

# HEALTH AND SOCIAL CARE (SAFETY AND QUALITY) ACT 2015

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### *The Schedule – Objectives of regulators of health and social care professions*

38. This Schedule makes provision for a consistent overarching objective of public protection for the following regulators of health and social care professionals, by means of the following legislative amendments:
- a) the General Dental Council ('GDC') by amending section 1 of the Dentists Act 1984 to insert a new overarching objective;
  - b) the General Optical Council ('GOC') by amending section 1 of the Opticians Act 1989 to replace the existing main objective with a new overarching objective;
  - c) the General Osteopathic Council ('GOsC') by amending section 1 of the Osteopaths Act 1993 to insert a new overarching objective;
  - d) the General Chiropractic Council ('GCC') by amending section 1 of the Chiropractors Act 1994 to insert a new overarching objective;
  - e) the Nursing and Midwifery Council ('NMC') by amending Article 3 of the [Nursing and Midwifery Order 2001 \(S.I. 2002/253\)](#) to replace the existing main objective with a new overarching objective;
  - f) the Health and Care Professions Council ('HCPC') by amending Article 3 of the [Health and Social Work Professions Order 2001 \(S.I. 2002/254\)](#) to replace the existing main objective with a new overarching objective;
  - g) the General Pharmaceutical Council ('GPhC') by amending Article 6 of the [Pharmacy Order 2010 \(S.I. 2010/231\)](#) to replace the existing main objective with a new overarching objective.
39. Like the PSA's overarching objective, the overarching objective of the health and social care professional regulators involves the pursuit of the following objectives, which are consistent with those that apply in the case of the PSA:
- a) to protect, promote and maintain the health, safety and well-being of the public;
  - b) to promote and maintain public confidence in the relevant profession;
  - c) to promote and maintain proper professional standards and conduct for members of the relevant profession.
40. For the GOC and GPhC, which also have functions in relation to business regulation, the overarching objective also involves promoting and maintaining proper standards and conduct for business registrants (GOC), and proper standards for the safe and effective practise of pharmacy at registered pharmacies (GPhC).

41. The Schedule also requires committees and panels to have regard to the overarching objective when determining if a practitioner is fit to practise or when considering appropriate sanctions. The committees and panels concerned are:
- a) for the GDC, an Investigating Committee or panel when considering whether to issue a warning or advice, or direct a warning to be entered in the register, under sections 27A(2) and (3) and 36O(2) and (3) of the Dentists Act 1984, and a Practice Committee or panel when exercising functions in relation to determining fitness to practise and restoration to the register under sections 27B, 27C, 28, 36P, 36Q and 36R of the Dentists Act 1984;
  - b) for the GOC, the Registration Appeals Committee when exercising functions under section 13K of the Opticians Act 1989 in relation to restoration to the register, the Fitness to Practise Committee when exercising functions under sections 13F and 13H of the Opticians Act 1989, and the Investigation Committee when deciding whether to give a warning under section 13D(7) of the Opticians Act 1989;
  - c) for the GOsC, a Professional Conduct Committee or panel when exercising functions in relation to restoration to the register under section 8 of the Osteopaths Act 1993 or fitness to practise under section 22, and a Health Committee or panel when exercising functions in relation to fitness to practise under section 23 of the Osteopaths Act 1993;
  - d) for the GCC, a Professional Conduct Committee or panel when exercising functions in relation to restoration to the register under section 8 of the Chiropractors Act 1994 or fitness to practise under section 22, and a Health Committee or panel when exercising functions in relation to fitness to practise under section 23 of the Chiropractors Act 1994;
  - e) for the NMC, an Investigating Committee or panel in relation to the exercise of some of its functions under article 26 of the [Nursing and Midwifery Order 2001 \(S.I. 2002/253\)](#) in respect of allegations referred to it, and a Conduct and Competence Committee, Health Committee or panel in the exercise of their functions in relation to fitness to practise and restoration to the register under articles 27 to 30 and 33 of that Order;
  - f) for the HCPC, an Investigating Committee or panel in relation to the exercise of some of its functions under article 26 of the [Health and Social Work Professions Order 2001 \(S.I. 2002/254\)](#) in respect of allegations referred to it, and a Conduct and Competence Committee, Health Committee or panel in the exercise of their functions in relation to fitness to practise and restoration to the register under articles 27 to 30 and 33 of that Order;
  - g) for the GPhC, the Investigating Committee when deciding whether to give a warning or advice under article 53 of the [Pharmacy Order 2010 \(S.I. 2010/231\)](#) and the Fitness to Practise Committee in the exercise of their functions under articles 54 and 57 of that Order in relation to fitness to practise and restoration to the register.
42. The Schedule does not make provision for the General Medical Council ('GMC') as similar provision was made for the GMC in the General Medical Council (Fitness to Practise and Over-arching Objective) and the [Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#). It also does not make similar provision for the Pharmaceutical Society for Northern Ireland, whose remit is different from that of the other regulators.