
WELSH STATUTORY INSTRUMENTS

2010 No. 288

**The Community Health Councils (Constitution,
Membership and Procedures) (Wales) Regulations 2010**

PART V

The CHC Board

Functions

32.—(1) The CHC Board established under regulation 23 of the 2004 Regulations continues in existence from the 1 April 2010.

(2) With effect from the 1 April 2010 the CHC Board has the functions of—

- (a) advising Councils with respect to the performance of their functions;
- (b) assisting Councils in the performance of their functions;
- (c) representing the collective views and interests of Councils to the Welsh Ministers;
- (d) monitoring the performance of Councils with a view to developing and ensuring consistency of standards by all Councils;
- (e) monitoring the conduct of members appointed under regulation 3 with a view to ensuring appropriate standards of conduct;
- (f) monitoring the conduct and performance of officers employed under regulation 23 with a view to ensuring appropriate standards of conduct; and
- (g) operating a complaints procedure in accordance with regulation 33.

Complaints Procedure

33.—(1) The CHC Board must continue from the 1 April 2010 to make provision about the handling and consideration of complaints made about the exercise of any of the functions of a Council or the CHC Board.

(2) Should the CHC Board decide to amend the complaints procedure devised in accordance with paragraph (1), the CHC Board must first obtain the Welsh Ministers' approval of the new procedure before any changes or amendments are implemented.

Composition of the CHC Board

34.—(1) With effect from the 1 April 2010 the CHC Board is comprised of 12 Board members of whom—

- (a) eight are comprised of the persons appointed as chair of each of the eight Councils;
- (b) one is appointed by the officers employed under regulation 23 acting jointly;
- (c) one is appointed to act as chair by all members acting jointly in a postal ballot;
- (d) one is appointed to act as vice chair by all the members acting jointly in a postal ballot; and

- (e) one is the Director of the CHC Board.
- (2) In the event that any matter on which the CHC Board is voting results in a hung vote, the chair of the CHC Board, appointed in accordance with paragraph (1)(c), has the casting vote.
- (3) Only an officer employed under regulation 23 is eligible for appointment under paragraph (1)(b).
- (4) Appropriate arrangements must be in place for the selection and appointment (including the term of the appointment) by the members of persons as chair and vice chair under paragraph (1)(c) and (d) and those arrangements must take into account—
- (a) the principles from time to time laid down by the Commissioner for Public Appointments;
 - (b) the requirements that the selection and appointment of members be open and transparent;
 - (c) where applicable, the requirement of fair and open competition in the selection and appointment of the successful candidates.
- (5) The term of office of a Board member appointed under paragraph (1)(a) of this regulation is up to two years, as specified on appointment, not being in any case a longer period than the remainder of the Board member's term of appointment as chair of a Council under regulation 15.
- (6) The term of office of a Board member appointed under paragraph (1)(b) of this regulation is up to two years, as specified on appointment, not being in any case a longer period than the remainder of the Board member's term of employment as an officer of a Council under regulation 23.
- (7) The term of office of a Board member appointed under paragraphs (1)(c) and (d) of this regulation is up to two years.
- (8) The term of office of the Director is the duration of his or her term of employment as Director.

Eligibility of Board Members for re-appointment to the CHC Board

- 35.**—(1) A Board member appointed under paragraphs (1)(a) to (d) of regulation 34 may serve a maximum period of two years.
- (2) When calculating the two year period referred to in paragraph (1) all periods of service as a Board member must be aggregated, which includes all periods of service before the 1 April 2010 and all periods of service resulting from any appointment under paragraphs (1)(a) to (d) of regulation 34.
- (3) A Board member who holds his or her position on the CHC Board by virtue of being employed as Director of the CHC Board is not subject to a maximum period of service on the CHC Board. His or her period of service on the Board lasts for as long as he or she is employed as Director.
- (4) A member of a continued Council who was appointed to the CHC Board under regulation 24 of the 2004 Regulations, may serve the remainder of his or her appointed term even if that results in such a member serving more than two years. However, for the avoidance of doubt, the provisions of paragraphs (1) and (2) of this regulation will apply to such members should they seek re-appointment.

Support Staff

- 36.**—(1) The Welsh Ministers will ensure that the CHC Board has the number of officers that Welsh Ministers consider sufficient to enable the CHC Board to perform its functions.
- (2) Welsh Ministers may direct a Welsh NHS Trust or Local Health Board to—
- (a) employ a person acceptable to the CHC Board to act as its Director; and
 - (b) consult with the CHC Board and, subject to acceptance by the CHC Board of any individual officer identified, employ such persons to act as officers for the CHC Board as the Welsh NHS Trust or Local Health Board so directed considers necessary.

(3) The employment of a person to act as an officer of the CHC Board is to be in a manner and for a period acceptable to the CHC Board.

(4) The services of persons employed in accordance with paragraphs (1) and (2) must be made available to the CHC Board by the employing Local Health Board or Welsh NHS Trust for the period of their employment.

Premises and other facilities

37.—(1) The Welsh Ministers may, from the 1 April 2010 and after consultation with the CHC Board—

- (a) continue to provide the CHC Board with such office and other accommodation as the Welsh Ministers consider necessary to enable the CHC Board to perform its functions; and
- (b) continue to secure that arrangements are made for such administration, maintenance, cleaning and other services as may, in their opinion, be necessary for such accommodation.

(2) To enable the CHC Board to perform its functions the Welsh Ministers may make available to the CHC Board such facilities (including use of any premises and the use of any vehicle, plant or apparatus) provided by them for any service under the Act as the Welsh Ministers consider are necessary.

(3) The Welsh Ministers may direct a Local Health Board or Boards to exercise any or all of their functions under this regulation and/or may require a Local Health Board or Boards to make available to the CHC Board the services of such of its employees as Welsh Ministers may direct.

Proceedings

38.—(1) After the 1 April 2010 the constitution and standing orders of the CHC Board is determined by the Welsh Ministers, and may be varied or revoked only if approved by the Welsh Ministers.

(2) The CHC Board may appoint committees and sub-committees which may consist of persons who are not members of the CHC Board.

(3) A representative of the Welsh Ministers and a representative of the Local Health Board or Welsh NHS Trust directed in accordance with regulation 36(2) are entitled to attend and take part in any deliberations (but not in decisions) at meetings of the CHC Board.

Reports

39. The CHC Board must, by 1 September 2010 and by 1 September in each subsequent year make a report in writing to the Welsh Ministers regarding the performance of its functions during the period of twelve months ending on 31 March in that year and such other matters as the Welsh Ministers may require.