EXPLANATORY MEMORANDUM TO THE

NHSU ABOLITION ORDER 2005

2005 No. 1781

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

This memorandum does not contain information for the Joint Committee on Statutory Instruments.

2. Description

This Order abolishes, on 1 August 2005, the NHSU, a Special Health Authority established under section 11 of the National Health Service Act 1977. It makes provision for the transfer of rights, liabilities and property of the abolished NHSU and the transfer of its staff to the NHS Institute for Innovation and Improvement.

The Order makes minor consequential amendments to delete references to the NHSU in two instruments governing the membership of certain other NHS bodies and in the Order designating which Special Health Authorities are subject to the jurisdiction of the Health Services Commissioner.

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

None.

4. Legislative Background

This Order is made by the Secretary of State for Health, in exercise of the powers conferred upon her by sections 11(1), (2) and (4) and 126(3) and (4) of the National Health Service Act 1977, and after consultation with such bodies as she recognises represent officers who in her opinion are likely to be transferred or affected by transfers in pursuance of the Order.

5. Extent

This instrument applies to England.

6. European Convention on Human Rights

The Rt Hon Jane Kennedy MP has made the following statement regarding Human Rights:

In my view the provisions of the NHSU Abolition Order 2005 are compatible with the Convention rights.

7. Policy background

The decision to pursue the dissolution of NHSU was taken by Ministers following the review of the Department of Health's Arm's Length Bodies (ALBs) which aims to reduce the overall number of such bodies by almost half by 2007/8. The NHSU's responsibility for delivering learning programmes to non-professional NHS staff is being devolved to frontline organisations. The mission of the NHS Institute – which will be the residual body for NHSU's rights, liabilities, property and remaining staff - will include ensuring that the learning needs critical to tackling the biggest priorities facing the NHS are identified and communicated to the various players. The Institute will also provide a focus for, and maintain expertise in, NHS learning, and in the best ways to ensure that all staff get the training and development they need. The Department of Health will retain national responsibility for NHS workforce policy and its delivery.

8. Impact

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

9. Contact

Paul Macnaught at the Department of Health (Tel: 7210 5332 or e-mail: paul.macnaught@dh.gsi.gov.uk) can answer any queries regarding the instrument.