

REGULATORY APPRAISAL

NATIONAL HEALTH SERVICES, WALES

NATIONAL HEALTH SERVICE (APPOINTMENT OF CONSULTANTS) (WALES) (AMENDMENT) REGULATIONS 2005

Background

1. Appointments of medical and dental consultants in Wales are currently made under the National Health Service (Appointment of Consultants) (Wales) Regulations 1996. However, since that time there have been changes in the way that the NHS is itself organised and in its relationships with other organisations which are not reflected in the 1996 Regulations.
2. The appointments of medical and dental consultants have been regulated for over 30 years. Following the previous updating in 1996 it was agreed that the arrangements would be reviewed after 5 years. This was duly done by involving all the stakeholders; NHS employers, the Armed Services, the Royal Colleges, Medical Schools and the four Health Departments and all options, including the abolition of the Regulations were considered.

Purpose and intended effect of the measure

3. The new Regulations will clarify the position of Local Health Boards and Royal Colleges in the appointment process, and also the arrangements for appointments from the armed services.
4. They amend the way in which consultants are appointed by NHS bodies in Wales, with effect from 2nd November 2005. The Regulations apply the provisions of the 1996 Regulations to NHS trusts. The Regulations create two new exemptions from the requirement that an Advisory Appointments Committee must be held to appoint a consultant. The first applies to a person who has been in post as a consultant with the medical services of the armed forces and is appointed to a consultant post in one of the bodies to whom the 1996 Regulations apply without moving location and without the post altering in any significant way. The second exemption applies to a consultant who retires but then returns to a very similar post in the same body, albeit that the terms of his employment may have altered. The Regulations allow one of the advertisements for a consultant appointment to be in electronic form. The Regulations set out the exact requirements for the constitution of an Advisory Appointments Committee where two or more bodies to whom the 1996 Regulations apply, act together to establish a joint Advisory Appointments Committee.

Risk Assessment

5. If these Regulations are not made, the appointment procedures in Wales will be out of step with those in the rest of the UK and this will disadvantage both NHS bodies in Wales and individual employees.

Options

Option 1: Do Nothing

6. This will mean that the appointment procedures in Wales will be out of step with those in the rest of the UK.

Option 2: Make the Legislation

7. The only option is to make the legislation to ensure parity with the other countries of the UK to prevent Wales bodies being disadvantaged.

Benefits

8. The amended Regulations will extend the appointment procedures to NHS Trusts and simplify the procedures in respect of those who have previously been employed as a consultant in the armed forces. They will also enable Trusts to advertise electronically.

Costs

9. There are no additional financial implications for the Assembly arising from these Regulations as the cost of appointments are borne by the employers and as these appointments are already regulated, the funding arrangements will remain unchanged. However, because of the use of electronic advertising there may be a small reduction in the cost of each appointment.

Consultation

With Stakeholders

10. The Regulations and supporting good practice guidance are the outcome of earlier collaborative work undertaken by the Advisory Appointments Committee Working Group over a two-year period from May 2002. This group included representatives of the Departments of Health, British Medical Association, British Dental Association, the Ministry of Defence, the Academy of Medical Royal Colleges and the umbrella organisations representing the Deans of the medical schools and all NHS employers.

With Subject Committee

11. These Regulations were notified to the Health and Social Services Committee via the list of forthcoming legislation on 13 July 2005 (HSS (2)-09-05(p.2a), item no: HSS-23-05) and have remained ever since. The Regulations were not identified for detailed scrutiny.

Review

12. The Assembly will monitor the new procedures in collaboration with Human Resource Directors of NHS Trusts.

Summary

13. The Regulations amend the National Health Service (Appointment of Consultants) (Wales) Regulations 1996 to reflect the new organisations within the NHS and the consequences of the changes in the way medical services are provided to the armed forces. They also clarify the role of the Royal Colleges in the appointment process.