

RCN Policy Unit

Policy Briefing 04/2007

Trust, Assurance and Safety - The Regulation of Health Professionals in the 21st Century

February 2007

Introduction

The white paper regarding the professional regulation of all health professions '*Trust, Assurance and Safety – The Regulation of Health Professionals in the 21st Century*' was published on Wednesday 21st February 2007, along with the Government response to the Shipman and other Inquiries '*Safeguarding Patients*' and '*Learning from Tragedy*'. These are complex documents and the RCN is currently analysing them in more detail. The purpose of this

- Appointment of independent panellists to adjudication panels that hear fitness-to-practice cases for the regulatory body.

A summary and synopsis of proposals that affect nursing regulation are set out below.

Chapter 1: Assuring Independence: The Governance and Accountability of the Professional Regulators

- The Nursing and Midwifery Council (NMC) to have as a minimum parity between professional and lay members.
- NMC Council members to be appointed by the Appointments Commission.
- NMC Council to become smaller and more 'board like.'
- Members of the Council for Healthcare Regulatory Excellence (CHRE) to be appointed by the Appointments Commission.
- NMC to remain the regulatory body for nursing.

Chapter 2: Revalidation: Ensuring Continuous Fitness to Practice

- Common standards and systems of revalidation to be developed across regulators by CHRE.
- The frequency and intensity of revalidation to depend on proportionate risk to patient safety.
- Revalidation to encompass the development of standards for advanced practice "*The Dept. will discuss with the NMC the outcome of their consultation on advanced nursing practice to agree next steps*" (p37).
- The new national system regulator

- Revalidation of professionals will form part of staff appraisal processes in collaboration with the regulator.
- For nurses directly employed by primary care contractors i.e. practice nurses and nurse practitioners employed by GPs, the process of revalidation process will be discussed with the relevant professions and regulators.
- A UK wide revalidation steering group will be established to look at the complexities around streamlining implementation of revalidation for all professional staff.
- An effective system of registration and inspection to be developed for agencies supplying health professionals.

Chapter 3: Tackling Concerns: The Local Role

- CHRE will work with stakeholders to develop common protocols for fitness to practice investigation by regulators with guidance to employers on when cases should be referred to regulator.

Chapter 4: Tackling Concerns: The National Role

- A sliding scale of the civil standard of proof to be used by all regulators – nearer the criminal standard of ‘beyond reasonable doubt’ for cases which could lead to loss of registration and livelihood.
- CHRE to sample cases that regulators have not taken to full fitness to practice hearing.
- The possibility that all health professionals – not just doctors as happens now – can be referred to the National Clinical Assessment Service.
- A national strategy to be developed to ensure appropriate prevention and treatment of health professionals with health problems, for example, addiction problems, and consider the role of health in fitness to practice cases.
- Adjudication: an independent body separate to the General Medical Council (GMC) will be set up to adjudicate on fitness to practice cases that GMC decides to proceed with. This body will establish a central list of vetted and approved people for adjudicatory panels – to include those with the relevant professional background - for all other regulators to conduct independent adjudication within their

own organisations. *“Over time, and in the light of the experiences of the medical profession, other regulators may wish to adopt the independent body to provide further assurance of independence to the public”*(p67).

Chapter 5: Education: The Role of the Regulatory Bodies

- NMC to continue to be responsible for assurance of educational standards working collaboratively with the Sector Skills Council for Health.

Chapter 6: Information about Health Professionals

- CHRE to re