

Statutory Document No. 2023/0277



National Health Service Act 2001

HEALTH SERVICES CONSULTATIVE COMMITTEE CONSTITUTION (AMENDMENT) REGULATIONS 2023

Laid before Tynwald:

17 October 2023

The Department of Health and Social Care, having consulted as required by section 42(5) of the National Health Service Act 2001, makes the following Regulations under section 2 of that Act.

1 Title

These Regulations are the Health Services Consultative Committee Constitution (Amendment) Regulations 2023.

2 Interpretation

In these Regulations —

- (a) “**the principal Regulations**” means the Health Services Consultative Committee Regulations 2012¹;
- (b) a reference to a numbered regulation is to the regulation so numbered in the principal Regulations.

3 Principal Regulations amended

The principal Regulations are amended as follows.

4 Amendment of regulation 3

In regulation 3 (interpretation) —

- (a) omit “**the Appointments Commission**” and the definition of it; and
- (b) in the definition of “**the Department**”, between “Health” and the full stop insert **and Social Care**.

¹ SD 2012/0455

5 Amendment of regulation 5

For regulation 5 (functions), substitute the following —

5 Functions

In addition to the functions mentioned in section 2 (consultative and executive bodies) of the Act, the Committee shall have the following functions —

- (a) to submit an annual report to the Department on the discharge of the Committee's functions;
- (b) at the request of the Department —
 - (i) to report to the Department and Manx Care on specific and discrete areas of health and social care services provided under the Act or the Manx Care Act 2021;
 - (ii) to visit premises at which —
 - (A) health services;
 - (B) social care services,are provided, as required to fulfil the reporting requirement in subparagraph (i); and
 - (iii) to raise with the Department and Manx Care any serious issues it identifies. **22**.

6 Amendment of regulation 6

For regulation 6 (membership), substitute the following —

6 Membership

- (1) The Committee shall comprise nine persons appointed by the Department.
- (2) At least two members of the Committee must have a background in health or social care.
- (3) A person shall not be appointed to the Committee if the person —
 - (a) is in one or more of the roles listed in paragraph (4); or
 - (b) has held one or more of those roles within the three years immediately preceding the proposed appointment.
- (4) The roles are —
 - (a) member, officer or employee of the Department;
 - (b) member, officer or employee of Manx Care;
 - (c) member of the Council of Ministers;
 - (d) member of Tynwald;

- (e) provider, to the Department or Manx Care, of health or social care services under the Act or the Manx Care Act 2021. ~~2~~.

7 Amendment of regulation 7

For regulation 7 (tenure), substitute the following —

~~6~~7 Tenure

- (1) A member of the Committee shall be appointed for a term of three years, at the end of which the member may be appointed for another term of three years commencing immediately after the end of the first term.
- (2) After having served as a member of the Committee for two consecutive terms of three years, a person shall not be eligible for membership of the Committee again until three years have elapsed since the end of the person's second term.

This is subject to paragraph (3).

- (3) Despite paragraph (2), a person who has served two consecutive terms of three years may be eligible for appointment for a third consecutive such term if there is a vacancy in the membership of the Committee that the Department is unable to suitably fill otherwise, after having exhausted all reasonable efforts to do so.

- (4) A person who —
 - (a) completed a term of three years as a member of the Committee (“the first term”); and
 - (b) was not a member of the Committee for the term of three years that commenced immediately after the end of the first term (“the hiatus”),

is eligible to be appointed a member of the Committee for a maximum of two additional terms of three years after the hiatus; and those additional terms may be consecutive.

- (5) For the avoidance of doubt, a person may not be a member of the Committee for more than nine years in total.
- (6) A member may resign from the Committee by giving at least a month's written notice to the Department.
- (7) The Department may suspend or remove a member from the Committee if —

- (a) the Department is satisfied on a balance of probabilities that the member —
 - (i) has a conflict of interest;

- (ii) lacks capacity under the relevant legislation;
- (iii) is not discharging the attendant responsibilities;
- (iv) has engaged in misconduct;
- (b) the member has been convicted of an offence. **22**.

8 Amendment of regulation 8

In regulation 8 (chairman) –

- (a) for the heading, substitute **23** Chairperson **22**; and
- (b) for “Chairman” substitute **23** Chairperson and Deputy Chairperson **22**.

9 Amendment of regulation 9

For regulation 9 (secretary), substitute the following –

- 23** 9 Secretary
 - (1) The Department shall appoint a Secretary to the Committee, who shall not be a member of the Committee.
 - (2) The Secretary shall not be entitled to vote on matters before the Committee.
 - (3) The Secretary shall –
 - (a) keep minutes of the Committee’s decisions and deliberations; and
 - (b) perform clerical duties. **22**.

10 Amendment of regulation 12

For regulation 12 (meetings), substitute the following –

- 23** 12 Meetings
 - (1) Meetings of the Committee shall be held not less frequently than every 13 weeks on dates and at times agreed by members.
 - (2) The Chairperson may call further meetings as necessary to deal with urgent matters which in the Chairperson’s opinion cannot wait until the next scheduled meeting.
 - (3) A meeting must be held following the submission of a written request to the Secretary made by any member and supported by the majority of members.
 - (4) Every meeting shall be presided over by –
 - (a) the Chairperson; or

- (b) in the absence of the Chairperson, the Deputy Chairperson.
- (5) The Secretary shall ensure that minutes of each meeting are recorded and kept.
- (6) The quorum for a meeting is 5 members. ~~22~~.

11 Repeal of regulation 13

Regulation 13 (responsibilities of members) is repealed.

12 Repeal of regulation 15

Regulation 15 (annual report) is repealed.

13 Amendment of regulation 16

In paragraph (3) of regulation 16 (transitional arrangements), for “regulation 6(2)” substitute ~~6~~ regulation 6(3) ~~22~~.

MADE 02 OCT 2023

LAWRIE HOOPER
Minister for Health and Social Care

*EXPLANATORY NOTE**(This note is not part of the Regulations)*

These Regulations are made under section 2 of the National Health Service Act 2001 (the “Act”). The Regulations amend the Health Services Consultative Committee Constitution Regulations 2012 [SD 0455/2012] (the “principal Regulations”). The principal Regulations set out the constitution of, and additional functions that are to be carried on by, the consultative body established by the Department of Health and Social Care’s as per its requirement to do so under section 2(1) of the Act. The consultative body is given the name “Health Services Consultative Committee (“the Committee”)” by regulation 4 (name of committee) of the principal Regulations.

The amendments to the principal Regulations made by these Regulations introduce a series of changes to the Committee’s constitution and prescribed functions.

Changes to the Committee’s functions include –

- submitting an annual report to the Department on the discharge of its functions;
- making site visits to various different premises in the Island’s health and social network; and
- producing reports for the Department and Manx Care based on these site visits.

Some of the results of changes to its constitution are –

- the Department being the body responsible for appointing its members;
- the Department having power to appoint a secretary to carry on clerical duties on behalf of the Committee
- a member of the Committee being prohibited from serving as secretary (the aim being to allow members to focus on discharging the Committee’s functions);
- maximum tenure as a member being set at 6 years, save for when it is the Department has been unable to identify a suitably qualified replacement after exhausting all reasonable efforts;
- the Department being empowered to suspend or remove a member in certain circumstances.