EXPLANATORY MEMORANDUM TO

Appointment of Consultants (Amendment) Regulations (Northern Ireland) 2013

2013 No. 114

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of Health, Social Services and Public Safety to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under Articles 89(1), 106(b) and 107(6) of the Health and Personal Social Services (Northern Ireland) Order 1972, Articles 10(6)(f) and 33(2) of the Health and Personal Social Services (Northern Ireland) Order 1991 and Section 7(2) and 12(2) of, and paragraph 13(2) of Schedule 1, and paragraph 13(2) of Schedule 2 to, the Health and Social Care (Reform) Act (Northern Ireland) 2009 and is subject to the negative resolution procedure.

2. Purpose

2.1. The Appointment of Consultants Regulations (Northern Ireland) 1996 (the 1996 Regulations) provide the statutory basis for the appointment of consultants and their provision must be followed by employing bodies. They apply to the appointment of consultants in hospital medicine and dentistry, public health medicine and communicable disease control and dental public health. Consultant appointments, with certain specified exemptions, are made by employing bodies on the advice of an Advisory Appointments Committee (AAC), a legally constituted committee established by the Health and Social Care (HSC) Board.

2.2. The above SR focuses on the need for the appointment process to be amended to accommodate organisational change in the HSC and to update practices generally. The SR will also make amendments to the requirements for Advisory Appointments Committees, who make decisions on the suitability of applicants for appointment, in line with changes introduced in GB.

3. Background

3.1. A review of the 1996 Regulations and supporting Good Practice Guidance is overdue given the significant organisational changes which have taken place across the HSC sector and in line with changes introduced in the rest of the United Kingdom.

4. Consultation

4.1. The Department launched a 12 week consultation with key stakeholders on 31st August 2012. The consultation closed on 23rd November 2012. A total of 8 responses were received. In general, feedback was very supportive of the proposed legislative changes. A copy of the Consultation Report has been published on the Department's website.

5. Equality Impact

5.1. As the measures have no adverse impact upon section 75 of the Northern Ireland Act 1998 the Department has concluded that it is not necessary to submit this matter to a full EQIA.

6. Regulatory Impact

6.1. A Regulatory Impact Assessment is not considered necessary because the proposals do not result in any costs or savings, or increased fees by a predetermined formula such as the rate of inflation. It is not anticipated that the proposals will create any adverse impact on business, charities, social economy or voluntary bodies.

7. Financial Implications

7.1. These regulations will not have any financial impact for Northern Ireland and funding is not required.

8. Section 24 of the Northern Ireland Act 1998

8.1. This SR does not breach section 24 of the Northern Ireland Act 1998, as it is not incompatible with any of the convention rights or community law, and it does not discriminate against a person on the grounds of religious or political opinion. Nor does the SR modify or amend any of the enactments stated in section 7 of the Northern Ireland Act 1998.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. This SR will establish parity with GB where the corresponding 1996 regulations in relation to the appointment of consultants have been amended on a number of occasions. In particular The National Health Service (Appointment of Consultants) Amendment Regulations 2004 made a number of amendments to the 1996 regulations and a new 'Good Practice Guidance' was published at that time. Similar 'Good Practice Guidance' will be published with the above regulations to assist those engaged in the recruitment process for consultants in Northern Ireland.

11. Additional Information

11.1. Not applicable