



Royal College
of Nursing
Northern Ireland

Health and Personal Social Services (Amendment) Bill

Submission to the Northern Ireland Assembly Committee for Health, Social Services and Public Safety

from the Royal College of Nursing

Introduction

- 1 The Royal College of Nursing [RCN] represents nurses and nursing, promotes excellence in practice and shapes health policy. The RCN represents registered nurses, health care assistants and nursing students across all care settings throughout Northern Ireland.
- 2 This necessarily brief submission builds upon and substantiates the RCN's response to the joint DHSSPS/Northern Ireland Social Care [NISCC] consultation on proposals to reform the NISCC model of regulation, conducted in 2012 and from whence this Bill derives, albeit three and half years later.
- 3 In that response, the RCN stated that we believe strongly in the value of a registered and regulated health and social care workforce to the enhancement of standards of care and the protection of the public. That is why we have consistently argued, both in Northern Ireland and at a UK level, specifically for the statutory regulation of health care assistants and for the modernisation and strengthening of the professional regulation of the health and social care workforce more generally. For three years, between 2008 and 2011, the RCN was pleased to engage in partnership working with the DHSSPS and others, including the Northern Ireland Social Care Council, for measures to secure these objectives. This workstream was discontinued by the DHSSPS in 2011.

- 4 The RCN welcomed the decision of the former Minister for Health, Social Services and Public Safety in 2009 to move towards a system for the compulsory registration of social care workers in Northern Ireland. The RCN stated at the time that a voluntary system does not provide the requisite degree of public protection and is tolerable only within a limited timeframe and as a first step towards full and mandatory registration. Whilst the RCN's response to the DHSSPS consultation on the proposal highlighted some areas where we believed that the consultation proposals could be improved, the RCN was in full agreement with the aims and ethos of the Minister's decision.
- 5 However, the key question posed by these proposals was the position of health care assistants within the future regulatory framework. In simple terms, the RCN believed it to be neither helpful in terms of public protection nor fair to the relevant workforce groups themselves that social care assistants would become subject to full statutory regulation whilst those health care assistants working alongside them, particularly in the independent nursing home sector, would remain unregulated.
- 6 This anomaly quickly became compounded by the tendency of employers, apparently with the concurrence of the NISCC, inappropriately to coerce into registration not just social care assistants but also health care assistants working within a professional framework of nursing accountability within the nursing home sector in Northern Ireland.
- 7 In order to secure its objective of protecting the public, professional regulation must not only be relevant and responsive to the wider needs of the health and social care service but also fair and transparent to those whom it seeks to regulate. It is for these reasons that the RCN called in 2009 for the DHSSPS to ensure that the new regulatory framework enshrined within the work of the NISCC would not be compromised by the inclusion of health care assistants working within a framework of nursing accountability.
- 8 The RCN urged that the DHSSPS should "not determine that health care assistants working within a framework of nursing accountability are social care assistants, simply by virtue of the fact that they are providing personal care in a

nursing home environment”. The RCN also stated that: “It is not in the interests of health care assistants, the NISCC itself, or, more importantly, public protection for one group of care workers to be regulated within a framework designed for a completely different profession”. Finally, the RCN called upon the DHSSPS to “show leadership on this issue pending the introduction of any future model of health care assistant regulation”.

- 9 Whilst the lack of progress at a UK level towards the statutory regulation of health care assistants is attributable to factors beyond the control of the DHSSPS, the RCN believes it to be regrettable that the DHSSPS and the NISCC have chosen to ignore these expressed concerns in proceeding inappropriately to incorporate health care assistants within a framework for the statutory regulation of social care assistants. The inherent problems that this has created have been compounded by the fact that health care assistants working within a professional framework of nursing accountability are now subject to fitness to practise procedures designed for, administered by, and adjudicated upon, by members of an entirely different profession who, through no fault of their own, lack the professional expertise and credibility to be able to discharge these important statutory functions.
- 10 The RCN stated in 2012 that we had no wish to comment upon arrangements governing the regulation of a different profession or workforce group unless they impact adversely upon the regulation of nursing or unless the RCN feels that we have relevant learning and experience to share. Regrettably, however, we warned that these proposals would have a direct and negative impact upon individual health care assistants practising in Northern Ireland and we were therefore unable to support them as we did not believe them to be in the interests of public protection. The RCN was not prepared to endorse proposals that would see individual practitioners judged according to the professional standards of another profession. Accordingly, not only did the RCN oppose these consultations proposals but we vowed to continue to campaign against them in the interests of public protection and to highlight the inherent weaknesses and contradictions of the proposals in the absence of any parallel system for regulating health care assistants. This remains our position.

Comments upon the Bill

- 11 In line with the introductory remarks (above), the RCN has only one specific comment upon the current wording of the Bill, as outlined at paragraph 12 (below). The draft legislation is clearly designed to close a few loopholes and generally tidy up the NISCC procedures that have come in for some criticism since the organisation was established. It is also intended to bring NISCC systems into line with those of other statutory regulatory bodies, particularly in respect of providing enhanced powers of investigation and in relation to the publication of findings and decisions.
- 12 Clause 4, covering the recognition of attainment of standards by social workers, makes reference to the power to make rules relating to the standard of proficiency to be attained by social workers. The RCN is inherently suspicious of this type of “catch-all” provision being inserted into legislation and we urge the Committee to require that full and open public consultation is conducted in advance of this power being exercised.

Further information

- 13 For further information about the work of the RCN in support of nursing and patient services in Northern Ireland, please contact Dr John Knappe, Head of Communications, Policy and Marketing, at john.knappe@rcn.org.uk or by telephone on 028 90 384 600.

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