

HEALTH AND SOCIAL CARE (AMENDMENT) BILL

EXPLANATORY AND FINANCIAL MEMORANDUM

INTRODUCTION

1. This Explanatory and Financial memorandum has been prepared by the Department of Health, Social Services and Public Safety in order to assist the reader of the Bill and to help inform debate on it. It does not form part of the Bill and has not been endorsed by the Assembly.
2. The Memorandum needs to be read in conjunction with the Bill. It is not, and is not meant to be, a comprehensive description of the Bill. So where a clause or part of a clause or schedule does not seem to require an explanation or comment, none is given.

BACKGROUND AND POLICY OBJECTIVES

3. The Regional Business Services Organisation (BSO) was established under section 14 of the Health and Social Care (Reform) Act (Northern Ireland) 2009 (the Reform Act). Its main function is to provide or secure the provision of a range of support services to the health and social care bodies defined at section 1(5) of the Reform Act.
4. As currently framed, the Reform Act does not provide the Department of Health, Social Services and Public Safety with the power to direct the BSO to provide support services to the Department itself, nor to the following departmental arm's length bodies:- the Northern Ireland Social Care Council (NISCC), the Northern Ireland Practice and Education Council for Nursing and Midwifery (NIPEC), the Northern Ireland Fire and Rescue Service Board (NIFRS).
5. In addition, BSO is able to exercise only those functions of the Department, Health and Social Care Board or Health and Social Care trusts that were exercisable by the Central Services Agency (CSA) immediately prior to its dissolution by the Reform Act. It is unable to exercise any new functions for the Department of Health, Social Services and Public Safety with respect to the administration of health and social care.
6. The Bill amends the Reform Act to reflect the purpose for which the BSO was established (i.e. to provide support services to all departmental arm's length bodies and to administer health and social care functions on behalf of the Department of Health, Social Services and Public Safety).

CONSULTATION

7. A consultation on the draft Bill ran from 1st February 2013 until 29th March 2013 and attracted a total of 3 responses, which were all in favour of the proposed amendments.

OPTIONS CONSIDERED

8. As a means of providing the BSO with the necessary legislative cover to (a) provide support services to the Department and the full range of departmental arm's Length Bodies and (b) exercise any new functions for the Department with respect to the administration of health and social care, the only feasible option available to the Department is to make an amendment to the Reform Act.

OVERVIEW

9. The Bill has 5 clauses and 1 Schedule. It comprises 3 headings: *Regional Business Services Organisation* – deals with the bodies for which the BSO can provide support services and the administration of health and social care functions on behalf of the Department of Health, Social Services and Public Safety; *Minor amendments* – deals with a number of small amendments to the Reform Act; *Supplementary* – includes interpretation provisions and sets out the short title of the Bill.
10. The Schedule contains amendments which are consequential on the 2009 Act.

COMMENTARY ON CLAUSES

A commentary on the provisions of the Bill follows below. Comments are not given where the wording is self-explanatory.

Clause 1: Functions of RBSO: support services

Extends the support service authority conferred at section 15 of the Reform Act to include NISCC, NIPEC and NIFRS. This clause also enables the BSO to provide support services for the Department of Health, Social Services and Public Safety and also defines more accurately the counter-fraud support service provided by the BSO.

Clause 2: Other functions of RBSO

Provides a power to allow the BSO to administer health and social care functions on behalf of the Department of Health, Social Services and Public Safety. This enables the BSO to exercise new functions on behalf of the Department. At present, the BSO is only able to exercise departmental functions that were exercisable by the Central Services Agency at its dissolution.

Clause 3: Minor amendments

This makes a number of minor amendments which enable the Department to prescribe that the Chair of the Regional Board, Regional Agency and the Business Services Organisation must satisfy prescribed conditions.

Schedule

This includes amendments that should have originally been included in Schedule 6 to the Reform Act.

FINANCIAL EFFECTS OF THE BILL

11. There are no significant financial implications for the Department as a result of implementing the Bill.

HUMAN RIGHTS ISSUES

12. The provisions of the Bill are compatible with the European Convention on Human Rights.

EQUALITY IMPACT ASSESSMENT

13. It is the Department's view that the Bill will not act unlawfully, unfairly or unjustifiably discriminate, directly or indirectly, against any section of the community specified in section 75 of the Northern Ireland Act 1998.

SUMMARY OF THE REGULATORY IMPACT ASSESSMENT

14. It is not anticipated that the Bill will have any impact on the business or the voluntary and community sector.

LEGISLATIVE COMPETENCE

15. The Minister of Health, Social Services and Public Safety had made the following statement under section 9 of the Northern Ireland Act 1998:

"In my view the Health and Social Care (Amendment) Bill would be within the legislative competence of the Northern Ireland Assembly."