EXPLANATORY MEMORANDUM TO

THE HEALTH AUTHORITIES (MEMBERSHIP AND PROCEDURE) AMENDMENT (ENGLAND) REGULATIONS 2006

2006 No.1393

1. This explanatory memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty

2. **Description**

2.1 These Regulations amend the Health Authorities (Membership and Procedure) Regulations 1996 which make provision relating to the membership of Strategic Health Authorities (in England) and Health Authorities (in Wales).

2.2 The amending Regulations remove a requirement for one of the non-officer members of Strategic Health Authorities to be a person who holds a post in an institution within the higher education sector that provides education leading to registration in certain healthcare professions

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None

4. **Legislative Background**

4.1 The Health Authority (Membership and Procedure) Regulations 1996 (as amended) make provision relating to the membership of Strategic Health Authorities in England.

4.2 Regulation 2 of the 1996 Regulations requires that at least one of the non-officer members of an authority should hold a post within a higher education institution that provides education leading to registration in certain healthcare professions. Regulation 8 provides for the termination of a persons appointment to that authority should the person cease to hold such a post.

4.3 The amending regulations remove these requirements.

5. **Extent**

5.1 This instrument applies to England only

6. **European Convention on Human Rights**

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. **Policy Background**

7.1 The membership of Strategic Health Authorities (SHAs) has been reviewed in the light of the reduction in number from 28 to 10 SHAs and in consideration of their revised, expanded roles and functions.

7.2 The Office of the Strategic Health Authorities (OSHA) wrote to all 28 SHA Chief Executives seeking their views on the requirement for one of the non-officer members to hold a post within a higher education. The OSHA reported that the majority of SHAs were opposed to any prescribed membership and that whilst representation from the learning/academic sector was felt to be beneficial this should not necessarily be linked to particular groups of institutions. Furthermore, it was unlikely that the range of skills and understanding required of the non-executive team across the full breadth of education, workforce and research disciplines would reside in a single non-executive director in each SHA.

7.3 The Department of Health also wrote to Universities UK, the Joint Medical Advisory Committee and the Council of the Heads of Medical Schools and Deans, informing them that the Ministers consider it would be inappropriate to continue to require all SHAs to have one of their non executive members currently employed by a higher education institution. All have raised concerns about the need for the education sector to be represented on SHA boards. The Government recognises these concerns and values very highly the contribution of the education sector to the NHS. However, it has concluded that it would be inappropriate for there to be a mandatory requirement for the new SHAs to have an employee of a higher education institute appointed to the board.

7.4 The Department of Health has however written to the NHS Appointments Commission (who are responsible for the recruitment and appointment of non-officer members to SHA boards) setting out the need for SHA boards to have the collective skills and experience required to constructively challenge and contribute to the development of workforce strategy. It will be for the Appointments Commission and the Chairs of the new SHAs to determine the best way to ensure that such skills and expertise are available to each board.

7.5 The new SHAs will work closely with local higher education institutions to ensure joint working on areas of mutual interest.

7.6 These regulations remove the mandatory requirement for a person holding a post within a higher education institution to be appointed to a SHA board.

7.7 The new SHAs are to be established with effect from 1 July 2006 and it is necessary to make this change now in order to allow the NHS Appointments Commission to make the appropriate appointments.

8 Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies

8.2 There is no financial impact on the public sector.

9. Contact

9.1 Stuart Griffiths at the Department of Health Tel: 0113 254 5814 or e-mail: stuart.griffiths@dh.gsi.gov.uk who can answer queries regarding this instrument.