EXPLANATORY MEMORANDUM TO

The Medical Profession (Responsible Officers)(Amendment) Regulations (Northern Ireland) 2022

2022 S.R. No. 164

1. Introduction

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

1.2. The Statutory Rule is made under powers conferred by sections 45A and 45B(1) and(3)(c) of the Medical Act 1983 and section 120 of the Health and Social Care Act 2008 and is subject to the negative resolution procedure.

2. Purpose

2.1. The Statutory Rule will amend The Health and Personal Social Services Medical Profession (Responsible Officers) Regulations (Northern Ireland) 2010 ('the Regulations') to facilitate the establishment of a second Responsible Officer role within the Department, in the context of the introduction of the Health and Social Care (Northern Ireland) Bill 2021 and the subsequent closure of the Health and Social Care Board (HSCB) in March 2022.

3. Background

3.1. General Medical Practitioners (GPs) in Northern Ireland are independent contractors, with contracts held by the HSCB. The Responsible Officer role for GPs is currently fulfilled by the Head of General Medical Services post, which is located within the HSCB. On the closure of the HSCB, its responsibilities in relation to Integrated Care services will transfer to the new Strategic Planning and Performance Group, ("the Group") which will be located within the Department of Health.

3.2. As a designated body under the Regulations, the Department already has an identified Responsible Officer post, and an amendment to the Regulations is therefore required in order to allow the establishment of a second Responsible Officer post within the Department to assume the oversight role for GPs.

4. Consultation

4.1. The Statutory Rule will make technical changes to the Regulations which are required as a consequence of the decision to close the HSCB, and will not have any impact on the underpinning policy on Responsible Officers. The Department considers that a public consultation on this Statuory Rule is not required.The views of key stakeholder bodies were sought through a targetted engagement process, and no significant issues were identified.

5. Equality Impact

5.1. Consideration has been given to compliance with section 75 of the Northern Ireland Act 1998 and an equality screening was completed for the amendments by the Department. As the proposed amendments will not have any material impact on people who access GP services, the Department considers that a full Equality Impact Assessment is not required.

6. Regulatory Impact

6.1. A Regulatory Impact Assessment (RIA) screening was carried out and concluded that the proposals would have no cost impact on businesses, charities, social economy enterprises or the voluntary sector in Northern Ireland and will not otherwise adversely affect these groups. The Department considers therefore that a full RIA is not required.

7. Financial Implications

7.1. None. There will be no additional costs to the Department arising from these amendments.

8. Section 24 of the Northern Ireland Act 1998

8.1. Consideration has been given to the human rights implications of these amendments. The Department considers they are compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. This is not a parity or replicatory measure, and there is no requirement to maintain parity with legislation in other administrations.

11. Additional Information

11.1. Not applicable.