

**2020**

**Blwyddyn Rhyngwladol y Nyrs a'r Fydwraig**  
 International Year of the Nurse and Midwife

**Royal College of Nursing**

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**Helen Whyley, RN, MA**  
 Director, RCN Wales

4 September 2020

Dr Dai Lloyd, MS  
 Chair of the Health, Social Care and Sports Committee  
 Welsh Parliament  
 Cardiff Bay  
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Dear Chair

I am writing to you regarding the Health, Social Care and Sports Committee's consultation into the legislative consent Memorandum for Medicine and Medical Devices Bill.

The Medicine and Medical Device Bill proposes the use of NHS Digital to establish and manage a database of information in relation to medical devices. NHS Digital is an executive non-departmental public body, sponsored by NHS England that currently has no remit in relation to Wales. Clause 16 of the Bill delegated powers on the Secretary of State for Health and Social Services to make regulations for this database.

NHS Digital's statutory duties are outlined in the Health and Social Care Act 2012 and Care Act 2014. These include; the gathering, analysing and publishing of health and care data for England, improving the quality of health and care information in England and measuring the quality of care and progress against policy initiatives.

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Mae'r RCN yn cynrychioli nrysys a nyrsio,  
 gan hyrwyddo rhagoriaeth mewn arfer a llunio  
 polisiau iechyd  
 The RCN represents nurses and nursing, promotes  
 excellence in practice and shapes health policies



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Mae'r Coleg Nysrio Brenhinol yn Goleg Brenhinol a sefydlwyd drwy Siarter Frenhinol ac Undeb Llafur Cofestref Arbenig a sefydlwyd a dan Ddeddf Undebau Llafur (Cydgrynhoi) 1992.

The RCN is a Royal College set up by Royal Charter and a Special Register Trade Union established under the Trade Union and Labour Relations (Consolidation) Act 1992.

The Royal College of Nursing (RCN) Wales supports the principle of the legislative consent Memorandum for Medicine and Medical Devices Bill. The role of NHS Digital is vital in providing up-to-date, relevant information.

RCN Wales believes that introducing NHS Digital into the Welsh health and social care sector will greatly improve the recording of information relating to medicine and medical devices. This will prevent the ad hoc collection of information, that has long needed to be reformed.

However, RCN Wales is concerned that the Medicine and Medical Device Bill lacks details relating to the financial requirements of the Bill and the plans for its implementation.

There remain questions regarding the implementation of the Medicine and Medical Devices Bill. As it currently reads the financial requirements are unclear. The consultation reads:

*'The DHSC has floated a number of unquantified illustrative proposals for how the information systems could be funded including membership subscriptions, fees, and the sale of data to commercial bodies but nothing firm or authoritative has been shared or agreed with us.'*

Despite the recognition that there 'could' be financial requirements for Wales, there is little information regarding the method of determining these requirements, beyond the '*unquantified illustrative proposals*' of the UK Department of Health and Social Care.

The document goes on to read that, '*further financial assessment will be undertaken when the likelihood of costs are known and the detail will be provided in a future advice*'. It is important that this is clarified in a timely manner to ensure financial requirements for the Welsh Government are assessed.

Secondly, the consultation document reads that '*the Department's [UK DHSC] current plans envisage that the regulations will be discussed and drafted after the Bill has received Royal Assent, most likely in 2021*'.

RCN Wales recommends the Welsh Government clarifies the '*envisaged plans*' and financial implications of the Medicine and Medical Devices Bill with the UK Government to ensure all risks, implications and requirements can be factored into the Bill. The Welsh Government should be in continuous discussion with the UK Government and NHS Digital regarding these topics to ensure ease of implementation.

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On a final note, I inquiry as to whether the Health, Social Care and Sports committee has considered the long-term role of NHS Digital in Wales. RCN Wales has been critical of the lack of information gathered relating to nursing and nursing staff. For example, the Welsh Government/NHS Wales fails to publish national figures for nursing vacancies in the NHS using an agreed definition of what constitutes a vacancy. This is a critical indicator of the pressure specific Health Boards or disciplines are under. This information is gathered and published by NHS Digital in England.

The role of NHS Digital may be able to resolve the poor and sporadic gathering of information that has troubled both RCN Wales and the Health, Social Care and Sports Committee.

If the Health, Social and Sports Committee require further information, I would be happy to engage with the Committee and provide oral evidence.

Kind regards.

Yours sincerely

A handwritten signature in black ink, appearing to read "Helen Whyley".

**HELEN WHYLEY, RN, MA  
DIRECTOR, RCN WALES**

cc: Members of the Health, Social Care and Sports Committee