Streamlining UK Healthcare Regulation
Frances Patterson QC | Law Commission of England and Wales

Timetable

Stage 1: Pre consultation

Stage 2: Public Consultation
March – May 2012

Stage 3: Draft Bill and report
Publication early 2014
Legislation in last session of the current Parliament

Provisional proposals

- A single UK statute
- Broad powers for the regulators
- Removal of Privy Council role
- Government default and regulation powers
- Parliamentary accountability
Key issues at consultation

• Flexibility v consistency
• The role of Government in regulation
• The future role of the Professional Standards Authority
• A UK-wide approach to regulation
• Joint working and partnership

The Main Duty

• Protect, promote and maintain the health and safety of the public
• The collective need to maintain confidence in the profession
• Declare and uphold proper standards of conduct and behaviour

Fitness to practise investigation

• Support for the removal of statutory committees and broad powers
• Majority supported extended power to require information
• Support for consistent powers to dispose of cases
• Mixed views on consensual disposals
• Support for mediation
Fitness to practise adjudication

- Small majority supported the transfer of FTP into the Unified Tribunals Service
- Support for consistency on rules of evidence, standard of proof, public hearings and vulnerable witnesses
- Greater consistency in Panel procedures
- Support for consistency on sanctions - advice, warnings, conditions, suspension and erasure
- Mixed views on cost awards and fines

Mid Staffordshire Public Inquiry

- General Medical Council and Nursing and Midwifery Council criticised for different FTP regimes
- Need to sweep away outdated investigation procedures
- Poor oversight of professional education
- Need for a duty of candour
- Negative registration
- Extension of statutory regulation to NHS managers and health care support workers

Issues arising for the Law Commission

- Greater consistency for FTP investigations and adjudication
- Need to sweep away outdated regulatory procedures eg statutory committees
- Enhanced oversight of professional education
- Professional standards and the duty of candour and to report concerns
- Negative registration of unregistered professions
Speaker Contact Information

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