

Nursing and Midwifery Council (Constitution) Order 2008

Consultation Questions

Please fill in and/or tick the appropriate response.

You can respond by e-mail to HRDListening@dh.gsi.gov.uk. You may also respond in writing to: NMC Constitution Order consultation Department of Health Room 2N12 Quarry House Quarry Hill Leeds LS2 7UE

Name	Richard Price
Contact address	Pharmaceutical Society of Northern Ireland 73 University Street Belfast
Postcode	BT7 1HL
Contact Telephone	02890 326927
E-mail	richard.price@psni.org.uk

The information you send us may need to be passed on to colleagues within the UK Health Departments and/or published in a summary of responses to this consultation.

I do not wish my response to be passed to other UK Health Departments

I do not wish my response to be published in a summary of responses

Please indicate all the countries to which your comments relate:

UK-wide **and/or**
England **Northern Ireland**
Scotland **Wales**

Are you responding:

- *as a member of the public*
- *as a health or social care professional*
- ***on behalf of an organisation***

If you are responding as a member of the public, please supply the following details:

Profession

If you are responding as a health or social care professional, please supply the following details:

Profession

Country of qualification

Please indicate as appropriate:

UK

Other EEA

Rest of World

Area of work

NHS

Social Care

Private Health

Voluntary

Regulatory Body

Professional Body

Education

Union

Local Authority

Trade Body

Other (please give details)

If you are responding on behalf of an organisation, please supply the following details:

NHS

Social Care

Private Health

Voluntary

Regulatory Body

Professional Body

Education

Union

Local Authority

Trade Body

Other (please give details)

The NMC (Constitution) Order 2008

To: Mr. Stuart Griffiths, Professional Regulation Team, DH Workforce Directorate

PRINCIPAL RESPONSE FROM THE PHARMACEUTICAL SOCIETY OF NORTHERN IRELAND

The Pharmaceutical Society of Northern Ireland welcome all Section 60 orders designed to modernise professional regulation in the health sector, in line with the recommendations of the 2007 Government White Paper, *“Trust, Assurance and Safety – The Regulation of Health Professionals in the 21st Century”*, and look forward to the development of our own Section 60 order to this effect.

However, the Society believes it is of the utmost importance to the constitutional integrity of devolution, and the functioning of good government, that all such Section 60 orders are laid before the Northern Ireland Assembly for approval, as medical regulation is a fully devolved matter in that part of the United Kingdom.

The Society notes that it is a statutory requirement within the Health Act 1999, that Section 60 orders that apply to professions for which the Scottish Executive has competence (e.g. pharmacy technicians), to be subject to passage through the Holyrood Parliament.

It is the Society’s considered view that the Northern Ireland Assembly should have an equal opportunity as the Scottish Parliament to scrutinise major changes to the regulation of professions in the health sector, where that legislature has competence, in order to ensure such changes are fit for purpose for practitioners in that region of the United Kingdom.

The Society is content for the contents of this response to be made public.

Consultation Questions

Composition of the Council

Q1: Do you agree that the Council of the NMC should consist of 7 registrant members and 7 lay members?

Support (X)

Not Support ()

Unsure ()

Comments

A key recommendation of the 2007 Government White Paper, *“Trust, Assurance and Safety: the Regulation of Health Professionals in the 21st Century”* was: *“to enable councils to focus more effectively on strategy and oversight of their executives, they will become smaller and more board-like, with greater consistency of size and role across the professional regulatory bodies”*.

A reduction in the size of Council from 23 to 14 members is in line with the recommendations of the White Paper, the subsequent Niall Dickson report, and the recent CHRE report.

However, the Society emphasise the need for Regulatory Bodies to fully reflect the different requirements of the public and registrants in Northern Ireland where regulation of health professionals is a fully devolved matter.

Terms of office of members

Q2: Do you agree that the Privy Council (Appointments Commission) should determine the duration of the term of office of each NMC member, on appointment?

Agree (x)

Disagree ()

Unsure ()

Comments

Q3: Do you agree that no member should hold office for more than an aggregate of 6 years?

Agree (x)

Disagree ()

Unsure ()

Comments

However service on Council before the passage of this order should not be included within that aggregate as the Council member in question will not have been aware of the limit when originally taking office.

Q4: Do you agree that service on the NMC, either prior to or since 31 July 2006, should be included when calculating the total aggregate that any member may serve?

Agree ()

Disagree (x)

Unsure ()

Comments

This proposal seems unfair to members of Council who began serving on Council before 31 July 2006. These members could not have been aware of the future time limitations that are now proposed to be placed upon their term on Council.

Education and training of members

Q5: Do you agree that the NMC should have the flexibility to make arrangements for the provision of education and training of Council members with another body?

Agree (x)

Disagree ()

Unsure ()

Comments

It is entirely appropriate for a regulator to have flexibility as to where it sources training from.

Disqualification for appointment as a member

Q6: Do you agree with the reasons for disqualifying a person from appointment as a member of the NMC? If not, please specify which reasons you disagree with and explain why.

Agree (x)

Disagree ()

Unsure ()

Comments

Removal and suspension of members from office

Q7: Do you agree with the reasons given for removing or suspending members from office? If not, please specify which reasons you disagree with and explain why.

Agree (x)

Disagree ()

Unsure ()

Comments

Appointment, term of office and cessation of office of the chair

Q8: Do you agree that the term of office of the Chair should be determined by the Privy Council on appointment?

Agree ()

Disagree ()

Unsure (x)

Comments

The Society has no objections to this proposal, pending the forthcoming Government review of elected chairs versus appointed chairs in 2011.

Q9: Do you agree with the reasons why a member should cease to be Chair?

Agree (x)

Disagree ()

Unsure ()

Comments

Deputising arrangements in respect of the Chair

Q10: Do you agree with the deputising arrangements in respect of the Chair?

Agree ()

Disagree (x)

Unsure ()

Comments

The Society is of the view that there should be a deputy chair appointed with the Chair to ensure consistency of approach and quality of management of meetings

Quorum of the NMC, effect of vacancies etc. on the validity of proceedings

Q11: Do you agree that the quorum of the NMC should be 8?

Agree (x)

Disagree ()

Unsure ()

Comments

However mechanisms should be established to ensure that an appropriate balance between lay and professional representation is maintained especially where matters are decided by majority voting.

Q12: Do you agree with the provisions that prevent NMC proceedings being invalidated?

Agree (x)

Disagree ()

Unsure ()

Comments