

*These notes refer to the Health and Personal Social Services Act (Northern Ireland) 2002 (c.9) which received Royal Assent on 4 October 2002*

# Health and Personal Social Services Act (Northern Ireland) 2002

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## **EXPLANATORY NOTES**

### **BACKGROUND AND POLICY OBJECTIVES**

3. The Act covers two areas. Firstly, it provides for public payments for nursing care for people resident in nursing homes. Currently the cost of nursing care is included in the overall cost of a nursing home placement and may be borne by residents whose means are such that they fund, or part-fund, their own care. There has been an anomaly in relation to nursing care, in that it has been supplied free as a health service to a person in their own home (or indeed to a resident in a residential care home, if supplied externally by a Trust via the community nursing service). From 7 October 2002 the nursing care element of the total cost will be met from public funds reducing the overall cost to the individual. This is one of the responses to the Royal Commission on Long Term Care which reported its findings in the publication “With Respect to Age” in March 1999. The Royal Commission was set up to look at the system of funding for the care of elderly people, and the apportionment of costs between public funds and individuals.
4. Secondly, it is proposed to set up a new local body to support the development of nursing and midwifery in the key areas of best practice, ongoing education and continuous professional development and performance. The Department of Health in England published its proposals for a new regulatory body governing the professions of nursing, midwifery and health visiting (“Establishing the new Nursing and Midwifery Council”, Department of Health, April 2001). The Nursing and Midwifery Order 2001 has been made under section 60 of the Health Act 1999, covering the establishment of the Nursing and Midwifery Council (NMC). The NMC came into operation on 1 April 2002.
5. The regulatory structure, prior to the establishment of the NMC, ie-the UK Central Council for Nursing, Midwifery and Health Visiting – the UKCC – and 4 National Boards, is contained in the Nurses, Midwives and Health Visiting Act 1997. The functions of the UKCC were to establish and improve standards of education and training and professional conduct for the nursing, midwifery and health visiting professions, and to maintain the professional register. There are some 20,000 registered nurses, midwives and health visitors working here.

6. The National Board for Nursing, Midwifery and Health Visiting for NI (NBNI) was responsible for monitoring and ensuring that the education provided meets the standards set by the UKCC. The UKCC and the 4 National Boards were stood down on 1 April 2002, with the establishment of the NMC. The functions of these 5 bodies transferred to the NMC on 1 April 2002.
7. It is the Department's intention that, in addition to the NMC, there should be a local body (an NDPB) with the function of supporting the development of nursing and midwifery in the key areas of best practice, ongoing education and continuous professional development and performance. It will be able to provide advice and information to nurses and midwives, and to members of the public, in relation to careers in these professions and on general nursing and midwifery issues. It will be able to carry out work locally, on behalf of the new NMC in relation to the quality assurance of pre-registration and a defined range of post registration courses. The work of the new body will focus on enhancing the quality of nursing and midwifery care provided to service users in Northern Ireland. The new body is to be called the Northern Ireland Practice and Education Council for Nursing and Midwifery (NIPEC).