

## **Executive Summary**

This report describes the proceedings at a very useful and positive event where members and officers met with Health Professions Wales (HPW) and officers from the Nursing and Midwifery Council and then jointly gave evidence to a pre-legislative enquiry into the Draft NHS (Wales) Bill by the House of Commons Welsh Affairs Committee.

No action arises other than a desire to work as collaboratively with HPW as is consistent with HPC's duties.

**Notes from the Presentation of oral Evidence on the draft NHS (Wales)  
Bill to a Session of the Welsh Affairs Committee of the House of  
Commons held in Cardiff on 17 June 2002**

1. Present from HPC : Mr. C. Lea (Vice-president)  
Prof. A. Hazell (Lay member)  
Mr. N. Willis (Practitioner member)  
Dr. P. Burley (for Chief Executive)

Present from the Welsh Affairs Committee :  
Martyn Jones MP ( Chairing )  
Julie Morgan MP  
Dr. Hywel Francis MP  
Martin Caton MP  
Albert Owen MP

Also present : Members of the National Assembly for  
Wales (without speaking rights),  
Officials from Health Professions Wales (HPW),  
and Officials from the Nursing and Midwifery  
Council (NMC)

2. The session was primarily a pre-legislative enquiry into the draft NHS (Wales) Bill and the proposals in it for HPW. It seemed that the outcome of HPC's consultation would come too late to be fed into the Bill. As expected the preponderance of questions and comments in the session was about matters wholly related to nursing and the former Welsh National Board.
3. The secondary purpose of the session was to allow the Committee to ask HPC and NMC their intentions towards HPW under Section 20 of the OICs (worded identically). (Section 20 of the HPO states :

" **20.** The National Assembly for Wales may create or designate a body with which the Council may enter into any such arrangements as are referred to in article 15(5) of this Order in order to perform its function under article 15(4)(b) in respect of the standards established under article 15(1) or 19(4) or (6) ). "

For HPC the response was that we would be informed by the outcome of our consultation exercise. It was clarified, though, that the setting of standards was a UK wide function which could not be delegated and that S 20 covered only work to monitor and ensure those standards.

4. We were asked specifically what the statutory mechanism would be to change Section 20 from being discretionary to being mandatory – from which we inferred that this was on some MPs' minds. (It could only be done by an amending Order in Council under S. 60 of the Health Act, 1999, after

agreement by both Houses of Parliament). We also suggested that the relationship between regulatory bodies generally and HPW might be remitted to the Council for the Regulation of Health Care Professionals.

5. In questioning it emerged that HPW set great store by regulating Health Care Support Workers (HCSW). The Committee asked HPC and NMC about this and it was explained that :
  - there was no immediate power for either body to register them,
  - both HPC and DoH would be consulting on the issue over the summer, and it was a matter reserved to the Westminster Parliament under a S. 60 Order.
6. HPW would be recruiting AHP and scientific staff to support its work whether or not HPC chose to take up the S. 20 discretion.
7. It was also clarified in discussion that the Explanatory Notes to the Bill in due course would make it explicit that HPW would cover all health and social care sectors and not just the NHS.

Note : We also received clarification from HPW that S 20 of the HPO and NMO refer only to Wales because the equivalent discretions in Scotland and Northern Ireland were written into the Scotland and Northern Ireland Acts, but omitted from the Wales Act, and hence had to be included elsewhere (ie.in our OICs).

PB 17/6/02

**HPC\Minutes\Notes from the Presentation of oral Evidence to a Session of the Welsh Affairs Committee, 17 June 2002**