

Memo: to the National Assembly for Wales: Proposed NHS Redress (Wales) Measure Committee

From David Smith

Litigation costs in the public sector are increasing. Last year, the NHS in the UK spent £400 million on insurance premiums alone to protect itself from litigation. While it is impossible to mitigate fully, having a fully regulated and qualified health workforce reduces risk which should reduce premiums and more importantly advance patient safety and improved quality in NHS treatment provided.

Whilst not directly responding to specific questions posed by the consultation, the following fundamental principles (see Note One), developed in the context of a special edition of 'Health Matters' (Spring 2007), may be helpful in providing the Committee with a wider context when considering this particular measure. Copies of this special edition on "Lay perspectives on Professional Health Care Regulation" can be made available on request.

It should be noted that these principles have been communicated to the Secretary of State for Wales, in relation to the proposed 'Health and Social Care Bill'. This arises from his recent request for comments on the Government's draft legislative programme.

David Smith

13th September 2007

NOTE ONE

Seven Fundamental Promises of Professional Healthcare Regulation

Promise 1: That all who provide care uphold values that respect and support service users, offering information, skills and resources to make informed choices.

Promise 2: That health care professionals are competent, have up to date knowledge in their fields and will refer to others where appropriate

Promise 3: That inappropriate behaviour and inadequate performance will be recognised and dealt with in a timely way, and that others, as well as the regulator, are involved in this

Promise 4: Those regulators remain independent of government, employers and of the professions, bringing the perspectives of these and of diverse patients and the public to bear in both setting and upholding standards

Promise 5: That the regulatory system is accessible, understandable and clearly integrated with other mechanisms for handling complaints and giving redress

Promise 6: That regulators are adequately resourced for the job that they do, and that the balance between regulatory risk and regulatory cost is periodically re-examined and re-assessed

Promise 7: That regulators are properly accountable to parliament and transparent open and consultative in the decisions they make