



Ein cyf/Our ref OQ57633

Darren Millar MS
Member of the Senedd for Clwyd South

darren.millar@senedd.wales

21 March 2022

Dear Darren,

During oral questions on 16 February you raised the suggestion about regulation of NHS Managers in Wales to enable sanctions to hold them to account should they make poor decisions. I agreed to reflect and reply to you separately.

The Senedd Cymru's legislative competence to regulate health professionals is limited by several reservations in Schedule 7A to the Government of Wales Act 2006. Whilst the regulation of healthcare professionals is currently not devolved to Wales, the Welsh Government continues to work closely with its counterparts in England over policy development. The Department for Health and Social Care recently introduced its Health and Care Bill to Parliament. The Bill proposes through Clause 123 that a new subsection 2ZZA be inserted into Section 60 of the Health Act 1999, which would enable the definition of "professionals" to be expanded to include groups of workers who are not generally regarded as professions i.e. to capture some health care managers who would not otherwise be regulated. However, the UK Department for Health and Social Care has advised that the provision is intended to clarify not change the existing position in respect of professional regulation and, at present, there is no intention to use this power to regulate any additional persons.

We have considered carefully whether regulation of senior managers would provide additional safeguards or sanctions where NHS organisations fail to perform effectively. There are a number of practical barriers to regulating senior health leaders and managers in Wales and establishing a system for Wales alone would require a very substantial mechanism to be developed. For example, we would need to create a Welsh regulatory body and develop professional standards, the introduction of which would be very difficult at this present time, within the existing professional regulatory system.

We are not complacent, however, as our most senior NHS leaders play a vital role in creating the right strategic leadership and conditions to enable their organisations to thrive and deliver the most effective services to the people of Wales. Whilst Ministers are not involved in the appointment process for senior NHS managers, officials have ensured over recent years that the approach to the selection and appointment of senior leaders across the NHS in Wales is in line with good practice in recruitment of other senior executives. The approach ensures that we have an open and transparent recruitment process and robust selection criteria for these very senior roles. The selection process involves a range of psychometric assessment, key stakeholders panels, and the appropriate professional lead from Welsh Government sits on the Health Board or Trusts appointment Panel to ensure fairness in the selection process and consistency with the appointment standards. Welsh Government expects all appointments to be subject to the successful completion of necessary pre-employment checks before the appointment is confirmed. Individuals are then subject to performance management within their organisation once appointed in line with good employment practice.

As part of our Workforce Strategy for Health and Care in Wales, we are also focussed on developing a culture of collective and compassionate leadership across the NHS in Wales as there is robust evidence that leads approach will deliver the best health outcomes for the people of Wales. We are also supporting national talent and succession planning to ensure we develop a pipeline of future leaders who will further embed the compassionate culture across all our services.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'M. E. Morgan'.

Eluned Morgan AS/MS

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol
Minister for Health and Social Services