

Statutory Document No. 20XX/XXXX

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Manx Care Act 2021

MANX CARE ACT 2021 (SCHEDULE 2) (AMENDMENT) REGULATIONS 2021

*Approved by Tynwald:
Coming into operation in accordance with regulation 2*

The Department of Health and Social Care, after satisfying the requirements of section 14(5) of the Manx Care Act 2021¹, makes the following Regulations under section 14(3) of the Manx Care Act 2021.

1 Title

These Regulations are the Manx Care Act 2021 (Schedule 2) (Amendment) Regulations 2021.

2 Commencement

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

3 Amendment of Schedule 2 to the Manx Care Act 2021

(1) Schedule 2 to the Manx Care Act 2021 (the mandate) is amended as follows.

(2) For paragraph 2 substitute —

- «2 The mandate must —
- (a) require Manx Care to establish and operate a complaints procedure in respect of the exercise of its functions under

¹ Under section 14(5) of the Manx Care Act 2021 before specifying any objectives or requirements in the mandate, the Department of Health and Social Care must consult and have due regard to the views of: (a) Manx Care; (b) in respect of public health, such persons whom it considers are suitably qualified to advise on such matters by virtue of their training or experience; and (c) such other persons as the Department of Health and Social Care considers appropriate.

² Tynwald procedure – approval required under section 14(3) of the Manx Care Act 2021.

- the mandate and that procedure must make provision enabling a person (A) in certain circumstances, including where A is not satisfied with the outcome of an investigation of A's complaint by Manx Care under its complaints procedure, to request that the Health and Social Services Independent Review Body consider A's complaint; and
- (b) where Manx Care enters into an agreement with any person under section 17 (P), require P to establish and operate a complaints procedure in respect of the services it provides under that agreement and that procedure must make provision enabling a person (B) in certain circumstances, including where B is not satisfied with the outcome of an investigation of B's complaint by P under P's complaints procedure, to request that the Health and Social Services Independent Review Body consider B's complaint.
- 2A
- (1) The mandate must also require Manx Care to arrange, to such extent as it considers necessary to meet all reasonable requirements, for the provision of independent advocacy services.
- (2) "Independent advocacy services" are services providing assistance (by way of representation or otherwise) to individuals making or intending to make—
- (a) a complaint under section 38 of the National Health Service Act 2001 or section 26 of the Social Services Act 2011; or
- (b) a complaint to the Health and Social Services Independent Review Body.
- (3) In making arrangements under this paragraph Manx Care must have regard to the principle that the provision of services under the arrangements should, so far as practicable, be independent of any person who is—
- (a) the subject of a relevant complaint; or
- (b) involved in investigating or adjudicating on such a complaint.
- (4) Manx Care may make payments to any person in pursuance of arrangements under this paragraph.».
- (3) After paragraph 3 insert —
- «4 In this paragraph "Health and Social Services Independent Review Body" means the body constituted under section 26A of the Social Services Act 2011.».

MADE

Minister for Health and Social Care

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend Schedule 2 to the Manx Care Act 2021, which specifies the matters which must be included in the mandate. Manx Care must seek to achieve the objectives specified in the mandate and comply with any requirements specified in it.

The amendments substitute paragraph 2 with new paragraphs 2 and 2A and insert new paragraph 4.

New paragraph 2 specifies requirements for Manx Care and persons with whom Manx Care has entered into an agreement to exercise any of Manx Care's functions under the Manx Care Act 2021 to operate a complaints procedure.

New paragraph 2A introduces a requirement for Manx Care to arrange for the provision of independent advocacy services to help individuals making or intending to make certain complaints relating to the provision of health or social services.

New paragraph 4 is an interpretation provision.