



Business impact target, growth duty and Small Business Appeals Champion - response form

The consultation is available at: www.gov.uk/government/consultations/business-impact-target-growth-duty-and-small-business-appeals-champion

The closing date for responses is **17 March 2016**.

Please return completed forms to:

James Smith
Better Regulation Executive
Department for Business, Innovation and Skills
1 Victoria Street
London
SW1H 0ET

Tel: 0207 215 4010

Fax: 0207 215 3660

Email: betterregulationconsultation@bis.gsi.gov.uk

Information provided in response to this consultation, including personal information, may be subject to publication or release to other parties or to disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004). There is also a statutory Code of Practice issued under section 45 of the FOIA with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

If you want information, including personal data, that you provide to be treated in confidence, please explain to us what information you would like to be treated as confidential and why you regard the information as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the department.

I want my response to be treated as confidential

Comments: n/a

Questions

Organisation (if applicable): **Nursing and Midwifery Council**
Address: 23 Portland Place, London, W1B 1PZ

- 1 The Nursing and Midwifery Council (NMC) is the professional regulator for nurses and midwives in the UK. We exist to protect the public. We do this by holding and controlling access to the register of qualified nurses and midwives and setting standards of education, training, conduct and performance for nurses and midwives. If an allegation is made that a registered nurse or midwife is not fit to practise, we also have a duty to investigate that allegation and, where necessary, take action to protect the public.
- 2 We welcome the opportunity to respond to the BIS consultation¹ on the scope of the business impact target, growth duty and Small Business Appeals Champion and on the related guidance.

Please check a box from the list of options that best describes you.

	Respondent type
<input type="checkbox"/>	Business representative organisation/trade body
<input checked="" type="checkbox"/>	Regulator
<input type="checkbox"/>	Central government
<input type="checkbox"/>	Charity or social enterprise
<input type="checkbox"/>	Individual
<input type="checkbox"/>	Legal representative
<input type="checkbox"/>	Large business (over 250 staff)
<input type="checkbox"/>	Medium business (50 to 250 staff)
<input type="checkbox"/>	Small business (10 to 49 staff)
<input type="checkbox"/>	Micro business (up to 9 staff)
<input type="checkbox"/>	Trade union or staff association
<input type="checkbox"/>	Other (please describe)

¹ <https://www.gov.uk/government/consultations/business-impact-target-growth-duty-and-small-business-appeals-champion>

Question 1: Do you agree that the regulators listed in Annex A should be brought within scope of the Business Impact Target? Are there any others you think should be in scope? Please provide reasons for your answer.

- 3 We have no comment to make on whether the regulators listed in Annex A should be included within the scope of the Business Impact Target (BIT). We welcome that we are not included within the scope of the BIT, or included in the listed annexes of the consultation. We are, however, concerned that the government may consider our inclusion in the future as hinted at in paragraph 57 of the consultation.
- 4 The NMC statutory regulatory remit does not include any responsibility for regulating the businesses in which nurses and midwives work. It is the remit of the Care Quality Commission (CQC), and others across the four countries of the UK, to provide regulatory oversight of businesses and organisations that employ nurses and midwives. Our regulatory remit is the professional regulation of individuals only, to ensure they are fit to practise in order to protect the public. This is in contrast to some of the other healthcare professional regulators such as the General Optical Council (GOC) and the General Pharmaceutical Council (GPhC) which also regulate optical businesses and pharmacy premises respectively, as well as the individual professionals.
- 5 We note that the government's target objective for inclusion in the scope of the BIT, set out in paragraph 5 of the consultation, is to "ensure that the activities of statutory regulators that have an impact on business can count towards the BIT". We also note that the Secretary of State for Business, Innovation and Skills has outlined on 3 March 2016² that the BIT will be a saving of £10bn during this parliament, £5bn of which will be made within the first three years. He also noted that exclusions to the BIT included regulatory provisions which implement European Union Regulations and Directives.
- 6 As the NMC's regulatory reach does not extend to the businesses and organisations at which nurses and midwives work it is not clear what the benefit of our inclusion in the BIT would be. In addition, a number of our regulatory provisions for individuals are derived from European law. It is our view that our inclusion can only result in the NMC having to commit time and resources without making any tangible contribution to achieving or measuring the BIT. We have written to the Minister of State for BIS, Anna Soubry MP, to set out this position, and also responded to the NAO's reducing regulation consultation³.

² <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2016-03-03/HCVS574/>

³ <https://www.nmc.org.uk/globalassets/sitedocuments/consultations/nmc-responses/2016/nmc-response-to-nao-consultation-on-reducing-regulation.pdf>

Question 2: Do you have any comments on the Impact Assessment for the Business Impact Target?

- 7 We note from the consultation web page that no RPC opinion has yet been received on the BIT impact assessment. We also note that the assessment recognises that the main costs associated with the implementation of the BIT would be borne by the regulators making assessments (paragraphs 32-55 of the impact assessment). If the BIT scope was extended to include healthcare professional regulators such as us, that cost would have to be borne by the individuals we regulate as we are funded solely by the registration fees professionals pay to us. This would effectively place undue financial burden on the individual registrant so that we could provide very limited input to the BIT in a drive to save business money. We feel this is not in line with the principles of better regulation and provides another clear reason why we should remain outside of the scope of the BIT.
- 8 Paragraphs 46-48 of the impact assessment estimate a £244.39 daily rate of a single member of staff at a regulator assessing the BIT and making submissions, which spread across the regulators proposed to be in scope equates to £458k of cost. We believe this figure may be far lower than any true costs incurred by the regulator as they are based upon assumptions from a different model as opposed to a body of existing evidence. They do not take into account the input of other staff into the process and their daily rates, senior level oversight of those assessments or associated business planning, reporting or annual accounting activities. We believe the true costs may therefore be far higher, which could affect the aim of overall savings to be achieved by the BIT averaging £2bn a year over this parliament.

Question 3: Do you agree that the regulators listed in Annex B and the regulatory functions listed in the associated draft Statutory Instrument should be brought within scope of the Growth Duty? Are there any others you think should be in scope? Please provide reasons for your answer.

- 9 We have no comment to make on whether the regulators listed in Annex B should be included within the scope of the Growth Duty. We do, however, welcome that we are not included within the scope of the Growth Duty, or included in the listed annexes of the consultation. We are, however, concerned that the government may consider our inclusion in the future as hinted at in paragraph 57 of the consultation. We do not believe we should fall within the scope of the Growth Duty now or in the future for the same reasons as set out in our responses to questions 1 and 2 above.

Question 4: Do you have any comments on the Impact Assessment for the Growth Duty?

- 10 We note that the RPC opinion has rated the impact assessment for the Growth Duty as green so have no comments to make.

Question 5: Do you agree that the regulators listed in Annex C and the regulatory functions listed in the associated draft Statutory Instrument should be brought within scope of the Small Business Appeals Champion? Are there any others you think should be in scope? Please provide reasons for your answer.

- 11 We have no comment to make on whether the regulators listed in Annex C should be included within the scope of the Small Business Appeals Champion. We do, however, welcome that we are not included within the scope of the Growth Duty, or included in the listed annexes of the consultation.
- 12 We do not believe we should fall within the scope of the Small Business Appeals Champion now or in the future for the same reasons as set out in our responses to questions 1 and 2 above. We note that the definition of 'regulatory functions' in the draft statutory instrument would exclude the NMC from inclusion as all of our regulatory functions are exercised under provisions set out in Orders, Orders of Council or Rules as subordinate instruments to the Health Act 1999 or the Nursing and Midwifery Order 2001. This is welcome.

Question 6: Do you have any comments on the Impact Assessment for the Small Business Appeals Champion?

- 13 We note that the RPC opinion has rated the impact assessment for the Small Business Appeals Champion as green so have no comments to make.

Question 7: Do you agree that there is a case for extending the Business Impact Target, Growth Duty and Small Business Appeals Champion to professional bodies? Please provide reasons for your answer.

- 14 We are not a professional body and nor do we regulate private, or any other, business in the healthcare sector as set out in paragraph 57 of the consultation. Therefore, we would not anticipate our inclusion in any such considerations of extending the scope of the BIT, Growth Duty and Small Business Appeals Champion.
- 15 We also do not believe there is a case for the inclusion of healthcare professional regulators which only have a remit which covers the regulation of individuals within the scope of the BIT, Growth Duty and Small Business Appeals Champion. Our rationale for this is set out in our answers to questions 1, 2 and 5 above.

Question 8: Do you agree that at this stage we should bring the non-economic functions of the Office of Rail and Road and the Civil Aviation Authority into scope of the Growth Duty and Small Business Appeals Champion? Please provide reasons for your answer.

- 16 We have no comments to make as this is outside of our regulatory remit.

Question 9: Do you have any comments on the draft guidance for the Growth Duty? In particular, is it practical and easy to follow?

- 17 We have no comment to make on the draft guidance.

Question 10: Do you have any comments on the draft guidance for the Small Business Appeals Champion? In particular, is it practical and easy to follow?

- 18 We have no comment to make except to note that given the definition of 'regulatory functions' in the draft statutory instrument, the provisions for Small Business Appeals Champions (and therefore any associated guidance) could not apply to the NMC.

If you have any other comments, please include them below.

- 19 We have no further comments to make.

Thank you for taking the time to let us have your views. We do not intend to acknowledge receipt of individual responses unless you tick the box below.

Please acknowledge this reply

At BIS we carry out our research on many different topics and consultations. As your views are valuable to us, would it be okay if we were to contact you again from time to time either for research or to send through consultation documents?

Yes

No

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