



# Health and Social Care (Reform) Act (Northern Ireland) 2009

## 2009 CHAPTER 1

An Act to make changes to the administrative structures for health and social care; and for connected purposes. [21st January 2009]

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows: BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows: BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

### Modifications etc. (not altering text)

- C1 Act excluded (1.4.2015) by Care Act 2014 (c. 23), s. 127, **Sch. 1 para. 1(4)** (with Sch. 1 para. 814); S.I. 2015/993, art. 2(x)(i) (with transitional provisions in S.I. 2015/995)
- C2 Act modified (1.4.2015) by Care Act 2014 (c. 23), s. 127, **Sch. 1 para. 4(1)(a)** (with Sch. 1 para. 814); S.I. 2015/993, art. 2(x)(i) (with transitional provisions in S.I. 2015/995)
- C3 Act excluded (1.4.2015) by Care Act 2014 (c. 23), s. 127, **Sch. 1 para. 3(3)** (with Sch. 1 para. 814); S.I. 2015/993, art. 2(x)(i) (with transitional provisions in S.I. 2015/995)
- C4 Act excluded (6.4.2016) by Care Act 2014 (c. 23), s. 127(1), **Sch. 1 para. 2(6)** (with Sch. 1 paras. 8, 14); S.I. 2016/464, art. 2(c)
- C5 Act excluded (6.4.2016) by Care Act 2014 (c. 23), s. 127(1), **Sch. 1 para. 2(7)(b)** (with Sch. 1 paras. 8, 14); S.I. 2016/464, art. 2(c)

*Restructuring of administration of health and social care***Restructuring of administration of health and social care**

1.—(1) The following bodies are dissolved—

- (a) Health and Social Services Boards;
- (b) the Mental Health Commission;
- (c) the Central Services Agency; and
- (d) Health and Social Services Councils.

(2) The Northern Ireland Health and Personal Social Services Regulation and Improvement Authority established under Article 3 of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (NI 9)—

- (a) is renamed the Health and Social Care Regulation and Quality Improvement Authority; and
- (b) is referred to in this Act as “RQIA”.

(3) Health and Social Services trusts established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991 (NI 1)—

- (a) are renamed Health and Social Care trusts; and
- (b) are referred to in this Act as “HSC trusts”.

(4) Special health and social services agencies established under Article 3 of the Health and Personal Social Services (Special Agencies) (Northern Ireland) Order 1990 (NI 3)—

- (a) are renamed special health and social care agencies; and
- (b) are referred to in this Act as “special agencies”.

(5) In this Act “the health and social care bodies” means—

- (a) the Regional Health and Social Care Board, established under section 7 and referred to in this Act as “the Regional Board”;
- (b) the Regional Agency for Public Health and Social Well-being, established under section 12 and referred to in this Act as “the Regional Agency”;
- (c) the Regional Business Services Organisation, established under section 14 and referred to in this Act as “RBSO”;
- (d) HSC trusts;
- (e) special agencies;
- (f) the Patient and Client Council, established under section 16;
- (g) RQIA.

*Department's role in promoting and providing health and social care*

**Department's general duty**

2.—(1) The Department shall promote in Northern Ireland an integrated system of—

- (a) health care designed to secure improvement—
  - (i) in the physical and mental health of people in Northern Ireland, and
  - (ii) in the prevention, diagnosis and treatment of illness; and
- (b) social care designed to secure improvement in the social well-being of people in Northern Ireland.

(2) For the purposes of subsection (1) the Department shall provide, or secure the provision of, health and social care in accordance with this Act and any other statutory provision, whenever passed or made, which relates to health and social care.

(3) In particular, the Department must—

- (a) develop policies to secure the improvement of the health and social well-being of, and to reduce health inequalities between, people in Northern Ireland;
- (b) determine priorities and objectives in accordance with section 4;
- (c) allocate financial resources available for health and social care, having regard to the need to use such resources in the most economic, efficient and effective way;
- (d) set standards for the provision of health and social care;
- (e) prepare a framework document in accordance with section 5;
- (f) formulate the general policy and principles by reference to which particular functions are to be exercised;
- (g) secure the commissioning and development of programmes and initiatives conducive to the improvement of the health and social well-being of, and the reduction of health inequalities between, people in Northern Ireland;
- (h) monitor and hold to account the Regional Board, the Regional Agency, RBSO and HSC trusts in the discharge of their functions;
- (i) make and maintain effective arrangements to secure the monitoring and holding to account of the other health and social care bodies in the discharge of their functions;
- (j) facilitate the discharge by bodies to which Article 67 of the Order of 1972 applies of the duty to co-operate with one another for the purposes mentioned in that Article.

(4) The Department shall discharge its duty under this section so as to secure the effective co-ordination of health and social care.

(5) In this Act—

“health care” means any services designed to secure any of the objects of subsection (1)(a);

“health inequalities” means inequalities in respect of life expectancy or any other matter that is consequent on the state of a person's health;

“social care” means any services designed to secure any of the objects of subsection (1)(b).

### **Department's general power**

**3.—**(1) The Department may—

(a) provide, or secure the provision of, such health and social care as it considers appropriate for the purpose of discharging its duty under section 2; and

(b) do anything else which is calculated to facilitate, or is conducive or incidental to, the discharge of that duty.

(2) Subsection (1) does not affect the Department's powers apart from this section.

### **[<sup>F1</sup>Provision of health care outside Northern Ireland**

**3A.** The Department may provide or secure the provision of health care mentioned in Article 5(1), 6(1), 7(1), 8(1) or 10(1) of the Order of 1972 (hospital etc. accommodation and health care services, including diagnostic services, after-care and ancillary services) outside Northern Ireland.]

#### **Textual Amendments**

**F1** S. 3A inserted (10.5.2012) by [The Health Care \(Reimbursement of the Cost of EEA Services etc.\) Regulations \(Northern Ireland\) 2012 \(S.R. 2012/167\)](#), regs. 1, **3(1)**

### **Department's priorities and objectives**

**4.—**(1) The Department shall determine, and may from time to time revise, its priorities and objectives for the provision of health and social care in Northern Ireland.

(2) Before determining or revising any priorities or objectives under this section, the Department must consult such bodies or persons as it thinks appropriate.

(3) Where the Department is of the opinion that because of the urgency of the matter it is necessary to act under subsection (1) without consultation—

- (a) subsection (2) does not apply; but
- (b) the Department must as soon as reasonably practicable give notice to such bodies as it thinks appropriate of the grounds on which the Department formed that opinion.

### **The framework document**

5.—(1) The Department shall prepare a document (in this Act referred to as “the framework document”) setting out in relation to each health and social care body—

- (a) the main priorities and objectives of the body in carrying out its functions and the process by which it is to determine further priorities and objectives;
- (b) the matters for which the body is responsible;
- (c) the manner in which the body is to discharge its functions and conduct its working relationship with—
  - (i) the Department, and
  - (ii) any other body specified in the document; and
- (d) the arrangements for providing the Department with information to enable it to carry out its functions in relation to the body under section 2(3)(h) or (i).

(2) The framework document may contain—

- (a) such guidance relating to the carrying out by each health and social care body of its functions, and
- (b) such other material pertaining to the body or its functions,

as the Department considers appropriate.

(3) The Department—

- (a) shall keep the framework document under review; and
- (b) may from time to time revise it.

(4) The Department must carry out its duties under subsections (1) to (3) in the manner and to the extent that appear to it to be best calculated to promote—

- (a) health and social care;
- (b) the economy, efficiency and effectiveness of health and social care bodies; and
- (c) economy, efficiency and effectiveness in connection with the matters in relation to which those bodies have functions.

(5) In preparing the framework document, or any revision of it which appears to the Department to be significant, the Department must consult—