

POLICY NOTE

The Healthcare Improvement Scotland (Delegation of Functions) Order 2016

SSI 2016/86

The above instrument was made in exercise of the powers conferred by section 10D(1) of the National Health Service (Scotland) Act 1978. The instrument is subject to negative procedure.

Policy Objectives

This instrument is made in response to recommendation 1 of the Vale of Leven Hospital Inquiry Report which was to ensure that the Healthcare Environment Inspectorate (HEI) has power to close wards to new admissions if the HEI concludes that there is a real risk to the safety of patients.

HEI is part of Healthcare Improvement Scotland (HIS) and currently undertakes inspections of NHS hospitals. The effect of this instrument is to give HIS power to direct Health Boards to close hospital wards to new admissions where HIS believes there is a serious risk to life, health or wellbeing.

Impact Assessments

An equality impact assessment has not been conducted as HIS presently conduct inspections on NHS hospitals and the power to direct Health Boards would be exercised in conjunction with those existing functions. Moreover equalities issues were considered at the time of the Public Services Reform (Scotland) Bill which inserted provision into the National Health Service (Scotland) Act 1978 to give HIS the inspection and regulation function of which this delegation forms part.

The instrument does not have an impact on business, privacy, children or the environment.

Financial Effects

The Cabinet Secretary for Health, Wellbeing and Sport confirms that no BRIA is necessary as the instrument has no additional financial effects on the Scottish Government, local government or on business.

Scottish Government
Healthcare Quality and Strategy Directorate

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