

## **The Regulation of Nurses, Midwives, and Health Visitors**

---

### **Weaknesses of the current Act**

12. The main weaknesses we have identified in the current legislation are:
- (a) it fails explicitly to put public protection as its paramount purpose;
  - (b) it pre-dates devolution and does not allow for the changes in national powers and interests that have resulted;
  - (c) there are difficulties associated with five separate bodies involved in setting and monitoring standards;
  - (d) midwives are dissatisfied with the way they are involved and the arrangements do not facilitate genuine multi-professional working within the Council;
  - (e) the Act does not reflect the changing structure of the nursing professions - e.g. the development of community practitioners;
  - (f) unhelpful complexity in the structures defined in the Act works against the principles of simplicity and transparency and reduces flexibility to cope with future changes;
  - (g) the Central Council has restricted and inflexible powers in the area of conduct and discipline which adversely affects public protection and does not assist the rehabilitation of practitioners who could return to useful practice;
  - (h) the Central Council is poorly constituted for the role it needs to play in future and for visible public accountability.

### **Requirements for new legislation**

13. There is much good practice to build upon and some improvements can be achieved within the existing framework. However, changes of the order implied above require new legislation and the new start and cultural change that will go with it. Key features of this new start are:

- (a) to establish a more strategic and authoritative council, open to contributions from outside the professions, in tune with the rapid changes in the external environment, and working in a collaborative manner to influence agendas wherever they are relevant to its primary purpose;
- (b) to clarify the relationship between UK-wide and national functions. The UK Council must operate in new ways which recognise national interests and devolved powers. This must be accepted by all four countries and arrangements must interlock effectively;