

The Regulation of Nurses, Midwives and Health Visitors

2. HISTORY AND BACKGROUND TO THE REVIEW

2.1 This chapter gives a brief overview of the history of the Nurses, Midwives and Health Visitors Act 1997, the professions regulated and the background to the review.

Background to the Act

2.2 Nurses have been regulated under statutory professional self-regulation since 1919; and midwives since 1902. Until 1979, health visitors were regulated through their nursing qualification, with other arrangements made under a separate body for their education and training as health visitors.

2.3 The current 1997 Act was a consolidation of the 1979 Act and a subsequent amending Act of 1992. The 1979 Act established a single, UK wide statutory framework for the regulation of nurses, midwives and health visitors. It stemmed from the Report of the Committee on Nursing (the Briggs Report 1972), which was concerned mainly with education, training and manpower issues; not unexpectedly, there was considerable emphasis on these aspects of regulation in the Act. Whilst protection of the public is the ultimate purpose of statutory professional self-regulation, this was not the explicit focus of this legislation.

2.4 The 1979 Act represented a considerable leap forward in terms of professional regulation, but was inevitably a compromise (shown by the years of debate that preceded it). This reflected the interests of three separate professions and four countries. It brought together all the statutory bodies concerned with regulating the professions at both pre- and post-registration levels and rationalised the regulatory structure across the UK.

2.5 The 1979 Act created a UK Central Council and four National Boards, each responsible for aspects of regulation – the Council essentially maintaining a Register, setting education and practice standards and conducting disciplinary hearings, the Boards implementing the education standards and carrying out preliminary investigations into alleged misconduct. The professions elected members of the National Boards, and Council was composed of members of National Boards and appointees of the Secretary of State. In many respects, National Boards continued to operate in much the same way as the General Nursing Councils and Central Midwifery Boards (the regulatory predecessors).

2.6 A review of the organisation and functioning of the five statutory bodies in 1989 led to the 1992 Act and changes in legislation - the UKCC became the directly elected body and the National Boards became smaller, executive bodies appointed by the respective Secretaries of State (and, for Northern Ireland, the Head of the Department of Health and Social Services for Northern Ireland). All professional conduct functions were transferred to the Central Council.

The professional groups

2.7 The professionals regulated under the Nurses, Midwives and Health Visitors Act 1997 are nurses, midwives and health visitors. These groups are defined through the Register maintained by the UKCC - in terms of their education and training and other requirements