1992 No. 472

HEALTH AND PERSONAL SOCIAL SERVICES

Appointment of Consultants Regulations (Northern Ireland) 1992

Made . . . . . *11th November 1992*

Coming into operation . . *14th December 1992*

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(**a**) and of every other power enabling it in that behalf and in conjunction with the Department of Finance and Personnel(**b**) hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Appointment of Consultants Regulations (Northern Ireland) 1992 and shall come into operation on 14th December 1992.

Interpretation

2. In these regulations, the following expressions have the respective meanings hereby assigned to them:—

"Board" means a Health and Social Services Board;

"General Manager" means the person holding the post or performing the duties of a general manager of a Board;

"joint appointment posts" means whole 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 medical or dental practitioner or an officer of a Board;

"member of the staff of the hospital or hospitals concerned" means a member of consultant status of the medical staff or of the dental staff where appropriate of the hospital or hospitals in which the successful applicant is to serve;

"the Order" means the Health and Personal Social Services (Northern Ireland) Order 1972;

"panel" means an Advisory Appointments Panel.

(a) 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)
(b) Formerly the Department of Finance: *see* S.I. 1982/338 (N.I. 6) Art. 3

Appointments to which the regulations apply

3. 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(**a**)

other than the appointment of any person in any of the classes specified in regulation 4.

Exempted appointments

4.—(1) The classes referred to in regulation 3 to which these regulations do not apply are:—

(*a*) persons appointed to joint appointment posts;

(*b*) persons who will receive no remuneration for their hospital appointments;

(*c*) persons appointed to the staff of a hospital primarily for the purpose of undertaking research;

(*d*) persons whose employment in a post will be limited in duration to carry out the duties of that post—

(i) until the permanent appointment to it can properly be made; provided that such employment shall not be for a period exceeding twelve months; or

(ii) the duties or continued existence of which are subject to a review as part of a local reorganisation of the health and personal social services; provided that such employment shall not, without the express prior consent of the Department, be for a period exceeding two years;

(*e*) persons who are transferred from employment as a consultant by a Board to another such post with that Board or to employment by another Board or who are transferred by an HSS trust to a consultant post with a Board where the employment of the officer would otherwise be terminated by reason of redundancy;

(*f*) persons 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;

(*b*) "remuneration" does not include any distinction award or the defrayment of expenses involved in the carrying out of the duties of a hospital appointment.

(**a**) *See* Article 32 of the Health and Personal Social Services (Northern Ireland) Order 1991. S.I. 1991/194 (N.I. 1)

Constitution of Advisory Appointments Panels

5.—(1) For the purpose of making any appointment to which regulation 3(*a*) applies, a panel shall be constituted by the Board in accordance with Schedule 1.

(2) For the purpose of making any appointment to which regulation 3(*b*) applies, a panel shall be constituted by the Board in accordance with Schedule 2.

(3) For the purpose of making any appointment to which regulation 3(*c*) applies, a panel shall be constituted by the Board in accordance with Schedule 3.

Advertising of post

6.—(1) Where a Board proposes to make an appointment to a post to which these regulations apply, it shall advertise the post in one or more publications which are commonly used for similar advertisements relating to the profession concerned, setting out the general duties of the post and shall allow not less than one month for the receipt of applications for the appointment.

(2) Where the post is a whole-time post, the advertisement shall state that applicants who wish to be appointed for less time than is required to carry out the full duties of the post shall be considered if they are unable to undertake whole-time professional work. This requirement may be dispensed with where the advertisement appears in a publication which states that applicants unable to work full or whole-time shall be considered for all whole-time posts advertised.

(3) The Department may authorise a Board to dispense with the requirements of paragraph (1) in relation to any post or class of post.

Selection by panel

7.—(1) The Board shall refer to the panel all applications received on or before the closing date specified in the advertisement and may also refer an application received after that date but before the panel has met if it is satisfied that there is reasonable explanation for the delay.

(2) The panel shall—

(*a*) consider all applications so referred to it;

(*b*) select from the applications any applicants whom it considers suitable for the post;

(*c*) interview those applicants so selected; and

(*d*) recommend to the Board in order of preference the names of those applicants whom it considers to be suitable for appointment to the post together with such other comments as it considers appropriate.

(3) Where a Board proposes to make an appointment to a whole-time post but in the opinion of the panel one or more of the applicants would be suitable for appointment for less than whole-time the panel shall recommend to the Board the names of such applicants, together with such other comments as it considers appropriate.

(4) If the panel considers that none of the applicants is suitable for appointment to the post, it shall so inform the Board.

Appointments by Boards

8.—(1) A Board shall not make an appointment to a post to which these regulations apply—

(*a*) except from persons whose names have been submitted to it by a panel under regulation 7;

(*b*) of any person who, in respect of his application for an appointment to which these regulations apply, has canvassed any member of the Board or the panel.

(2) In any case where a Board has been informed as provided for by regulation 7(3), it may appoint for less than whole-time employment one or more of the persons named as suitable for such employment.

(3) Where a Board decides not to make an appointment from persons recommended by the panel or where a Board is informed pursuant to regulation 7(4) that none of the applicants is suitable, the panel shall be discharged. These regulations shall apply to any further proposal by the Board to make an appointment to the relevant post as they applied to the original proposal.

Remuneration

9. A member of a panel appointed in accordance with paragraph 1(*c*) of Schedule 1, paragraph 1(*c*) of Schedule 2 and paragraph 1(*b*) of Schedule 3 shall be a prescribed person for the purposes of Article 89(1)(*b*) of the Order.

Revocation

10. The Appointment of Consultants Regulations (Northern Ireland) 1991(**a**), the Appointment of Consultants (Amendment) Regulations (Northern Ireland) 1991(**b**) and the Appointment of Consultants (Amendment) Regulations (Northern Ireland) 1992(**c**) are hereby revoked.

Sealed with the Official Seal of the Department of Health and Social Services on 11th November 1992.

(L.S.) *J. Scott*
Assistant Secretary

Sealed with the Official Seal of the Department of Finance and Personnel on 11th November 1992.

(L.S.) *Doreen Brown*
Assistant Secretary

(a) S.R. 1991 No. 195
(b) S.R. 1991 No. 328
(c) S.R. 1992 No. 186

SCHEDULE 1 Regulation 5(1)

Consultant Panel

1. Subject to the following provisions, the panel shall consist of—

(*a*) five persons nominated by the Board concerned of whom:

(i) one shall be a lay member of the Board;

(ii) two shall be medical practitioners or dental practitioners in the case of a dental appointment of whom at least one, in the case of a hospital post, shall be a member of the staff of the hospital or hospitals concerned;

(iii) one shall be the Director of Public Health of the Board, or his nominee, who shall be a consultant in Public Health Medicine, or in the case of a dental appointment, the Chief Administrative Dental Officer of the Board, or his nominee;

(iv) one shall be the General Manager of the Board, but where he is unable to attend the Unit General Manager may be nominated in his place;

(*b*) one consultant nominated by such organisation as appears to the Board to be representative of the branch of medicine or dentistry concerned in Northern Ireland;

(*c*) one consultant specialising in the branch of medicine or dentistry concerned outside Northern Ireland;

(*d*) one person nominated by the Queen's University of Belfast.

2. In the case of posts providing services in hospitals administered by two or more Boards—

(*a*) any nominations required by paragraphs 1(*a*)(i) to 1(*a*)(iv) to be made by a Board shall be made by such Boards jointly;

(*b*) a General Manager of each Board shall be entitled to attend the meeting of the panel, even where not appointed as a member under paragraph 1(*a*)(iv);

(*c*) a person attending the meeting by virtue of paragraph 2(*b*) only shall be entitled to participate in the proceedings of the panel at the invitation of the Chairman of the panel but may not vote.

3. In the case of posts considered to provide regional speciality services throughout Northern Ireland each of the other three Boards shall nominate a medical practitioner, or dental practitioner in the case of a dental appointment. A Board may nominate a medical practitioner or a dental practitioner as the case requires who is employed by or under contract with another Board.

4. Nominations made by a Board under paragraph 1 or paragraph 3 shall not include medical practitioners working in public health medicine or dental practitioners working in community dentistry except as provided for in paragraph 1(*a*)(iii).

5. Where a person applies to a Board for a post as a part-time consultant and that person has concurrently applied for a post as a part-time consultant with an HSS trust, the Board may approve the following additional members to the panel—

(*a*) the chief officer of the trust, and

(*b*) up to two further members appointed after consultation with the trust,

and the panel shall be enlarged accordingly.

6. A recommendation made by the panel shall not be invalidated by any vacancy in the membership, failure on the part of any body or organisation to nominate or by any defect in the nomination or qualification of a member.

7. The Board shall appoint one member of the panel to be chairman.

8. The Board shall appoint a senior officer to service the panel and provide such other assistance as the panel may require.

9. Any meeting of a panel shall not proceed in the absence of more than two members nominated under paragraph 1.

SCHEDULE 2 Regulation 5(2)

Consultant in Public Health Medicine Panel

1. Subject to the following provisions, the panel shall consist of—

(*a*) four persons nominated by the Board concerned of whom:

(i) one shall be a lay member of the Board;

(ii) one shall be a medical practitioner employed as a consultant by, or in contract as a general medical practitioner with the Board on the nomination of its Area Medical Advisory Committee;

(iii) one shall be the Director of Public Health of the Board;

(iv) one shall be the General Manager of the Board but where he is unable to attend a senior officer of the Board may be nominated in his place;

(*b*) one person nominated by such organisation as appears to the Board to be representative of Consultants in Public Health Medicine in Northern Ireland;

(*c*) one consultant in Public Health Medicine practising outside Northern Ireland;

(*d*) one person nominated by the Queen's University of Belfast.

2. In the case of posts considered to provide regional speciality services throughout Northern Ireland each of the other three Boards shall nominate its Director of Public Health or his nominee. The person nominated may be a consultant in public health medicine or a Director of Public Health who is employed by another Board.

3. A recommendation made by the panel shall not be invalidated by any vacancy in the membership, failure on the part of any body or organisation to nominate or by any defect in the nomination or qualification of a member.

4. The Board shall appoint one member of the panel to be chairman.

5. The Board shall appoint a senior officer to service the panel and provide such other assistance as the panel may require.

6. Any meeting of a panel shall not proceed in the absence of more than two members nominated under paragraph 1.

7. For the purpose of this Schedule a Consultant in Public Health Medicine is a practitioner in public health medicine who holds the equivalent of a consultant post other than a post as Director of Public Health of a Board.

SCHEDULE 3 Regulation 5(3)

Director of Public Health Panel

1. Subject to the following provisions, the panel shall consist of—

(*a*) three persons nominated by the Board concerned of whom:

(i) one shall be the Chairman of the Board;

(ii) one shall be a lay member of the Board;

(iii) one shall be the General Manager of the Board;

(*b*) two consultants in Public Health Medicine practising outside Northern Ireland.

2. A recommendation made by the panel shall not be invalidated by any vacancy in the membership or by any defect in the nomination or qualification of a member.

3. The Chairman of the Board shall act as Chairman of the panel.

4. The Board shall appoint a senior officer to service the panel and provide such other assistance as the panel may require.

5. Any meeting of a panel shall not proceed in the absence of more than one member.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations revoke and re-enact with amendments, the Appointment of Consultants Regulations (Northern Ireland) 1991, as amended, and come into operation on 14th December 1992.

They describe the procedure to be followed by Health and Social Services Boards in appointing certain medical and dental consultants and include provision for the making of part-time appointments. They require the advertising of posts and provide for the setting up of Advisory Appointments Panels by Health and Social Services Boards to select and recommend to Boards the names of suitable applicants.

The principal changes effected by the Regulations are—

(*a*) the addition to the list of exempted appointments of persons who are transferred by an HSS trust to a consultant post with a Board where the employment of the officer would otherwise be terminated by reason of redundancy (Regulation 4(1)(*e*)).

(*b*) the provision for an Advisory Appointments Panel for Consultants to include representatives of Health and Social Services trusts where the appointment involves part-time work both in a Board and in an HSS trust. (Schedule 1, paragraph 5).