

**EXPLANATORY MEMORANDUM TO THE  
NHS INSTITUTE FOR INNOVATION AND IMPROVEMENT (ESTABLISHMENT  
AND CONSTITUTION) ORDER 2005**

**2005 No. 1446**

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 provides for the establishment and constitution of a Special Health Authority, to be known as The NHS Institute for Innovation and Improvement (“the Institute”) to exercise functions, in England, in connection with the promotion of innovation and best practice in the NHS.

Article 2 of the Order establishes the Institute, the functions of which are described in article 3 and are to be specified more particularly in directions given by the Secretary of State. Provision is also made for the constitution of the Institute (article 4), for the remuneration of its members (article 5), for the transfer to it of certain staff from the Prescription Pricing Authority (article 6) and for the admission of the public to meetings (article 7). Article 8 and the Schedule make provision to ensure that a member of the Institute is not disqualified from membership of certain other NHS bodies.

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 by sections 11(1), (2) and (4) and 126(4) of, and paragraph 9(7)(b) of Schedule 5 to, the National Health Service Act 1977, and of all other powers enabling her in that behalf, and after consultation with such bodies as she recognises as representing officers who in her opinion are likely to be transferred or affected by the 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 NHS Institute for Innovation and Improvement (Establishment and Constitution) Order 2005 are compatible with the Convention rights.

## **7. Policy background**

The decision to pursue the establishment of an NHS Institute 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 mission of the NHS Institute will be to support the NHS and its workforce in accelerating the delivery of world-class health and healthcare by encouraging innovation and developing capability at the frontline.

## **8. Impact**

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

The impact on the public sector is as follows. There will be a budget in 2005/6 of £80m for the NHS Institute and related activities, a headcount of up to 170. The NHS Institute will work closely with patients, clinicians, NHS organisations, the independent sector, the public, academia and industry in the UK and world-wide to identify best practice. It will support the rapid adoption and spread of new ideas by providing guidance on practical change ideas and ways to facilitate local, safe and swift implementation.

## **9. Contact**

Paul Macnaught at the Department of Health Tel: 020 7210 5332 or e-mail: paul.macnaught@dh.gsi.gov.uk can answer any queries regarding the instrument.