

## SCHEDULES

### SCHEDULE 1

Regulation 4

#### PROCEDURES FOR APPOINTMENT OF CHAIR AND NON-OFFICER MEMBERS

1. This Schedule applies to the appointment of the chair and non-officer members of the joint committee.
2. The Welsh Ministers must ensure that appropriate arrangements are in place for the appointment of the chair and non-officer members and that those arrangements take into account—
  - (a) the principles from time to time laid down by the Commissioner for Public Appointments concerning ministerial appointments to public bodies,
  - (b) the requirement that the appointment be open and transparent,
  - (c) the requirement of fair and open competition in the appointment,
  - (d) the need to encourage diversity in the range of persons who may be appointed, and
  - (e) the need to ensure that successful candidates meet the eligibility requirements set out in Schedule 2 to these Regulations.

### SCHEDULE 2

Regulation 5(1)

#### ELIGIBILITY REQUIREMENTS

1. A person is not eligible for appointment as a chair or non-officer member if any one or more of the matters set out at paragraphs 2 to 6 apply.

#### **Criminal conviction**

2.—(1) The person has within the preceding five years been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and has received a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine.

(2) For the purposes of this paragraph, the date of conviction is deemed to be the date on which the ordinary period allowed for making an appeal or application with respect to the conviction expires or, if such an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of its not being prosecuted.

#### **Bankruptcy**

3.—(1) The person is subject to a bankruptcy restrictions order, an interim bankruptcy restrictions order or has a composition or an arrangement with creditors.

(2) Where a person is disqualified under sub-paragraph (1)—

- (a) if the bankruptcy is annulled on the ground that the person ought not to have been adjudged bankrupt or on the ground that the person's debts have been paid in full, that person becomes eligible for appointment as a chair or non-officer member on the date of the annulment,

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- (b) if the person is discharged from bankruptcy, that person becomes eligible for appointment as a chair or non-officer member on the date of the discharge,
- (c) if, having made a composition or arrangement with creditors, the person's debts are paid in full, that person becomes eligible for appointment as a chair or non-officer member on the date upon which such debts are paid in full, and
- (d) if, having made a composition or arrangement with creditors, a period of five years has expired from the date on which the terms of the composition or arrangement were fulfilled, that person becomes eligible for appointment as a chair or non-officer member.

#### **Dismissal from health service body**

4.—(1) The person has been dismissed as a member, otherwise than by reason of redundancy, or non-renewal of a fixed term contract, from paid employment with a health service body.

(2) A person who is disqualified under sub-paragraph (1) may, after the expiry of two years from the date of dismissal, apply in writing to the Welsh Ministers to have that disqualification removed.

(3) Where the Welsh Ministers have directed that a disqualification is to be removed under sub-paragraph (2), the person is no longer disqualified for the purpose of this Schedule.

(4) If the Welsh Ministers refuse a person's application under sub-paragraph (2), no further application may be made by the person before the expiry of the period of two years beginning with the date of the person's last application.

(5) For the purpose of this paragraph, a person is not to be treated as having been in paid employment by reason only of having been—

- (a) in the case of a health service body which is not an NHS Trust or an NHS Foundation Trust (other than an Integrated Care Board), the chair, vice-chair or a non-officer member of the body,
- (b) in the case of an NHS Trust, the chair, vice-chair or a non-executive director of the trust,
- (c) in the case of an NHS Foundation Trust, the chair, a governor or a non-executive director of the trust, or
- (d) in the case of an Integrated Care Board, the chair or a non-executive director of the board.

(6) In sub-paragraph (5)(a), "non-officer member" means a member of a health service body who is not employed by the body.

#### **Termination of membership of health service body**

5.—(1) The person has—

- (a) had his or her membership as chair, vice-chair, member or director of a health service body terminated, other than by reason of redundancy, voluntary resignation, reorganisation of the health service body, or expiry of the period of office for which that person was appointed, or
- (b) been removed from office as the chair or a member of an Integrated Care Board.

(2) If a person is disqualified under sub-paragraph (1) the disqualification ceases to have effect on the expiry of two years beginning on the date of the termination of the term of appointment or such longer period as may have been specified by the body that terminated the person's membership.

(3) The Welsh Ministers may reduce the period of disqualification mentioned in sub-paragraph (2) on the application of the disqualified person.

(4) When the period of disqualification under sub-paragraph (2) comes to an end, the person is no longer disqualified for the purpose of this Schedule.

### **Employment with an NHS body in Wales**

6.—(1) The person is, or has been within the 12 months prior to appointment, in the paid employment of—

- (a) a Local Health Board established under section 11 of the Act,
- (b) an NHS trust established under section 18 of the Act, or
- (c) a Special Health Authority in relation to Wales established by the Welsh Ministers under section 22 of the Act.

(2) For the purposes of subparagraph (1), a person is not to be treated as having been in paid employment by reason of having held the position of chair, vice-chair or non-officer member of a Local Health Board; a chair, vice-chair or non-executive director of an NHS trust; or a chair, vice-chair or non-officer member of a Special Health Authority.

(3) A person ceases to be eligible to be a non-officer member if following that person's appointment as a non-officer member they take up paid employment with any of the bodies listed in sub-paragraph (1) other than in the circumstances specified in sub-paragraph (2).