (a) is a member of a committee or sub-committee established under this paragraph, and
 - (b) is not a member of the Body, or a member of its staff.

Commencement Information

I8 Sch. 1 para. 11 in force at 1.4.2022 by S.I. 2022/208, art. 3(e)

Delegation

- 12 (1) The Citizen Voice Body may arrange for any of its functions to be exercised by any of its —
- (a) committees,
 - (b) sub-committees,
 - (c) members, or
 - (d) staff.
- (2) An arrangement under sub-paragraph (1) does not affect the Body's responsibility for exercise of a delegated function, nor affect its ability to exercise a delegated function.

Commencement Information

I9 Sch. 1 para. 12 in force at 1.4.2022 by S.I. 2022/208, art. 3(e)

Supplementary powers

- 13 (1) The Citizen Voice Body may do anything which is calculated to facilitate, or which is conducive or incidental to, the exercise of its functions.
- (2) But sub-paragraph (1) does not permit the Body to borrow money.

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Commencement Information

I10 Sch. 1 para. 13 in force at 1.4.2022 by S.I. 2022/208, art. 3(e)

PART 5

PROCEDURE ETC.

Procedure

- 14 (1) The Citizen Voice Body must make rules to regulate its own procedure (including quorum).
- (2) The Body must make rules to regulate the procedure of its committees and sub-committees (including quorum).

Commencement Information

I11 Sch. 1 para. 14 in force at 1.4.2022 by S.I. 2022/208, art. 3(e)

Validity of proceedings and acts

- 15 The validity of proceedings and acts of the Citizen Voice Body (or of its committees and sub-committees) is not affected by—
- (a) any vacancy in the Body's membership, or
- (b) any defect in the appointment of a member.

Commencement Information

I12 Sch. 1 para. 15 in force at 1.4.2022 by S.I. 2022/208, art. 3(e)

Seal

- 16 (1) The Citizen Voice Body may have a seal.
- (2) The application of the seal must be authenticated by the signature of—
- (a) any member of the Body, or
- (b) any other person authorised by the Body for that purpose.

Commencement Information

I13 Sch. 1 para. 16 in force at 1.4.2022 by S.I. 2022/208, art. 3(e)

Evidence

- 17 A document purporting to be duly executed under the seal of the Citizen Voice Body or to be signed on the Body's behalf is to be received in evidence and, unless the contrary is proved, taken to be so executed or signed.

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Commencement Information

I14 Sch. 1 para. 17 in force at 1.4.2022 by S.I. 2022/208, art. 3(e)

PART 6

FINANCIAL MATTERS

Funding

- 18 The Welsh Ministers may make payments to the Citizen Voice Body of such amounts, and at such times, and on such conditions, as the Welsh Ministers think appropriate.

Commencement Information

I15 Sch. 1 para. 18 in force at 1.4.2022 by S.I. 2022/208, art. 3(e)

Accounting officer

- 19 (1) The Citizen Voice Body's chief executive is its accounting officer.
- (2) The accounting officer has, in relation to the Body's accounts and finances, the responsibilities specified from time to time by the Welsh Ministers.
- (3) The responsibilities that may be specified include—
- (a) responsibilities in relation to the signing of accounts;
 - (b) responsibilities for the propriety and regularity of the Body's finances;
 - (c) responsibilities for the economy, efficiency and effectiveness with which the Body uses its resources;
 - (d) responsibilities owed to the Welsh Ministers, the National Assembly for Wales or its Public Accounts Committee.

Commencement Information

I16 Sch. 1 para. 19 in force at 1.4.2022 by S.I. 2022/208, art. 3(e)

Accounts

- 20 (1) The Citizen Voice Body must for each financial year—
- (a) keep proper accounts and proper records in relation to those accounts, and
 - (b) prepare a statement of accounts.
- (2) Each statement of accounts must comply with any directions given by the Welsh Ministers as to—
- (a) the information to be contained in it,
 - (b) the manner in which the information is to be presented, and

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- (c) the methods and principles according to which the statement is to be prepared.
- (3) No later than 31 August after the end of each financial year the Body must submit its statement of accounts to—
 - (a) the Welsh Ministers, and
 - (b) the Auditor General for Wales.

Commencement Information

I17 Sch. 1 para. 20 in force at 1.4.2022 by S.I. 2022/208, art. 3(e)

Audit

- 21
- (1) This paragraph applies in relation to each statement of accounts submitted to the Auditor General for Wales by the Citizen Voice Body under paragraph 20(3)(b).
 - (2) The Auditor General for Wales must examine, certify and report on the statement of accounts.
 - (3) The Auditor General for Wales must, before the expiry of the period of 4 months beginning with the day on which the statement of accounts is submitted (“the 4-month period”), lay before the National Assembly for Wales—
 - (a) a copy of the certified statement and report, or
 - (b) if it is not reasonably practicable to comply with paragraph (a), a statement to that effect, which must include reasons as to why this is the case.
 - (4) Where the Auditor General for Wales has laid a statement under sub-paragraph (3) (b) in relation to a statement of accounts, the Auditor General must lay a copy of the certified statement and report before the National Assembly for Wales as soon as reasonably practicable after the expiry of the 4-month period.
 - (5) In complying with sub-paragraph (2) the Auditor General for Wales must, in particular, examine and report on whether, in the opinion of the Auditor General, the expenditure to which the accounts relate has been incurred lawfully and in accordance with the authority which governs it.

Commencement Information

I18 Sch. 1 para. 21 in force at 1.4.2022 by S.I. 2022/208, art. 3(e)

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PART 7

REPORTING REQUIREMENTS ETC.

VALID FROM 01/10/2022

Annual plan

- 22 (1) Before the start of each financial year the Citizen Voice Body must publish a plan setting out how it proposes to exercise its functions during the year.
- (2) A plan under this paragraph must include a statement of the Body's objectives and priorities for the year.
- (3) Before publishing a plan under this paragraph, the Body must consult such persons as it considers appropriate on its proposed objectives and priorities.

Annual reports

- 23 (1) As soon as is practicable after the end of each financial year, the Citizen Voice Body must publish a report (an “annual report”) on the exercise of its functions during the year.
- (2) The Body must—
- (a) send a copy of its annual report to the Welsh Ministers;
 - (b) lay a copy of its annual report before the National Assembly for Wales.

Commencement Information

I19 Sch. 1 para. 23 in force at 1.4.2022 by S.I. 2022/208, art. 3(e)

Provision of information to Welsh Ministers

- 24 The Citizen Voice Body must provide the Welsh Ministers with such information relating to the exercise of its functions as they may from time to time require.

Commencement Information

I20 Sch. 1 para. 24 in force at 1.4.2022 by S.I. 2022/208, art. 3(e)

PART 8

INTERPRETATION

General interpretation

- 25 In this Schedule—
- “financial year” means the period of 12 months ending with the 31 March;
 - “non-executive member” has the meaning given by paragraph 2(2).

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I21 Sch. 1 para. 25 in force at 1.4.2022 by S.I. 2022/208, art. 3(e)

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