STATUTORY RULES OF NORTHERN IRELAND

1996 No. 562

HEALTH AND PERSONAL SOCIAL SERVICES

Appointment of Consultants Regulations (Northern Ireland) 1996

Made - - - - 3rd December 1996

Coming into operation 1st January 1997

The Department of Health and Social Services in exercise of the powers conferred on it by Articles 16(3), 89(1), 106(*b*), 107(6) of and paragraph 12(2) of Schedule 1 to the Health and Personal Social Services (Northern Ireland) Order 1972(**1**) and of every other power enabling it in that behalf and in conjunction with the Department of Finance and Personnel(**2**) hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Appointment of Consultants Regulations (Northern Ireland) 1996 and shall come into operation on 1st January 1997.

Interpretation

2. In these Regulations—

"application" means an application for an appointment to which these Regulations apply;

"Board" means a Health and Social Services Board;

"chief officer" means the person holding the post or performing the duties of a Chief Executive or General Manager of a Board;

"Committee" means an Advisory Appointments Committee constituted pursuant to regulation 7;

"consultant", in relation to a relevant specialty, means—

(a) a consultant specialising or who has recently specialised in the relevant specialty; or

(b) where such a specialty has not yet been established, a consultant specialising or who has recently specialised in a specialty which is closely related to the relevant specialty;

(**1**) S.I.1972/1265 (N.I. 14) as amended by S.I. 1986/2229 (N.I. 24) and S.I. 1991/194 (N.I. 1)
(**2**) Formerly the Department of Finance: *see* S.I. 1982/338 (N.I. 6)Art. 3

"hospice" means an institution which provides hospital accommodation wholly or mainly for persons resident there who are terminally ill;

"joint appointment posts" means full-time posts involving both teaching and hospital duties to which persons are appointed jointly by a Board and the Queen's University of Belfast;

"lay member" means a member who is not—

(a) an employee of any Board or any Health and Social Services Trust; or

(b) except when he is also Chairman of the Board, a medical or dental practitioner;

"professional member" in relation to a proposed appointment means—

(a) in the case of an appointment to a medical specialty, a medical practitioner; or

(b) in the case of an appointment to a dental specialty, a dental practitioner;

"relevant specialty", in relation to a proposed appointment, means the branch of medicine or dentistry in which the appointment is to be made.

Appointments to which the Regulations apply

3.—(1) Subject to paragraph (2) these Regulations shall apply to any appointment by a Board of—

(a) any medical or dental practitioner whether whole-time or part-time to a consultant post;

(b) any medical practitioner whether whole-time or part-time to a post of consultant equivalent in public health medicine (hereinafter referred to as a "consultant in public health medicine"); and

(c) any medical practitioner whether whole-time or part-time to a post of Director of Public Health(**3**).

(2) These Regulations do not apply to the appointment of any person in any of the classes specified in regulation 5.

Registration of applicants

4. A person may not take up appointment to a consultant post on the staff of a Board unless—

(a) he is either a registered medical practitioner or a registered dental practitioner; and

(b) in the case of an appointment of a registered medical practitioner made after 31st December 1996, his name is included in the Specialist Register kept by the General Medical Council in accordance with Article 8(1) of the European Specialist Medical Qualifications Order 1995(**4**).

Appointments to which the Regulations do not apply

5.—(1) The appointments referred to in regulation 3(2) to which these Regulations do not apply are those for which the person appointed is:—

(a) appointed to a joint appointment post;

(b) to receive no remuneration from the Board in respect of his tenure of the post and who is—

(i) a member of the academic staff of a university;

(ii) wholly or mainly engaged in research which requires his appointment to the staff of a Board; or

(**3**) *See* Article 32 of the Health and Personal Social Services (Northern Ireland) Order 1991
(**4**) S.I. 1995/3208

(iii) a medical practitioner who has been appointed to a post in a hospice which is equivalent to a consultant post in the health service;

(c) a person whose appointment in a post is to be for an initial period not exceeding six months —

(i) pending the appointment of a permanent postholder;

(ii) where the permanent holder of that post is unable to carry out his duties by reason of illness or because of other absence; or

(iii) where the Board considers for some other reason that such an appointment is necessary;

and in each case in respect of whom any further period of employment in that post is to be for a period not exceeding six months and to be subject to prior consultation with the Specialty Adviser of the relevant Specialist Advisory Committee of the Northern Ireland Council for Postgraduate Medical and Dental Education and to the satisfactory performance of the duties of the post during the initial period;

(d) transferred from employment as a consultant—

(i) by a Board to another consultant post with that Board; or

(ii) by a Health and Social Services Trust to a consultant post with a Board;

where the employment of the officer would otherwise be terminated by reason of redundancy;

(e) a person whose employment is transferred from one Board to another Board without any significant alteration in the duties of the post as part of a local reorganisation of the health and personal social services.

(2) In this regulation—

(a) "employment" includes part-time employment, whether or not the person is also employed by another Board and "employed" shall be construed accordingly;

(b) "remuneration" does not include any distinction award or any amount paid by the employer towards the defrayment of expenses involved in the carrying out of the duties of the post required by the appointment.

Advertising of post

6.—(1) Subject to paragraphs (2) and (5), where a Board proposes to make an appointment to which these Regulations apply, it shall arrange for an advertisement in one or more publications circulating throughout the United Kingdom which are commonly used for similar advertisements relating to the profession concerned.

(2) Where, in the opinion of the Board, compliance with the foregoing provisions of this regulation is not reasonably practicable the Board shall arrange for such advertisement to appear in such other publication or publications as it deems appropriate.

(3) The advertisement shall set out the general duties of the post and the closing date for the receipt of applications.

(4) Where the advertisement is in respect of a whole-time post, the advertisement shall include a statement to the effect that applicants for appointment to a part-time post will be considered.

(5) The Department may if it thinks fit authorise a Board to dispense with the requirements of paragraph (1) in relation to an appointment to any class of post.

Constitution of Advisory Appointments Committees

7. In relation to any appointment to which these Regulations apply a committee (to be called an Advisory Appointments Committee) shall be constituted by the Board—

(a) for the purpose of making any appointment to which regulation 3(*a*) applies, in accordance with Schedule 1 to these Regulations;

(b) for the purpose of making any appointment to which regulation 3(*b*) applies, in accordance with Schedule 2 to these Regulations;

(c) for the purpose of making any appointment to which regulation 3(*c*) applies, in accordance with Schedule 3 to these Regulations;

and Schedule 4 to these Regulations shall have effect with respect to the proceedings of that Committee.

Selection by Committee

8.—(1) An appointing Board shall—

(a) in respect of an appointment to which regulation 6(5) applies refer to the Committee any application received by the Board for that appointment;

(b) in respect of all other appointments refer to the Committee any application received by the Board on or before the closing date specified in accordance with regulation 6(3) and any received after that date but before the Committee has met if the Board is satisfied that there is a reasonable explanation for its late receipt.

(2) Subject to paragraph (3), the Committee may adopt any procedure which it deems to be appropriate, but shall—

(a) consider all applications referred to it under paragraph (1);

(b) select from the applicants any persons whom it considers suitable for the appointment; and

(c) submit to the Board the names of any persons selected together with such other comments as it considers appropriate.

(3) The Committee shall not submit the name of any person under paragraph (2) without having interviewed him.

(4) Where a Board proposes to make an appointment to a whole-time post but in the opinion of the Committee one or more of the applicants would be suitable for an appointment on a part-time basis, the Committee shall submit to the Board the names of any such applicants and may add such comments as it considers appropriate.

(5) Where in the opinion of the Committee none of the applicants is suitable for appointment the Committee shall so inform the Board.

Appointments by Boards

9.—(1) A Board shall not make an appointment to which these Regulations apply unless the name of the person to be appointed has been submitted to it by a Committee under regulation 8.

(2) A Board shall not make an appointment to which these Regulations apply of any person who has canvassed, in respect of his application for an appointment, any member of the Board or the Committee.

(3) Where a Board—

(a) decides not to make an appointment from persons named by a Committee, or

(b) is informed pursuant to regulation 8(5) that none of the applicants is suitable,