



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2020 Rhif 1451 (Cy. 313)

2020 No. 1451 (W. 313)

**Y GWASANAETH IECHYD
GWLADOL, CYMRU**

**NATIONAL HEALTH
SERVICE, WALES**

**Gorchymyn Iechyd a Gofal Digidol
Cymru (Sefydlu ac Aelodaeth) 2020**

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

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Gorchymyn)

Mae'r Gorchymyn hwn wedi ei wneud o dan adran 22 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 ("y Ddeddf"). Mae'n sefydlu Awdurdod Iechyd Arbennig newydd, sef Iechyd a Gofal Digidol Cymru ("IGDC"), ac yn gwneud darpariaeth ynghylch ei swyddogaethau a'i aelodaeth.

Mae erthygl 3 yn nodi natur swyddogaethau IGDC sydd i'w pennu'n fwy penodol mewn cyfarwyddydau a roddir gan Weinidogion Cymru o dan adran 24 o'r Ddeddf. Bydd swyddogaethau IGDC yn ymwneud â darparu plattfformau, systemau a gwasanaethau digidol a chefnogi gwella systemau o'r fath ac unrhyw swyddogaethau eraill a gyfarwyddir gan Weinidogion Cymru er mwyn sicrhau y darperir neu yr hybir gwasanaethau o dan y Ddeddf.

Mae erthygl 4 yn nodi aelodaeth IGDC ac mae erthygl 5 yn darparu bod Deddf Cyrff Cyhoeddus (Derbyn i Gyfarfodydd) 1960 yn gymwys i gyfarfodydd IGDC.

Nid yw'r Gorchymyn hwn yn gwneud unrhyw ddarpariaeth sy'n ymwneud â throsglwyddo swyddogion, eiddo neu atebolrwyddau.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Gorchymyn hwn. O ganlyniad, lluniwyd aseiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Gorchymyn hwn. Gellir cael copi oddi wrth: Yr Adran Iechyd a Gwasanaethau Cymdeithasol, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

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.

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Gwnaed 7 Rhagfyr 2020
Gosodwyd gerbron *Senedd*
Cymru 9 Rhagfyr 2020
Yn dod i rym 30 Rhagfyr 2020

Made 7 December 2020
Laid before Senedd Cymru 9 December 2020
Coming into force 30 December 2020

Mae Gweinidogion Cymru yn gwneud y Gorchymyn a ganlyn drwy arfer y pwerau a roddir gan adran 22(1), (2), 4(a) ac (c) o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006(1).

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).

Enwi, cychwyn a dehongli

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Iechyd a Gofal Digidol Cymru (Sefydli ac Aelodaeth) 2020.

(2) Daw'r Gorchymyn hwn i rym ar 30 Rhagfyr 2020.

(3) Yn y Gorchymyn hwn—

ystyr “data gwasanaethau iechyd” (“*health service data*”) yw data a brosesir ar gyfer darparu neu hybu gwasanaethau o dan y Ddeddf neu mewn cysylltiad â darparu neu hybu gwasanaethau o'r fath;

ystyr “y Ddeddf” (“*the Act*”) yw Deddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006;

ystyr “fferylllydd cofrestredig” (“*registered pharmacist*”) yw person sydd wedi ei gofrestru'n fferylllydd yn Rhan 1 neu 4 o'r gofrestr a gynhelir o dan erthygl 19 o Orchymyn Fferylliaeth 2010(2);

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;

(1) 2006 p. 42. (“Deddf 2006”).
(2) O.S. 2010/231.

(1) 2006 c. 42. (“the 2006 Act”).

ystyr “IGDC” (“*DHCW*”) yw Iechyd a Gofal Digidol Cymru;

ystyr “nyrs gofrestredig” (“*registered nurse*”) yw nyrs, bydwaig neu gydymaith nyrsio sydd wedi ei chofrestru neu ei gofrestru yn y gofrestr a gynhelir o dan erthygl 5 o Orchymyn Nyrsio a Bydwreigiaeth 2001(1) yn rhinwedd cymhwyster sy’n gymhwyster a gymeradwyir at ddibenion cofrestru yn y rhan berthnasol o’r gofrestr;

ystyr “optometrydd” (“*optometrist*”) yw person sydd wedi ei gofrestru yn y gofrestr optometryddion a gynhelir o dan adran 7 o Ddeddf Optegwyr 1989(2);

ystyr “plattfformau, systemau a gwasanaethau digidol” (“*digital platforms, systems and services*”) yw caledwedd, meddalwedd a threfniadau eraill ar gyfer casglu, storio, prosesu, dadansoddi, defnyddio a lledaenu data gwasanaethau iechyd yn ddigidol;

ystyr “proffesiynolyn gofal iechyd cofrestredig” (“*registered healthcare professional*”) yw person sydd wedi ei gofrestru ar y gofrestr a gynhelir gan y Cyngor Proffesiynau Iechyd a Gofal yn unol ag erthygl 5 o Orchymyn Proffesiynau Iechyd a Gwaith Cymdeithasol 2001(3);

ystyr “swyddog clinigol” (“*clinical officer*”) yw swyddog sy’n broffesiynolyn gofal iechyd cofrestredig; ymarferydd meddygol cofrestredig; nyrs gofrestredig; fferylllydd cofrestredig; ymarferydd deintyddol; neu optometrydd;

ystyr “ymarferydd deintyddol” (“*dental practitioner*”) yw person sydd wedi ei gofrestru o dan Ddeddf Deintyddion 1984(4);

ystyr “ymarferydd meddygol cofrestredig” (“*registered medical practitioner*”) yw person sydd wedi ei gofrestru’n llawn o fewn yr ystyr a roddir i “fully registered person” yn Neddf Feddygol 1983(5) sy’n dal trwydded i ymarfer o dan y Ddeddf honno.

“dental practitioner” (“*ymarferydd deintyddol*”) means a person registered under the Dentists Act 1984(1);

“digital platforms, systems and services” (“*plattfformau, 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(2);

“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(3);

“registered medical practitioner” (“*ymarferydd meddygol cofrestredig*”) means a fully registered person within the meaning of the Medical Act 1983(4) who holds a licence to practice under that Act;

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

“registered pharmacist” (“*fferylllydd 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(6).

Sefydlu IGDC

2. Mae Awdurdod Iechyd Arbennig o’r enw Iechyd a Gofal Digidol Cymru neu Digital Health and Care Wales wedi ei sefydlu.

Establishment of DHCW

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

(1) O.S. 2002/253.
(2) 1989 p. 44.
(3) O.S. 2002/254 a ddiwygiwyd gan O.S. 2009/1182.
(4) 1984 p. 24.
(5) 1983 p. 54.

(1) 1984 c. 24.
(2) 1989 c. 44.
(3) S.I. 2002/254 amended by S.I. 2009/1182.
(4) 1983 c. 54.
(5) S.I. 2002/253.
(6) S.I. 2010/231.

Swyddogaethau IGDC

3. Mae IGDC i arfer unrhyw swyddogaethau a gyfarwyddir gan Weinidogion Cymru(1) mewn cysylltiad â—

- (a) darparu, dylunio, rheoli, datblygu a chyflenwi platfformau, systemau a gwasanaethau digidol;
- (b) casglu, dadansoddi, defnyddio a lledaenu data gwasanaethau iechyd;
- (c) darparu cyngor a chanllawiau i Weinidogion Cymru ynghylch gwella platfformau, systemau a gwasanaethau digidol;
- (d) cefnogi cyrff a phersonau a nodir mewn cyfarwyddydau a roddir gan Weinidogion Cymru i IGDC mewn perthynas â materion sy'n berthnasol i blatfformau, systemau a gwasanaethau digidol;
- (e) unrhyw fater arall er mwyn sicrhau y darperir neu yr hybir gwasanaethau o dan y Ddeddf.

Aelodaeth IGDC

4.—(1) Aelodaeth IGDC yw—

- (a) cadeirydd;
- (b) is-gadeirydd;
- (c) dim mwy na 5 aelod nad ydynt yn swyddogion IGDC yn ychwanegol at y cadeirydd a'r is-gadeirydd;
- (d) dim mwy na 5 aelod sy'n swyddogion IGDC y mae rhaid iddynt gynnwys;
 - (i) prif swyddog;
 - (ii) swyddog cyllid;
 - (iii) swyddog clinigol;
- (e) dim mwy na 3 aelod cyswllt nad ydynt yn gymwys i bleidleisio mewn unrhyw drafodion gan IGDC ac nad ydynt wedi eu cynnwys at ddibenion y cyfrifiad ym mharagraff (2).

(2) Ni chaiff nifer yr aelodau sy'n swyddogion IGDC fod yn fwy na nifer yr aelodau nad ydynt yn swyddogion o'r fath.

(3) Mae aelodau IGDC y cyfeirir atynt yn erthygl 4(1)(a),(b) ac (c) i'w hadnabod fel yr aelodau nad ydynt yn swyddogion.

(4) Mae aelodau IGDC y cyfeirir atynt yn erthygl 4(1)(d) i'w hadnabod fel y swyddog-aelodau.

(5) Mae aelodau IGDC y cyfeirir atynt yn erthygl 4(1)(e) i'w hadnabod fel yr aelodau cyswllt.

Functions of DHCW

3. DHCW is to exercise such functions as the Welsh Ministers may direct(1) 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).

(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.

(1) *Gweler* adran 24 o Ddeddf 2006.

(1) *See* section 24 of the 2006 Act.

Cyfarfodydd cyhoeddus

5. Mae Deddf Cyrff Cyhoeddus (Derbyn i Gyfarfodydd) 1960(1) i fod yn gymwys i IGDC.

Public meetings

5. The Public Bodies (Admission to Meetings) Act 1960(1) is to apply to DHCW.

Vaughan Gething

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol,
un o Weinidogion Cymru
7 Rhagfyr 2020

Minister for Health and Social Services, one of the
Welsh Ministers
7 December 2020

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(1) 1960 p. 67; gweler paragraff 1(g) o'r Atodlen i Ddeddf Cyrff Cyhoeddus (Derbyn i Gyfarfodydd) 1960, a fewnosodwyd gan baragraff 91 o Atodlen 1 i Ddeddf Awdurdodau Iechyd 1995 (p. 17).

(1) 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).

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