

EXPLANATORY MEMORANDUM TO

The Regulation and Improvement Authority (Fees and Frequency of Inspections) (Amendment) Regulations (Northern Ireland) 2022

2022 SR no. 106

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 Articles 40(7) and 48(2) of The Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The Statutory Rule will amend the Regulation and Improvement Authority (Fees and Frequency of Inspections) Regulations (Northern Ireland) 2005 (“the principal Regulations”) to set frequency of inspections of Dental Practices to a statutory minimum of once in every 24 month period.

3. Background

- 3.1. The principal Regulations were made in 2005 and the current statutory requirements provide for a minimum frequency of inspection by the Regulation and Quality Improvement Authority (RQIA). Voluntary adoption agencies are inspected at least once every three years. Residential care homes, nursing homes and children’s homes are inspected at least twice per year. All other establishments, including dental practices, and agencies are inspected at least once per year.
- 3.2. The Department carried out a review of these regulations in 2015/16 and proposed a number of amendments, including that dental practices would move from one inspection every year to one every two years, based on regulatory experience, expertise and intelligence. Therefore the policy intention of this amendment is to allow the finite resources of the RQIA to be utilised in areas of higher risk, whilst maintaining high standards of care in the dental sector.

4. Consultation

- 4.1. The Regulations are based on the policy proposal in relation to setting the frequency of inspections of Dental Practices to a statutory minimum of once in every 24 month period, contained within the “Consultation on proposed amendment to The Regulation and Improvement Authority (Fees and Frequency of Inspections) Regulations (Northern Ireland) 2005”, which was consulted on from 31 October to 30 December 2016.
- 4.2. The public consultation completed during November and December 2016. Feedback from the consultation exercise was positive with approximately 79% (78.95%) content with the proposals for the minimum frequency of

inspections. Dental practices, in particular, were keen to see a reduction in the frequency of inspections with 100% agreement to reduce the frequency of inspections of dental practices. Thirteen of those dental practices responding replied yes to the proposal of a minimum of one inspection in a 24 month period while the other four replied no to the proposal, advocating an alternative of one inspection in a rolling three year period.

- 4.3. A copy of the consultation report and analysis are available on the Department's website: Review of the fees charged and the frequency of inspections undertaken by RQIA | Department of Health (health-ni.gov.uk)

5. Equality Impact

- 5.1. Consideration has been given to compliance with section 75 of the Northern Ireland Act 1998 and an equality screening was completed previously for the Regulations by Departmental officials. The policy was screened out as it was agreed that it would have no adverse differential impact on equality of opportunity.

6. Regulatory Impact

- 6.1. Consideration was previously given to the impact of the amendments on registered establishments and agencies and a partial regulatory impact screening was carried out by Departmental officials. There are no adverse regulatory implications for dental practices resulting from setting a frequency of inspections of dental practices to a statutory minimum of once in every 24 month period.

7. Financial Implications

- 7.1. None. There will be no additional costs to the Regulation and Quality Improvement Authority or dental practices arising from these amendments.

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. This is not a parity or replicatory measure, and there is no requirement to maintain parity with legislation in other administrations.

11. Additional Information

- 11.1. Not applicable