
WELSH STATUTORY INSTRUMENTS

2020 No. 1451 (W. 313)

NATIONAL HEALTH SERVICE, WALES

**The Digital Health and Care Wales
(Establishment and Membership) Order 2020**

<i>Made</i>	- - - -	<i>7 December 2020</i>
<i>Laid before Senedd Cymru</i>		<i>9 December 2020</i>
<i>Coming into force</i>	- -	<i>30 December 2020</i>

The Welsh Ministers make the following Order in exercise of the powers conferred by section 22(1), (2), (4)(a) and (c) of the National Health Service (Wales) Act 2006⁽¹⁾.

Title, commencement and interpretation

1.—(1) The title of this Order is the Digital Health and Care Wales (Establishment and Membership) Order 2020.

(2) This Order comes into force on 30 December 2020.

(3) In this Order—

“the Act” (“*y Ddeddf*”) means the National Health Service (Wales) Act 2006;

“clinical officer” (“*swyddog clinigol*”) means an officer who is a registered healthcare professional; registered medical practitioner; registered nurse; registered pharmacist; dental practitioner; or optometrist;

“DHCW” (“*IGDC*”) means Digital Health and Care Wales;

“dental practitioner” (“*ymarferydd deintyddol*”) means a person registered under the Dentists Act 1984⁽²⁾;

“digital platforms, systems and services” (“*platfformau, systemau a gwasanaethau digidol*”) means hardware, software and other arrangements for the digital collection, storage, processing, analysis, use and dissemination of health service data;

“health service data” (“*data gwasanaethau iechyd*”) means data processed for or in connection with the provision or promotion of services under the Act;

“optometrist” (“*optometrydd*”) means a person registered in the register of optometrists maintained under section 7 of the Opticians Act 1989⁽³⁾;

⁽¹⁾ 2006 c. 42. (“the 2006 Act”).

⁽²⁾ 1984 c. 24.

⁽³⁾ 1989 c. 44.

“registered healthcare professional” (“*proffesiynolyn gofal iechyd cofrestredig*”) means a person registered on the register maintained by the Health and Care Professions Council in accordance with article 5 of the Health and Social Work Professions Order 2001(4);

“registered medical practitioner” (“*ymarferydd meddygol cofrestredig*”) means a fully registered person within the meaning of the Medical Act 1983(5) who holds a licence to practice under that Act;

“registered nurse” (“*nyrs gofrestrdig*”) means a nurse, midwife or nursing associate registered in the register maintained under article 5 of the Nursing and Midwifery Order 2001(6) by virtue of a qualification which is an approved qualification for the purposes of registration in the relevant part of the register;

“registered pharmacist” (“*fferyllydd cofrestredig*”) means a person registered as a pharmacist in Part 1 or 4 of the register maintained under article 19 of the Pharmacy Order 2010(7).

Establishment of DHCW

2. There is established a Special Health Authority known as Digital Health and Care Wales or Iechyd a Gofal Digidol Cymru.

Functions of DHCW

3. DHCW is to exercise such functions as the Welsh Ministers may direct(8) in connection with—
- (a) the provision, design, management, development and delivery of digital platforms, systems and services;
 - (b) the collection, analysis, use and dissemination of health service data;
 - (c) the provision of advice and guidance to the Welsh Ministers about improving digital platforms, systems and services;
 - (d) supporting bodies and persons identified in directions given by the Welsh Ministers to DHCW in relation to matters relevant to digital platforms, systems and services;
 - (e) any other matter so as to secure the provision or promotion of services under the Act.

Membership of DHCW

- 4.—(1) The membership of DHCW consists of—
- (a) a chair;
 - (b) a vice-chair;
 - (c) not more than 5 members who are not officers of DHCW in addition to the chair and vice-chair;
 - (d) not more than 5 members who are officers of DHCW which must include:
 - (i) a chief officer;
 - (ii) a finance officer;
 - (iii) a clinical officer;
 - (e) not more than 3 associate members who are not eligible to vote in any proceedings of DHCW and who are not included for the purposes of the calculation in paragraph (2).

(4) [S.I. 2002/254](#) amended by [S.I. 2009/1182](#).

(5) 1983 c. 54.

(6) [S.I. 2002/253](#).

(7) [S.I. 2010/231](#).

(8) See section 24 of the 2006 Act.

(2) The number of members who are officers of DHCW must not exceed the number of members who are not such officers.

(3) The members of DHCW referenced at article 4(1)(a),(b) and (c) are to be known as the non-officer members.

(4) The members of DHCW referenced at article 4(1)(d) are to be known as the officer members.

(5) The members of DHCW referenced at article 4(1)(e) are to be known as the associate members.

Public meetings

5. The Public Bodies (Admission to Meetings) Act 1960⁽⁹⁾ is to apply to DHCW.

7 December 2020

Vaughan Gething
Minister for Health and Social Services, one of
the Welsh Ministers

(9) 1960 c. 67; see paragraph 1(g) of the Schedule to the Public Bodies (Admission to Meetings) Act 1960, which was inserted by paragraph 91 of Schedule 1 to the Health Authorities Act 1995 (c. 17).

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 is made under section 22 of the National Health Service (Wales) Act 2006 (“the Act”). It establishes a new Special Health Authority, Digital Health and Care Wales (“DHCW”), and makes provision about its functions and membership.

Article 3 sets out the nature of DHCW’s functions which are to be specified more particularly in directions given by the Welsh Ministers under section 24 of the Act. DHCW’s functions will relate to the provision of digital platforms, systems and services and supporting the improvement of such systems and any such other functions as the Welsh Ministers may direct so as to secure the provision or promotion of services under the Act.

Article 4 sets out DHCW’s membership and article 5 provides that the Public Bodies (Admission to Meetings) Act 1960 applies to DHCW’s meetings.

This Order makes no provision relating to the transfer of officers, property or liabilities.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with this Order. A copy can be obtained from the Department of Health and Social Services, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.