

EXPLANATORY MEMORANDUM TO

The Family Practitioner Services Independent Appeal Panel Regulations (Northern Ireland) 2022

SR 2022 No. 109

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Health to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under powers conferred by the Health and Personal Social Services Order (Northern Ireland) 1972 (S.I. 1972 No. 1265 (N.I. 14)), the Health and Medicines (Northern Ireland) Order 1988 (S.I. 1988 No 2249 (N.I. 24)) and the Health and Personal Social Services (Northern Ireland) Order 1991 (S.I. 1991 No194 (N.I. 1)), as amended in each case by Schedule 1 to the Health and Social Care Act (Northern Ireland) 2022. They provide for the establishment of the Family Practitioner Services Independent Appeal Panel and make provision about the membership of the body, including as to the payment of fees and allowances. They also make consequential amendments to the General Dental Services Regulations (Northern Ireland) 1993 (S.R. 1993 No 326), the Health and Personal Social Services (General Medical Services Contracts) Regulations (Northern Ireland) 2004 (S.R. 2004 No 140), the Health and Personal Social Services (Primary Medical Services Performers Lists) Regulations (Northern Ireland) 2004 (S.R. 2004 No 149), the General Ophthalmic Services Regulations (Northern Ireland) 2007 (S.R. 2007 No 436), and the Health and Social Care (Disciplinary Procedures) Regulations (Northern Ireland) 2016 (S.R. 2016 No104) and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The Statutory Rule will allow for an independent appeal panel to be established for Family Practitioner Services.

3. Background

- 3.1. The Department of Health, following the closure of the Health and Social Care Board on 1 April 2022, will be responsible for making decisions previously made by Committees of the Health and Social Care Board. This appeal panel is required, therefore, to provide an avenue for appeals to an independent body against decisions of the various decision making Committees of the Department and to determine pre-contractual and contractual disputes referred to it under prescribed circumstances.

4. Consultation

- 4.1. A consultation exercise was carried out from 30 July to 24 September 2021. This sought the views from a group of targeted consultees representing Family Practitioner Services, (GPs, Dentists, Pharmaceutical and Ophthalmic).

- 4.2. The Department received three responses within the consultation period and one just after. There was support for the broad policy intent that there is a requirement to provide an independent appeal panel.

5. Equality Impact

- 5.1. Consideration was given to compliance with section 75 of the NI Act 1998. A screening exercise was undertaken and the screening document was shared with the consultees as part of the consultation process. Questions were also included in the consultation response document to gather views on the outcome of the screening exercise. No issues were raised by the consultees.

6. Regulatory Impact

- 6.1. A Regulatory Impact Assessment was not carried out as the appeals panel would result in no costs or savings, or increase fees on business, charities, social economy enterprises or voluntary bodies.

7. Financial Implications

- 7.1. There will be costs associated with the appeals panel. Panel members will receive fees and allowances for their attendance in line with those currently set by Department of Finance.
- 7.2. Historic data on appeals to the Department from the Committees named previously has been considered and the Department is content that it will be able to manage costs within this existing budget allocation.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. Consideration has been given to the human rights implications of these regulations. They are considered compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. Not applicable.

10. Parity or Replicatory Measure

- 10.1. These regulations apply only to the Department of Health in Northern Ireland.

11. Additional Information

- 11.1. Not applicable.