

HEALTH AND SOCIAL CARE ACT 2008

EXPLANATORY NOTES

TERRITORIAL EXTENT

New section 45A of the Medical Act 1983 – requirement to nominate or appoint responsible officer

367. *Subsection (1)* allows the appropriate authority by regulations to designate certain organisations (“designated bodies”), which will be required to appoint or nominate persons who are to have specified responsibilities relating to the regulation of medical practitioners. These persons are to be known as “responsible officers”. The appropriate authority in relation to England, Wales and Scotland is the Secretary of State and in relation to Northern Ireland is DHSSPSNI.
368. *Subsections (3) and (4)* set out the types of organisations which may be required to nominate or appoint a responsible officer. These are organisations which are directly or indirectly involved in providing healthcare, or which employ or contract with doctors (including in an administrative capacity). This wide definition of designated bodies is intended to ensure that all doctors in the United Kingdom, whether employees or self-employed, are linked to an appropriate responsible officer. The intention is that all NHS hospital trusts and PCTs/Local Health Boards in England and Wales, Health Boards in Scotland, larger private sector healthcare organisations such as independent hospitals, and larger locum agencies supplying the services of doctors, should nominate or appoint responsible officers. Guidance will cover circumstances such as those of a doctor employed by two or more organisations, each with a responsible officer.
369. *Subsection (5)* allows regulations to include criteria for appointment of responsible officers, and a requirement for designated bodies to provide them with resources. It also allows regulations to permit two or more healthcare organisations to share the services of a single responsible officer – this could be helpful, for instance, for organisations only employing one or very few doctors. It also allows regulations to be made to authorise or require an organisation to have more than one responsible officer. *Subsection (6)* allows for regulations to require the GMC to be consulted before a responsible officer is nominated or appointed. *Subsection (7)* allows the regulations to specify cases where the Secretary of State is to nominate the responsible officer instead of the designated body itself.