



In Focus

Regulation of Health and Social Care Professions Etc Bill [HL] (HL Bill 24 of 2016–17)

Key Provisions

The [Regulation of Health and Social Care Professions Etc Bill \[HL\]](#) is a private member's bill introduced by Lord Hunt of Kings Heath (Labour). The Bill received its first reading in the House of Lords on 26 May 2016, and is scheduled to have its second reading on 3 February 2017. The Bill would require the Government to bring forward legislation giving effect to the recommendations of the Law Commission, Scottish Law Commission and Northern Ireland Law Commission in their report [Regulation of Health Care Professionals: Regulation of Social Care Professionals in England](#), April 2014, Cm 8839. The report included a draft bill to reform the legal framework around the regulation of health care professionals. Lord Hunt has explained the background to his Bill and why he has introduced it:

The [Francis Report](#) into the serious events at Mid Staffordshire hospital raised a series of challenges to the way in which health and care professional regulation works. It suggested that professional healthcare regulators need to become much more adept at analysing and using the information they have and taking a proactive approach to address risks to patients. The Francis inquiry also identified barriers to overcoming these challenges: restrictive and complex legislation and insufficient capacity and resources. The Law Commission has undertaken a review of the regulation of health care professionals which helps to address some of these issues. The final report and a draft bill were published on 2 April 2014. It covered a number of regulatory bodies which are responsible for regulating 32 professions in the UK—consisting of approximately 1.44 million professionals. On 29 January 2015, the Government accepted the large majority of the Law Commissions' recommendations in full and others in part. However, the Government has yet to bring a Bill forward. This is causing great frustration to the regulatory bodies and is far from the vigorous response required to the regulatory issues raised in the Francis Report.¹

The legislation would have to be introduced within three months of the day on which the Act is passed. Clause 1(2) of the Bill would require the Secretary of State to confirm that in their view the introduced bill is substantially based on the draft bill prepared by the Law Commissions.² Lord Hunt introduced a bill of the same name in the 2015–16 session.³

Background

The Law Commissions review looked at the UK's legal framework on the regulation of health care professionals and (in England only) the regulation of social workers. This framework dates back to the establishment of the General Medical Council in 1858. In their report, the Law Commissions described the legal framework on the regulation of health and social care professions as “fragmented, inconsistent

and poorly understood”.⁴ They argued that piecemeal additions and a “vast array” of orders, rules and regulations has led to it being “neither systematic nor coherent”.⁵ The Commissions highlighted inconsistencies such as some regulators having powers to establish systems of case management while others did not. The Commissions made a total of 125 recommendations. The first recommendation was to create a single statute to provide the framework for the regulatory bodies and for the Professional Standards Authority. Other recommendations covered issues such as regulators having the objective to “protect, promote and maintain” the health, safety and wellbeing of the public (recommendation 13) and that regulators should be required to publish all fitness to practice decisions (recommendation 43).⁶ The Commissions argued that their recommendations would “create a clear, modern and effective legal framework for health and social care professionals regulation both now and for the future”.⁷

On 29 January 2015, the [Government published its response](#) to the Law Commissions’ report. Daniel Poulter, then Parliamentary Under Secretary of State at the Department of Health, stated that the Government considered the report and draft bill to be a “significant advance” in the regulation of health care professionals.⁸ Dr Poulter said that the Government would legislate “in due course”.⁹ On 17 December 2015, the Government made another statement saying that it remained committed to the “principle of proportionate regulation”.¹⁰ In that statement it said that its priorities for reform were “autonomy and cost-effectiveness” alongside a focus “on public protection”, and that it would be consulting on how to take these forward. It also announced that, subject to parliamentary time, it planned to take forward reforms to regulators’ rule-making processes.¹¹ No legislation was subsequently introduced on the Law Commissions’ recommendations. However, in answer to a written question on 13 December 2016, the Government stated that it remained committed to reform in line with its statement of 17 December 2015, and that it intended to consult shortly on its reform priorities “taking account of, and moving beyond, the Law Commission’s work”.¹²

Further Information

- Law Commission, [‘Regulation of Health and Social Care Professionals’](#), accessed 26 January 2017
- Professional Standards Authority, [Rethinking Regulation](#), August 2015

¹ This text was provided by Lord Hunt of Kings Heath on request from the Library.

² The Commissions’ draft bill can be found in appendix A to their report.

³ [Regulation of Health and Social Care Professions Etc Bill \[HL\] 2015–16](#), HL Bill 49 of session 2015–16.

⁴ Law Commissions, [Regulation of Health Care Professionals: Regulation of Social Care Professionals in England](#), April 2014, Cm 8839, pp 1–2.

⁵ *ibid*, p 2.

⁶ A list of the Commissions’ recommendations can be found in appendix B to [Regulation of Health Care Professionals: Regulation of Social Care Professionals in England](#), April 2014, Cm 8839, pp 436–55.

⁷ Law Commissions, [Regulation of Health Care Professionals: Regulation of Social Care Professionals in England](#), April 2014, Cm 8839, p 2.

⁸ House of Commons, [‘Written Statement: Government Response to the Law Commission’](#), 29 January 2015, HCWS235.

⁹ *ibid*.

¹⁰ House of Commons, [‘Regulation of Health and Social Care Professionals’](#), 17 December 2015, HCWS417

¹¹ *ibid*.

¹² House of Commons, [‘Written Question: Health Professions and Social Workers’](#), 13 December 2016, 56253.

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