

2003 No. 431 (N.I. 9)

NORTHERN IRELAND

The Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003

Made

27th February 2003

*Coming into operation in
accordance with Article 1*

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PART IV

QUALITY OF HEALTH AND PERSONAL SOCIAL SERVICES

Duty of quality

34. - (1) Each Health and Social Services Board and each HSS trust shall put and keep in place arrangements for the purpose of monitoring and improving the quality of -

- (a) the health and personal social services which it provides to individuals; and
- (b) the environment in which it provides them.

(2) The Department may by regulations extend the duty in this Article to any special agency specified in the regulations.

Role of the Regulation and Improvement Authority

35. - (1) The Regulation and Improvement Authority shall have the following functions -

- (a) the function of conducting reviews of, and making reports on, arrangements by statutory bodies for the purpose of monitoring and improving the quality of the health and personal social services for which they have responsibility;
- (b) the function of carrying out investigations into, and making reports on, the management, provision or quality of the health and personal social services for which statutory bodies have responsibility;
- (c) the function of conducting reviews of, and making reports on, the management, provision or quality of, or access to or availability of, particular types of health and personal social services for which statutory bodies or service providers have responsibility;
- (d) the function of carrying out inspections of statutory bodies and service providers, and persons who provide or are to provide services for which such bodies or providers have responsibility, and making reports on the inspections; and
- (e) such functions as may be prescribed relating to the management, provision or quality of, or access to or availability of, services for which prescribed statutory bodies or prescribed service providers have responsibility.

(2) The inspections referred to in paragraph (1)(d) are to be carried out only in connection with the function referred to in paragraph (1)(c).

(3) If after carrying out -

- (a) a review under paragraph (1)(a);

(b) an investigation under paragraph (1)(b);

(c) any function equivalent to one referred to in sub-paragraph (a) or (b) prescribed under paragraph (1)(e); or

(d) an inspection under paragraph (1)(d),

the Regulation and Improvement Authority is of the view referred to in paragraph (4) as to a body, service provider or other person reviewed, investigated or inspected (taking account, if appropriate, of any other relevant information the Authority may have), the Regulation and Improvement Authority must make a report of its view to the Department.

(4) The view referred to is that -

(a) the health and personal social services for which the body or service provider in question has responsibility are of unacceptably poor quality (whether generally or in particular areas); or

(b) there are significant failings in the way the body, service provider or other person is being run (including, where the service provider or other person is an individual, the way his practice is being run).

(5) In its report, the Regulation and Improvement Authority may recommend that the Department take special measures in relation to the body or service provider in question with a view to improving the health and personal social services for which it is responsible or the way the body, service provider or other person (or, as mentioned in paragraph (4)(b), his practice), is being run.

(6) The report must give the Regulation and Improvement Authority's reasons for its view, and for any recommendation under paragraph (5).

(7) For the purposes of this Article a person has responsibility for health and personal social services -

(a) if he provides or is to provide those services to individuals; or

(b) if another person provides or is to provide those services to individuals -

(i) at his direction,

(ii) on his behalf, or

(iii) in accordance with an agreement or arrangements made by him with that other person.

(8) References in paragraph (7) to the provision of health and personal social services include references to the provision of those services jointly with another person.

(1)

(9) In this Article -

"statutory body" means a Health and Social Services Board, an HSS trust or a special agency;

"statutory function" means a function conferred by or under any statutory provision.