



EXPLANATORY NOTES

Health and Social Care (Amendment) Act 2014

Chapter 5

HEALTH AND SOCIAL CARE (AMENDMENT) ACT 2014

EXPLANATORY NOTES

INTRODUCTION

1. These Explanatory Notes relate to the Health and Social Care (Amendment) Act (Northern Ireland) 2014 which received Royal Assent on 11 April 2014. They have been prepared by the Department of Health, Social Services and Public Safety in order to assist the reader in understanding the Act. They do not form part of the Act and have not been endorsed by the Assembly.
2. The notes need to be read in conjunction with the Act. They are not, and are not meant to be, a comprehensive description of the Act. So where a section or part of a section 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 Act 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 Act ran from 1 February 2013 until 29 March 2013 and attracted a total of 3 responses, which were all in favour of the proposed amendments.

OVERVIEW

8. The Act has 5 sections 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 Act.
9. The Schedule contains amendments which are consequential on the 2009 Act.

COMMENTARY ON SECTIONS

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

Section 1: Functions of RBSO: support services

This section extends the support service authority conferred at section 15 of the Reform Act to include NISCC, NIPEC and NIFRS. This section 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.

Section 2: Other functions of RBSO

This section allows 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.

Section 3: Minor amendments

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

Schedule

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

HANSARD REPORTS

10. The following table sets out the dates of the Hansard reports for each stage of the Act's passage through the Northern Ireland Assembly.

STAGE	DATE
Introduction of the Act to the Committee for Health, Social Services and Public Safety	15 May 2013
Briefing Session on the Act with the Committee for Health, Social Services and Public Safety	12 June 2013
Introduction to the Assembly	16 September 2013
Second Stage debate	24 September 2013
Committee Stage - Departmental briefing on the provisions of the Act	16 October 2013
Committee Stage – agreement of sections and schedule	27 November 2013
Committee's Report on the Act – Report Number NIA 146/11-15	4 December 2013
Consideration Stage in the Assembly	20 January 2014
Further Consideration Stage	28 January 2014
Final Stage	11 February 2014
Royal Assent	11 April 2014

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