

HEALTH AND SOCIAL CARE ACT 2012

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 7 – Regulation of Health and Social Care Workers

The Professional Standards Authority for Health and Social Care

Section 226 - Accountability and governance

1333. This section amends Schedule 7 to the 2002 Act to make changes to the way in which members of the Authority are appointed, to its constitution, and to its accountability and governance provisions.
1334. Previously:
- the chair of the Authority was appointed by the Privy Council,
 - three non-executive members were appointed by the Secretary of State, and
 - one non-executive member was appointed by each of the Scottish Ministers, the Welsh Ministers and the Department of Health, Social Services and Public Safety in Northern Ireland.
1335. *Subsection (2)* of this section provides that the three Secretary of State appointments are Privy Council appointments. The number of executive members is also reduced from two to one.
1336. *Subsection (4)* amends paragraph 10 of Schedule 7 to the 2002 Act to confer on the Authority the power to determine the remuneration and allowances of its members and committee or sub-committee members, to determine the pensions of the chair and other members of the Authority, and to determine whether any compensation should be payable to an ex-chair of the Authority.
1337. *Subsections (3) and (6)* amend paragraphs 6 and 15 of Schedule 7 to the 2002 Act to provide for the following of the Secretary of State's current powers to be conferred instead on the Privy Council:
- the power to make regulations about appointments to the Authority and the appointment of, constitution of, and exercise of functions by its committees and sub-committees. These regulations will be subject to the negative resolution procedure;
 - the power to determine the form of accounts which must be kept by the Authority;
 - the power to determine the form of the annual accounts which must be prepared by the Authority; and
 - the power to determine the period after the end of the financial year within which the Authority must send a copy of its annual accounts to the Comptroller and Auditor General.

*These notes refer to the Health and Social Care Act 2012
(c.7) which received Royal Assent on 27 March 2012*

1338. The Authority is no longer required to send copies of its annual accounts to the Secretary of State.
1339. *Subsection (7)* places a new duty on the Authority to publish a strategic plan for the coming financial year (and for such subsequent years as it may determine) by a date determined by the Privy Council. The Authority must also lay its strategic plans before the four UK parliaments and assemblies as soon as possible after the end of the financial year.