

Order of the Day

3. BILL FOR SECOND READING

3.1. Regulation of Care (Amendment) Bill 2019 – Second Reading approved

Mr Ashford to move:

That the Regulation of Care (Amendment) Bill 2019 be read a second time.

The Speaker: Item 3, Bill for Second Reading, Regulation of Care (Amendment) Bill 2019 and I call on the Hon. Member for Douglas North, Mr Ashford to move.

Mr Ashford: Thank you, Mr Speaker.

I am pleased to move the Second Reading of the Regulation of Care (Amendment) Bill 2019.

Hon. Members will be aware that the Regulation of Care (Amendment) Bill 2019, which I will refer to from this point on as ‘the Bill’, was somewhat unusually introduced in the other place rather than the House of Keys. The Bill has progressed in this manner to ensure that there was a fair balance of Bills between the Branches and to prevent any delay in the progression of this Bill. Additionally, no policy is being changed by the Bill as it is purely technical in nature.

The Bill amends the Regulation of Care Act 2013 and consequently the Employment Agencies Act 1975. Section 52 of the Act makes it an offence for a person to carry on an independent medical agency or a nurses’ agency unless they are registered with the Department in accordance with the provisions of the Act. The definitions of an ‘independent medical agency’ and a ‘nurses agency’ are found in sections 28 and 29 of the Regulation of Care Act, respectively. These definitions as they currently stand capture employment agencies introducing or supplying doctors, nurses and midwives to work solely for the Department.

The purpose of the Act is quite clear. It was never intended to capture those agencies, and that it did so was unearthed quite recently as a consequence of legal advice received by the Department from the Attorney General’s Chambers in connection with another matter. Thus this Bill has been drafted to correct that anomaly to ensure independent medical agencies and nurses’ agencies supplying or introducing doctors, nurses or midwives to work solely for the Department, are exempt from the requirement to register.

The Department considers this to be a matter of importance. If those agencies were required to register it would more than likely preclude those agencies from supplying or introducing essential medical staff in the Island. This would have an extreme detrimental effect on the Department’s ability to recruit and therefore deliver the essential national health and care services which we do.

As I stated at the start, Mr Speaker, there is no change in policy being effected here. It was never the intention to require such businesses to undertake the registration process. The Bill corrects the error to ensure the Act is fit for purpose for which it was originally enacted.

Mr Speaker, I beg to move that the Regulation of Care (Amendment) Bill 2019 be read for a second time.

The Speaker: I call on the Hon. Member for Douglas Central, Mrs Corlett.

Mrs Corlett: Thank you, Mr Speaker, I beg to second.

The Speaker: Hon. Member, Mr Hooper.

Mr Hooper: Thank you very much, Mr Speaker.

I think the Minister knows the question I am going to ask him. In respect of this Bill can I just get, for clarity, he said that it will exempt agencies providing nurses and doctors who work solely for the Department. It was my understanding that a lot of nurses and doctors on the Isle of Man perform a combination of private and NHS work. I just want to make sure that if an agency is providing a nurse or a doctor who will do predominantly DHSC work but also a portion of private work, that agency is also covered by this exemption?

And, also, if the Minister could just confirm that organisations other than the DHSC who provide NHS work, such as local GP practices, are also covered by this exemption?

Thank you.

The Speaker: Mover to reply.

Mr Ashford: Thank you, Mr Speaker.

It would depend upon the circumstances because in the event of supply to, say, a GP surgery it would depend whether that person was in the employ of the Department and the Department was providing them to the GP surgery, because GP practices are independent businesses.

If they were being employed by the GPs then they would have to be registered – the agency would have to actually be registered on the Island. It is the same for private work as well.

What you tend to find, Mr Speaker, is in relation to care homes and private care homes, etc. they tend to try and get, obviously, their full-time positions filled; but for any private work that is done the agency would have to be registered.

The Speaker: I put the question that the Regulation of Care (Amendment) Bill 2019 be read for a second time. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.