**Name of Committee:** Quality & Safety Committee

**Subject:** Matters Arising Update: Future Proofing Statutory Supervision of Midwives in Wales

**Summary or Issues of Significance:**
The enclosed paper sets out the current challenges faced by Statutory Supervision of Midwives, as a function, in Wales and the UK and provides an update on the proposed revised model and its implementation in Wales.

**Strategic Theme / Priority / Values**
- Francis Report recommendations addressed by this paper
  - NMC (2012) Midwives Rules and Standards
  - NMC – Local Supervising Authority Guidance
  - HIW (2013) Future Proofing Statutory Supervision of Midwives in Wales – Case for Change

**Relevant legislation or Standard for Health Services**
Standard: 1, 2, 3, 6, 7, 18, 22, 23, 24, 26

---

**Equality Impact Assessment (EqIA)**

1. **Has EqIA screening been undertaken?** No (If yes, please supply a copy)

2. **Has a full EqIA been undertaken?** No (If yes, please supply a copy)

3. **Please state how this paper supports the Strategic Equality Plan Objectives:**
   [Link to strategic equality plan objectives]

4. **Please include a justification if no EqIA has been carried out:**

   This has been undertaken by the National Development Team

---

**Recommendations** (e.g. for Committee approval or for)
Noted within SBAR document enclosed
Future Proofing Statutory Supervision of Midwives in Wales Update SBAR 2014

Women’s CPG Management Team
Betsi Cadwaladr University Health Board
January 2014
Future Proofing Statutory Supervision of Midwives in Wales

1. Situation

The Local Supervising Authority (LSA) has agreed with maternity providers in Wales that the current model of Statutory Supervision of Midwives is not fit for purpose and is unsustainable for the future. In response the LSA has developed a case for change which outlines the current challenges that supervisors of midwives (SoMs) face in Wales. Since September 2012 the LSA has worked with relevant stakeholders to develop a revised model for supervision which will be sustainable, cost effective, minimise the current risk facing Health Boards and the LSA and one that will enable supervision to demonstrate added value whilst meeting its main aim of public protection.

The revised model will be presented for approval to the Nurse Directors in Wales on the 16th of January 2014 with a proposed start date of 1st April 2014.

2. Background

Midwifery Supervision, a statutory requirement, was introduced at the same time as the Midwives Act in 1902. There have been subsequent changes to legislation, policy and practice, all of which have influenced the nature of contemporary midwifery supervision.

The NMC sets standards for the statutory supervision of midwives as prescribed by the Nursing and Midwifery Order (2011). Statutory supervision aims to enable midwives to maintain a high standard of midwifery care and should be closely allied to the clinical governance structure as a robust means of safeguarding the health and wellbeing of mothers and babies.

Local Supervising Authorities (LSAs) are organisations that hold statutory roles and responsibilities for supporting and monitoring supervision of midwives and the Chief Executive of the identified organisation is responsible for the function of the LSA. This statutory function lies with Health Inspectorate Wales (HIW) on behalf of the Government in Wales.

Concerns were formally raised with the LSA in Wales by BCUHB in June 2012 regarding the effectiveness of the current model of Statutory Supervision of Midwives in North Wales. Subsequently and in light of several high profile reports relating to failing organisations, particularly relating to maternity services, such as Morecambe Bay, the LSA in Wales, acknowledging the Health Board’s concerns, took an opportunity to look at the current challenges facing supervisors of midwives, not only in North Wales, but in Wales as a whole and has proposed a revised model for the future. This model was presented to the Quality and Safety Committee of the Health Board in July 2013. The following provides an update on this proposed development and the implementation plan for Wales.

Nurse Directors and the wider stakeholder group received a detailed paper and presentation on the case for change in April 2013. Consequently, the LSA was tasked with providing further details on the Assurance Framework, Financial
Implications and Workforce Needs. A steering group was convened and met between June and December to support the LSA in delivering a work plan. As part of the process the LSA has sought legal advice from NHS Legal and Risk as required and several information sharing events with Supervisors of Midwives and midwives from across Wales have been convened.

In addition the LSA has shared and / or discussed the case for change paper with the Midwifery Committee of the NMC, the Chief Nurse for Wales and the National RCM for discussion with the Parliamentary Ombudsman for England. To date feedback has been very positive and other LSAs in the UK have indicated their intention to review their existing models where they have recognised similar risks. The LSA Midwifery Officers are scheduled to attend the Midwifery Committee in February 2014 with the midwifery policy advisor for Welsh Government to present the final model following the expected approval by the Nurse Directors in Wales on the 16th January 2014.

An outline plan for the implementation of the revised model was presented in a letter to the Nurse Directors in Wales in December 2013 with a proposed ‘go live’ date of the 1st April 2014 on securing their approval.

3. Assessment

In the interim the Parliamentary and Health Service Ombudsman (PHSO – England) published a report on the 11th December 2013 into three cases regarding maternity care at Morecambe Bay. The report raised serious concerns about statutory supervision reflecting those raised by the Health Board in June 2012.

Consequently, the PHSO has convened a number of meetings with the NMC and other stakeholders in its deliberations and the NMC has acknowledged that the evidence base for the contribution of statutory supervision in public protection is not strong, although there is some research into other benefits of the current arrangements.

The NMC and the Midwifery Committee will now consider the report and its findings and will be required to look at midwifery regulations, from the perspective of public protection. If a review of the regulatory framework is deemed necessary, the NMC will urge the Department of Health to make the necessary changes via the Law Commission Bill, expected in 2015. As Healthcare Regulation is a UK wide framework changes will need to be negotiated and implemented across the four nations.

In view of this requirement and any implications for the proposed implementation of the revised model in Wales the LSA contacted the NMC who advised that any significant change to legislation is unlikely to be forthcoming for at least 18 months to 2 years. Given this potential timeline and the current openly identified risks with the existing model, the NMC and the LSA consider that not to progress the planned remodelling would leave all stakeholders in Wales to greater challenge.

Locally, BCUHB has only been able to maintain the current model and required 1:15 (SoM to Midwife) ratio by considerable effort, financial investment and extra SoM
hours in light of a high number of supervisors choosing to deselect. The situation we currently face as a Health Board is unsustainable and constitutes a high risk strategy for the organisation in its duty to protect the public. As such the Women’s CPG has supported, encouraged and worked closely with the LSA in Wales in developing the revised model as the only workable solution for the future and to await any change in the law.

As previously noted statutory supervision is factored into the Birthrate Plus calculation for each individual Health Board or service provider. A recent Birthrate Plus review, based on the current service configuration and population health needs in North Wales, has identified that the Health Board will need to support the total equivalent of 3 WTE SoMs to discharge this statutory duty in any model in the future.

4. Recommendations

In view of the case presented and the recent developments following the PHSO’s deliberations the Quality and Safety Committee of the Health Board is requested to:

- Support the approval for the implementation of this revised model for Statutory Supervision of Midwives in Wales in order to meet a very exacting timeline, to ensure that the LSA’s role in relation to public protection and to the organisational governance arrangements is further strengthened.

And that

- The Health Board supports a 2014 / 15 opening budget for the CPG which meets the full funding to maintain the local Birthrate Plus compliance which includes this statutory function as detailed in the proposed revised model for Wales.

Fiona Giraud  
Associate Chief of Staff Nursing & Midwifery

Reference:  