

EXPLANATORY MEMORANDUM TO

The Local Commissioning Groups (Membership) Regulations (Northern Ireland) 2009

SR 2009 No. 395

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 section 9(6) of the Health and Social Care (Reform) Act (Northern Ireland) 2009 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The regulations provide that 17 persons shall be appointed to each Local Commissioning Group. They specify that the persons appointed shall be 4 general medical practitioners, 4 members of district councils, 2 representatives from voluntary organisations with an interest in health and social care, 2 social workers, 1 dental practitioner, 1 pharmacist, 1 nurse, 1 public health medicine specialist and 1 chiropodist/podiatrist, dietician, occupational therapist, orthoptist, physiotherapist, radiographer or speech and language therapist.
- 2.2. The regulations prescribe conditions for appointment and terms of office. They also include a significant section on disqualification for appointment. The disqualifications are similar to those governing public appointments to health and social care bodies and include disqualification on the basis of:
 - criminal conviction;
 - dismissal from a health and social care body or a health service body;
 - bankruptcy restrictions order;
 - disqualification as a company director;
 - removal from a position of responsibility within a charity;
 - membership (as Chair or otherwise) of any health and social care body or health services body;
 - office or removal from office with a health and social care body or health services body;
 - membership of another Local Commissioning Group.

3. Background

- 3.1. The statutory rule exercises the powers provided to the Department in section 9(6) of the Reform Act to make provision for the membership of the Local Commissioning Groups.

4. Consultation

- 4.1. These regulations follow from proposals for health and social care reform. A major consultation exercise on these proposals was undertaken during the period 18 February 2008 to 12 May 2008.

- 4.2. A substantial number of the 200 plus formal responses received to the consultation proposals commented on the constitution of the Local Commissioning Groups. In light of these responses the Department determined that the constitution would be as set out in the draft regulations. In tandem with the passage of the Reform Act through the Assembly, the Department engaged with key stakeholders, including the unions NIPSA and UNISON to ensure that the new Local Commissioning Groups are fit for purpose and the regulations give effect to those deliberations.

5. Equality Impact

- 5.1. The consultation document issued on 18 February 2008 included an Equality Impact Assessment. This concluded that, although the overall proposals may have an adverse impact on some of the Section 75 groups, procedures would be designed to ensure that there is no unlawful direct or indirect discrimination against any particular individual or group.
- 5.2. The regulations simply provide further detail on the governance arrangements needed to underpin a specific aspect of the proposals in the consultation document i.e. Local Commissioning Group membership. As these arrangements will operate in line with the Code of Practice on Ministerial Appointments to Public Bodies, and will comply with human rights and equal opportunities obligations under the Northern Ireland Act 1998 and additional, separate EQIA is not considered necessary.

6. Regulatory Impact

- 6.1. These regulations provide further detail on the Local Commissioning Group membership provisions contained within the Health and Social Care (Reform) Act (Northern Ireland) 2009. They do not impose costs or savings on businesses, charities, social economy enterprises or the voluntary sector. Therefore, a separate Regulatory Impact Assessment is not considered necessary.

7. Financial Implications

- 7.1. There will be no additional costs for the Department of Health, Social Services and Public Safety arising from these regulations.
- 7.2. Overall, the proposed reduction in the number of health and social care bodies arising from the Review of Public Administration will produce a reduction of management and administrative costs in excess of more than £53 million by April 2011 and that these savings will be re-invested in front line services.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. These regulations do not breach section 24 of the Northern Ireland Act 1998, as they are not incompatible with any of the convention rights or community law, and they do not discriminate against a person on the grounds of religious or political opinion. Nor do these regulations 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. These regulations do not replicate nor are they designed to achieve or maintain parity with legislation in other administrations in the UK.

11. Additional Information

11.1. Not applicable.