

The Royal College of Nursing Wales welcomes the opportunity to respond to the Health and Social Care Committee's inquiry into the Legislative Consent Memorandum of the Health and Care Bill.

The Royal College of Nursing in England have engaged significantly with RCN members and have engaged with the Bill at all stages. The Royal College of Nursing has developed a [briefing](#) in preparation for the Bill ascending to the House of Lords. RCN members in England are calling for changes to the Bill which:

- Set out in the legislation that the Secretary of State for Health and Social Care has full accountability for the planning and supply of the health and care workforce.
- Create a new duty on Secretary of State to publish an assessment of workforce requirement based on population need.
- Include a role of Executive Nurse on Integrated Care Boards.
- Ensure that decisions about service reconfiguration are made in partnership with local communities and based on health expertise, safety and quality.
- Guarantee consultation with relevant trade unions on any changes to the NHS Payment Scheme.
- Provide professional bodies such as the RCN have delegated standard setting functions.
- Ensure a safe space for health and care staff raising safety concerns.
- Recognise that within the current severe workforce crisis, the Discharge to Assess model cannot be implemented safely for patients or staff.
- Set out explicit duties for Government and NHS England to tackle health inequalities and for Integrated Care Boards (ICBs) to report on the action they are taking to reduce health disparities.

### **Clause 85 (Medicine Information Systems)**

*Clause 85 of the Bill creates a power for the Secretary of State to make regulations providing for a system of information regarding medicines to be established and operated by the Health and Social Care Information Centre (known as NHS Digital) to allow for the creation of centrally held UK-wide medicine registries.*

The Royal College of Nursing supports the ambition of Clause 85. However as Clause 85 requires any person who provides services or exercises any power or duty relating to human medicines, health or education to provide information to NHS Digital this may result in NHS bodies, schools and higher education institutes being required to

provide information to NHS Digital, potentially on areas that are devolved. Furthermore this may place a significant financial and workforce burden on organisations in Wales.

In addition there is no provision to allow the data gathered by NHS Digital to be made available with the devolved Governments. It would be beneficial if the data gathered relating to the devolved nations was available to be shared, this could aid in clinical decision making.

### **Clause 123: Regulation of health care and associated professions**

Clause 123 allows the UK Government to deregulate a profession if they deem there to be no public safety risk. The use and impacts of proposals for new powers pertaining to professional regulators, including removing a profession from regulation and abolishing a regulator, must be carefully considered.

Nursing regulation should not be “diluted” by being merged with another profession, and delivery bodies should not have a role in professional regulation. Therefore, the Royal College of Nursing in England are seeking further assurances about the detail and use of the proposed powers, such as the criteria for removing a regulation.

As a safety critical profession, the setting of good standards across the UK and across the nursing profession is hugely important and should include the knowledge and experience of Royal Colleges. As such the Royal College of Nursing in England seek to enter into a delegated relationship with the Nursing and Midwifery Council to determine UK applicable education standards and training, including those for advanced level practice. We would like to be recognised as the professional body setting the standards and guidance for nurses, and to have parity with the medical Royal Colleges, who already have the power to set mandatory standards for their professions.

The Royal College of Nursing will support amendments which clarify appropriate safeguards for the new powers for the Secretary of State to make changes to regulators and regulated professions.

The regulation of health professionals is a reserved matter, but the regulation of persons who are not ‘professionals’ but rather ‘groups of workers’, falls within devolved competences. Clause 123 would extend the power of the Secretary of State to regulate these groups of workers. The UK Government have proposed Clause 123 be amended to include a requirement to consult Welsh Ministers. The Royal College of Nursing Wales would support this amendment.

### **Further amendments to the Bill**

At the time of writing the Health and Care Bill is at its second reading in the House of Lords. If further amendments are accepted which require the legislative consent of the Senedd, a supplementary Legislative Consent Memorandum should be laid before the Senedd and reviewed by the Senedd Health and Social Care Committee.

### **About the Royal College of Nursing (RCN)**

The RCN is the world's largest professional organisation and trade union of nurses, representing around 435,000 nurses, midwives, health visitors, healthcare support workers and nursing students, including over 27,000 members in Wales. RCN members work in both the independent sector and the NHS. Around two-thirds of our members are based in the community. The RCN is a UK-wide organisation, with its own National Boards for Wales, Scotland and Northern Ireland.

The RCN represents nurses and nursing, promotes excellence in nursing practice and shapes health and social care policy.