

C

HEALTH AND SOCIAL SERVICES INDEPENDENT REVIEW BODY (CONSTITUTION, ETC.) REGULATIONS 2021

Index

Regulation	Page
1 Title	3
2 Commencement	3
3 Interpretation.....	3
4 Membership and composition	4
5 Training.....	4
6 Resignation, etc. of members of the Health and Social Services Independent Review Body	5
7 Conflicts of interest or duty.....	5

Statutory Document No. 20XX/XXXX

C

Social Services Act 2011

HEALTH AND SOCIAL SERVICES INDEPENDENT REVIEW BODY (CONSTITUTION, ETC.) REGULATIONS 2021

Approved by Tynwald:

Coming into operation in accordance with regulation 2

The Department of Health and Social Care makes the following Regulations under section 26A¹ of the Social Services Act 2011.

1 Title

These Regulations are the Health and Social Services Independent Review Body (Constitution, etc.) Regulations 2021.

2 Commencement

If approved by Tynwald, these Regulations come into operation on [TBC]².

3 Interpretation

In these Regulations —

“**commissioned service provider**” means a person that Manx Care has entered into an agreement with under section 17 of the Manx Care Act 2021;

“**the Health and Social Services Independent Review Body**” means the body constituted under section 26A of the Social Services Act 2011;

“**health care professional**” has the meaning given in the Health Care Professionals Act 2014;

“**Manx Care**” means the statutory board established under the Manx Care Act 2021; and

¹ Section 26A was inserted by SD 2021/XXXX.

² Under section 29 of the Social Services Act 2011 these Regulations shall not have effect unless they are approved by Tynwald.

“**secretary**” means a person appointed by the Public Services Commission to provide secretarial services to the Health and Social Services Independent Review Body.

4 Membership and composition

- (1) The following persons are ineligible for membership of the Health and Social Services Independent Review Body —
 - (a) a member of Tynwald;
 - (b) a member of a Statutory Board;
 - (c) an employee of the Department;
 - (d) a member of Manx Care’s staff as provided for in paragraph 6 of Schedule 1 to the Manx Care Act 2021; or
 - (e) in relation to a commissioned service provider (as the case may be) —
 - (i) an employee;
 - (ii) where the service provider is a sole proprietorship, the person who is the sole proprietor;
 - (iii) where the service provider is a partnership, a partner; or
 - (iv) in any other case, a director of the service provider or a person who is responsible for managing the service provider.
- (2) A member of the Health and Social Services Independent Review Body shall hold office for a term not exceeding 5 years beginning with the day on which the member is appointed.
- (3) At least one of the 8 persons referred to in section 26A(1)(b) of the Social Services Act 2011 must hold a qualification that would enable a person to practice as —
 - (a) a nurse;
 - (b) an occupational therapist;
 - (c) a psychologist;
 - (d) a physiotherapist;
 - (e) a social care worker; or
 - (f) a social worker.
- (4) At least one of the 8 persons referred to in section 26A(1)(b) of the Social Services Act 2011 must be a health care professional.

5 Training

- (1) The Health and Social Services Independent Review Body shall arrange such training for its members and secretary to undertake as the Health and

Social Services Independent Review Body and the Department consider appropriate.

- (2) The Department shall pay to members of the Health and Social Services Independent Review Body and its secretary such allowances as the Department determines in respect of their undertaking such training.

6 Resignation, etc. of members of the Health and Social Services Independent Review Body

- (1) A member of the Health and Social Services Independent Review Body may resign his or her office by notice in writing to the Appointments Commission.
- (2) The Appointments Commission may terminate the appointment of a member of the Health and Social Services Independent Review Body by giving the member notice in writing to that effect if the Appointments Commission is satisfied that the member —
 - (a) has been absent from the Island for a period longer than 6 consecutive months;
 - (b) has become bankrupt or made an arrangement with his or her creditors;
 - (c) is incapacitated by physical or mental illness; or
 - (d) is otherwise unable or unfit to discharge his or her functions as a member of the Health and Social Services Independent Review Body.
- (3) If a member of the Health and Social Services Independent Review Body (other than the chairperson) is, by reason of physical or mental illness or other reasonable cause, for the time being unable to perform the duties of his or her office, either generally or in relation to any particular proceedings, the Appointments Commission may appoint an alternative member for a period not exceeding 6 months at one time, or in relation to those proceedings, as the case may be.
- (4) An alternative member appointed under paragraph (3) shall have the same powers and duties as the member in whose place he or she is appointed during the period of his or her appointment, or in relation to the proceedings in question, as the case may be.

7 Conflicts of interest or duty

- (1) Immediately a member of the Health and Social Services Independent Review Body becomes aware that he or she has, or will have, a material conflict of interest or duty in respect of any proceedings of the Health and Social Services Independent Review Body, the member —
 - (a) must declare the nature of his or her conflict of interest or duty to —

- (i) the parties to the proceedings; and
 - (ii) the other members of the Health and Social Services Independent Review Body involved in the proceedings; and
- (b) must not take part in, or any further part in, the case in which the conflict of interest or duty arises.

This is subject to the following qualification.

- (2) If a member of the Health and Social Services Independent Review Body has declared the nature of his or her conflict of interest or duty as required by paragraph (1)(a) and all the parties to the proceedings consent, the member may, notwithstanding paragraph (1)(b), take part in those proceedings.

MADE

Minister for Health and Social Care

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations relate to the new Health and Social Services Independent Review Body constituted under section 26A of the Social Services Act 2011.

The Regulations deal with persons ineligible for membership and composition of the new body, resignation of members and appointment of alternative members, and how conflicts of interest or duty of members are to be dealt with.