

HEALTH AND SOCIAL CARE BILL

Queen's Speech
6th November 2007

CAMPAIGN BRIEFING

which


Overview

Which? is the largest consumer organisation in Europe, and works on behalf of all consumers to make them as powerful as the organisations they come up against in their daily lives. We have a long history of campaigning on health issues, and have recently been calling for a safe and responsible cosmetic treatments industry, and campaigning to improve the patient experience in hospital.

Which? welcomes the forthcoming introduction of the Health and Social Care Bill into Parliament. We believe this is an important opportunity to reform the system of regulating healthcare providers and professionals, to create a truly patient-centred approach to regulation. Ensuring that all healthcare, wherever and by whoever it is provided, is safe, effective and of high quality will go some way to improving protection for consumers, whether they are considering a cosmetic change such as laser hair removal or about to go into hospital for an operation.

The Bill will bring together the existing health and social care regulators into one body, the Care Quality Commission. It will also implement the White Paper proposals to reform the regulation of healthcare professionals, enhancing public and professional confidence in healthcare professionals and strengthen clinical governance.

Which? demands

This briefing sets out Which?'s specific demands to ensure the Bill guarantees all consumers safe, high-quality and effective healthcare. It is vital that the Bill ensures better public accountability in the regulation of healthcare providers and professionals, and therefore:



for all consumers

- > All healthcare regulators must be directly accountable to Parliament and present annual performance reports.
- > All healthcare regulators must make information such as performance inspection reports on providers or specific information on healthcare professionals such as their specialisms, higher level qualifications and revalidation status, easily accessible to patients and the public.

Care Quality Commission

Which? is calling for:

REGULATION OF BOTH PUBLIC AND INDEPENDENT PROVIDERS

- > Consumers of some privately provided services, such as dentistry, have had less protection than they would if that service was provided by the NHS. Differences in the regulation of independent services compared to NHS services leads to loopholes and inconsistencies, as services are regulated in different ways and to different standards. As more and more NHS services are provided by the private sector it is important to establish common standards.
- > The regulatory scope of the Commission should be extended to cover all public and independent health and social care services used by consumers, particularly the new types of services emerging in the reformed NHS, such as walk-in centres, polyclinics and GPs with special interests.

REGULATION TO KEEP UP TO DATE

- > The regulatory framework needs to keep up with developments in healthcare. For example, in the rapidly growing cosmetic treatments market new treatments are constantly emerging which are subject to little or no regulation, leaving consumers at risk.
- > Some treatments such as Botox®, Cosmetic fillers and cosmetic laser treatments have been particularly subject to weak, ineffectual or a reduction in regulation. These health services can have significantly harmful consequences, and consumers need greater protection, not less.
- > The Bill should therefore create a legal duty on the Commission to identify and take action when consumers are put at risk because the service is not covered by current regulation or self-regulation has failed.



A RAPID AND PROPORTIONATE RESPONSE

- > The Commission should include a rapid response unit to tackle serious or persistent failures, to turn around failing wards or hospitals, to help prevent situations such as the high profile case of deaths at Maidstone Hospital from happening again.
- > Rather than simply closing hospitals, the Commission should adopt a more sophisticated approach and actively intervene to help turn around any serious failures within a hospital, be they a particular ward or service, to ensure that the hospital rapidly returns to performing at the correct level.

Regulation of Healthcare Professionals

Which? is calling for:

INDEPENDENT REGULATION IN THE PUBLIC INTEREST

- > There should be a lay majority of one on the Governing bodies of all regulators' councils, and a stronger definition of 'lay' as someone who has no professional interest. This should help ensure that lay members reflect the interests of patients and the public, and ensure the patient interest is embedded in the work of each professional regulatory body.
- > All council members, including professional members, should be independently appointed to strengthen public confidence in the regulatory bodies ability to maintain the public interest to hold professionals properly to account.

REGULAR ASSESSMENT OF ALL PROFESSIONALS

- > The introduction of regular assessment (revalidation) of healthcare professionals to ensure they are fit to practise will make sure that all professionals maintain appropriate standards of conduct and behaviour to keep their skills up-to-date throughout their professional career.
- > The registration and regulation of all health and social care professionals, including students, healthcare assistants and support workers, to ensure that from the very beginning anyone involved in the care of patients, even during training and at the most junior level are subject to common standards of regulatory accountability.

IMPROVED PROTECTION FOR CONSUMERS

- > The introduction of a civil standard of proof in any fitness to practise cases, already adopted by some professional regulators,



should apply to all regulators to ensure consistent and greater protection for consumers.

These are the main demands Which? has for the Bill. Further information on each of these is available by contacting **Richard Messingham**, Which? Public Affairs Officer:

richard.messingham@which.co.uk or 020 7770 7228