

Inquiry by the Northern Ireland Assembly Committee for Health, Social Services and Public Safety: *The Health and Social Care (Reform) Bill*

**Submission by the Pharmaceutical Society of Northern Ireland
August 2008**

The Pharmaceutical Society of Northern Ireland recommends the Health and Social Care (Reform) Bill be amended in such a fashion as to clarify:

- the means by which the constitution of the Local Commissioning Groups will be determined; and
- the Department's duty to prepare various kinds of legislation, including for the regulation of professionals working in the health sector.

The Society also suggest the Committee consider the merits of the Assembly Health Committee conducting Appointments Hearings for the position of Chair for the principal health bodies described in the Health and Social Care (Reform) Bill.

Local Commissioning Groups (Section 9 of the Bill)

Section 9, subsection 6:

“Regulations may... make provision for the membership of Local Commissioning Groups”

The pre-Committee stage draft of the Health and Social Care (Reform) Bill does not put into legislation the constituent membership of the Local Commissioning Groups (LCGs). Membership of Local Commissioning Groups is instead to be determined in regulation. The Society suggests the Assembly Health Committee gives the question of whether LCG membership should be stated in regulation or legislation some consideration in their scrutiny of the Bill.

The make-up of the Local Commissioning Groups was a major item of stakeholder interest in the May 2008 consultation on the Health and Social Care reform proposals. For example:

- the Pharmaceutical Society of Northern Ireland felt a case existed for two pharmacists to be members of the commissioning groups in light of the varied forms of pharmacy practice (e.g. hospital, community and specialised areas of practice such as mental health pharmacy) and the growing clinical and public health roles of the profession;
- Local Government stakeholders had particular views on the constitution of Local Commissioning Groups in relation to local councillor involvement; and
- A number of organisations representing community and voluntary workers opposed the reduction in lay membership of the Groups from original proposals.

Section 9, subsection 7:

“Before making regulations under subsection (6), the Department must consult the Regional Board”

Given the breadth and strength of stakeholder opinion concerning the constitution of Local Commissioning Groups, in a scenario in which the membership of LCGs is laid out in regulation rather than legislation (as per the current draft of the Bill), the Pharmaceutical Society of Northern Ireland recommend this section of the Bill be reworded thus:

*“Before making regulations under subsection (6), the Department must consult the Regional Board, **stakeholders and the public**”*

Duties of the Department (Section 2 of the Bill)

Section 2 of the Health and Social Care (Reform) Bill outlines a number of general duties of the Department of Health, Social Services and Public Safety.

A key point raised by the Pharmaceutical Society of Northern Ireland in its response to the May 2008 RPA consultation was the need to create a new Department fit for the future operation of a devolved healthcare system, fully accountable to the Northern Ireland Assembly.

The Pharmaceutical Society of Northern Ireland is the regulatory body for pharmacists in Northern Ireland. Given that regulation of healthcare professionals is a devolved matter to Northern Ireland¹, the Society expressed its view in its response to the May 2008 RPA consultation that the Department should now house a dedicated unit capable of preparing timely Bills and legislative orders for passage in the Northern Ireland Assembly and, if necessary, Westminster. For example, the Society is currently working with the Department to produce a number of amending Orders to modernise the regulation of pharmacy in Northern Ireland.

Accordingly, the Society recommends to the Assembly Health Committee that the necessity of the Department preparing legislation be included within the list of general duties laid out in the Health and Social Care (Reform) Bill. The Bill should be amended thus:

Section 2, Subsection 3, after (g) insert –
(h)(a) develop and bring forward such legislation as may be required to ensure the appropriate regulation of health professionals in Northern Ireland.

¹ <http://www.publications.parliament.uk/pa/ld200607/ldhansrd/text/71001w0005.htm#0709037000216>

The possibility of Appointments Hearings in the Northern Ireland Assembly

The Pharmaceutical Society of Northern Ireland supports the role of the Northern Ireland Assembly in scrutinising and monitoring the performance of the Northern Ireland Executive.

The Society notes the recent reforms in Westminster to allow Parliamentary Select Committees a greater role in scrutinising appointments² to key public sector organisations, including the conduct of non-binding appointment hearings after appointment but prior to commencement. A recent example is the House of Commons Health Committee's hearing into the appointment of the chair of the Care Quality Commission³.

The Society considers these reforms an important move towards greater transparency and accountability in the governance of public institutions and invites the Health and Social Care (Reform) Bill's Scrutiny Committee to consider if the Committees of the Northern Ireland Assembly should be given a similar role in scrutinising the chief appointments to the Regional Health and Social Care Board, the Regional Agency for Public Health and Social Wellbeing and the Regional Support Services Organisation.

However, the Society recognises the process, or need for, appointments hearings may not need to be detailed in the Schedules of the Health and Social Care (Reform) Bill, and could instead be agreed informally with the Department.

² http://www.cabinetoffice.gov.uk/newsroom/news_releases/2008/080602_appointments_process.aspx

³ <http://www.parliament.the-stationery-office.co.uk/pa/cm200708/cmselect/cmhealth/545/54502.htm>