

Health Professions Council – 13 December 2007

Changes in Legislation

Executive summary and recommendations

### **Introduction**

The Health and Social Care Bill was introduced into Parliament on 15 November 2007. Attached is a statement which has been published on the Department of Health website regarding the Bill. The HPC has issued a statement regarding the Bill which is also attached.

The consultation on the Health and Association Professions Order 2008 (Order 1A) was published on 26 November 2007 – see attached statement which has been published on the Department of Health website regarding the consultation. To date Order 1B which will cover the Health Professions Council has not been published but is expected shortly.

### **Decision**

The Council is requested to note the document. No decision is required.

### **Background information**

none

### **Resource implications**

none

### **Financial implications**

none

### **Appendices**

Appendix 1 – Health and Social Care Bill – Professional Regulation

Appendix 2 HPC response to the publication of the Health and Social Care Bill

Appendix 3 – Consultation on the Health Care and Associated Professions Order 2008

**Date of paper**

3 December 2007

## Appendix 1

### Extract from Department of Health Website

#### Professional regulation

Last modified date  
20 November 2007

Whilst patients and the public rightly hold the substantial majority of health professionals in high esteem, the need for reform to sustain confidence in the regulation of healthcare professionals has been underlined by the findings of a number of high profile inquiries into doctors who have harmed their patients, most notably the Shipman, Kerr-Haslam, Ayling and Neale Inquiries.

Building on responses to extensive consultation, the Department of Health published in February 2007 the White Paper, Trust, Assurance and Safety, which set out how the Government will reform and modernise the system of professional regulation to ensure that all health professionals can continue to earn the trust which patients place in them:

Trust, assurance and safety: the regulation of health professionals

The Health and Social Care Bill takes forward the primary legislative elements of this wider package of reform.

Specifically, the Bill will, amongst other measures:

- improve public and professional confidence in the impartiality of fitness to practise decisions by the health regulators. This will be achieved by the creation of a new independent body charged with the hearing of cases. The Office of the Health Professions Adjudicator will be an independent statutory body so that patients and professionals can be sure that there is no undue influence affecting its decision making.
- harmonise the standard of proof across all the health and social care regulators. The Government believes that the civil standard of proof is most appropriate for professional regulation, which is a protective jurisdiction.
- lead to better handling of concerns about doctors by local employers and authorities. Senior doctors will be appointed as Responsible Officers to monitor the conduct and performance of local doctors, to take whatever immediate action is needed to safeguard patients, and to provide a link to the GMC's national processes.
- give greater flexibility in updating legislation governing the regulation of social care workers. The Secretary of State will be able to amend social

care legislation when needed without having to wait for an opportunity for a Bill in Parliament.

- modernise the regulation of pharmacy to take account of the changing role of the pharmacist. A new General Pharmaceutical Council can be created through secondary legislation.

This package of measures will enhance patient safety and ensure that patients can have confidence that the care they receive will be safe.

## **Appendix 2**

The Health Professions Council welcomes the publication of the Health and Social Care Bill. As a statutory regulator, our primary function is to protect the health and well-being of people using the services of health professionals registered with us.

We support the adoption of the civil standard of proof for fitness to practise procedures for all regulators. We currently use the civil standard of proof in our procedures and find it to be a useful, fair and proportionate way of conducting fitness to practise proceedings. This move represents a positive step that will help to harmonise fitness to practise procedures across the healthcare regulators.

We believe that the Bill will strengthen measures for public protection and look forward to working with the government to achieve the implementation of the proposed changes.

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## **Appendix 3**

### **Extract from Department of Health Website**

#### **Consultation on the Health Care and Associated Professions Order 2008**

Launch date: 26 November 2007  
Closing date: 22 February 2008  
Creator/s: Department of Health  
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Gateway number: 8827

The White Paper Trust, Assurance and Safety – The Regulation of Health Professionals in the 21st Century set out a substantial programme of reform to the United Kingdom's system for the regulation of health care professionals, based on consultation on the two reviews mentioned above. This was complemented by Safeguarding Patients, the Government's response to the recommendations of the Fifth Report of the Shipman Inquiry and to the recommendations of the Ayling, Neale and Kerr/Haslam Inquiries, which sets out a range of measures to improve and enhance clinical governance in the NHS. The Health Care and Associated Professions Order is the first in a series of Orders that will take forward the reforms identified in the White Paper. This Order concentrates on the reforms set out in Chapter One of the White Paper (Assuring independence: the governance and accountability of the professional regulators) but also includes measures that are required to deliver other legislative requirements and some items that have been identified by the regulators as needing urgent reform. It applies to the General Medical Council, General Optical Council, General Osteopathic Council, General Chiropractic Council and the Nursing and Midwifery Council. It is published in draft under the terms of the Health Act 1999.

This consultation seeks your views on the draft legislation. Responses should be submitted by 22 February 2008.

- Download consultation paper (PDF, 540K)
- Download impact assessment (PDF, 75K)
- Download response form (RTF, 38K)

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