

**Lord Tunncliffe** moved Amendment No. 132:

Schedule 8, page 166, line 34, leave out "and"

The noble Lord said: In moving Amendment No. 132, I shall speak also to Amendments Nos. 134 to 136, 152 and 220 to 225.

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On the basis of the recommendations of the Hampton review on regulatory inspection and enforcement in 2005, the Government committed to abolishing the Hearing Aid Council by April 2009 and to transferring responsibility for the regulation of private hearing aid dispensers to the Health Professions Council. This group of amendments is intended to achieve that, in addition to ensuring that public hearing aid dispensers can also be regulated in the future in the same way.

First, I acknowledge that it is not ideal to introduce this change into the Bill at such a late stage. The Department for Business, Enterprise and Regulatory Reform, which leads on delivering this commitment, had considered a number of mechanisms to achieve the policy aims, but it became clear that primary legislation would be needed. It made sense to use this Bill both to meet the timescale and because it already includes substantial measures to reform the system of professional regulation. In modernising the regulation of hearing aid dispensers, and allowing for future consistency between public and private hearing aid dispensers, these measures contribute to the wider programme of professional regulatory reform. I recognise that the timing is not ideal, but I hope that I am able to persuade noble Lords that the great benefits that this measure will bring are worth this disadvantage.

Most importantly, this measure will provide improved protection for the hearing-impaired. For nearly 40 years, the Hearing Aid Council has done an excellent job in regulating the private hearing aid profession. I put on record the Government's thanks for the important work that the council has done over four decades. However, it is operating under legislation that is increasingly outdated, with gaps in consumer protection. The Health Professions Council, which was established in 2001, has modern and comprehensive legislation that will provide a much more complete service to patients and consumers. For example, the Health Professions Council has extensive fitness-to-practise powers, allowing it to remove someone from the register who it finds poses a serious risk before the registrant actually causes harm. In contrast, the Hearing Aid Council must wait until harm has been done before it can take action.

This measure also paves the way for the regulation of public and private dispensers on a single register with a single set of standards. Currently, hearing aid dispensers in the private sector are regulated by the Hearing Aid Council, with NHS hearing aid dispensers unregulated. Clearly, this will improve protection for the hearing-impaired.

I know that this principle is close to the hearts of many noble Lords: we will be reducing the number of regulators in existence. The Health Professions Council already regulates 13 different professions, so it is well equipped to regulate one more.

Finally, it is important to emphasise that both the Hearing Aid Council and the Health Professions Council fully support this move. Both organisations have worked very closely together over the past year to ensure that the transition will be as smooth as possible. Furthermore, the professional body, the

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British Society of Hearing Aid Audiologists, is very much in favour of this and has committed to continue working with both organisations during the transition from one to the other. The Royal National Institute for the Deaf also believes that its consumers will benefit from the change.

Subject to the passage of the Bill, it is therefore the Government's intention to bring forward an Order in Council later this year under the Section 60 provisions of the Health Act 1999 to allow the Health Professions Council to assume responsibility for the regulation of private hearing aid dispensers. This will require a formal 12-week consultation, followed by a debate in both Houses. The amendments and the future Section 60 order will ensure that the needs of the vulnerable are better protected under the auspices of a multi-professional statutory regulator, which has greater resources yet charges considerably smaller registrant fees.

Therefore, I hope that Members of the Committee will forgive the fact that this is a late addition to the Bill and will feel able to support the amendments. I beg to move.

**Baroness Howe of Idlicote:** I particularly welcome Amendment No. 152. Perhaps I should declare an interest as a hearing aid user for over 50 years and as one of the first people lucky enough to be able to afford a digital hearing aid, so I know how valuable they are. I therefore applauded the Government when they introduced a very reasonable range of digital hearing aids through the NHS. But, as the Minister and noble Lords know, waiting times for those aids are very uneven around the country. One must hope that what is being proposed will help to speed up the process.

As we have heard, the Hearing Aid Council regulates the independent sector. Under the new scheme, the Health Professions Council will ultimately do the work of both councils. I find it odd that some NHS hearing aid dispensers are not required to have any qualifications, so that will be a plus. I was also amazed to learn that because the Hearing Aid Council is a relatively small body, it has to charge something like £695 a year for registration. It is hoped that that figure will drop to around £60 when the change is made. However, everybody says that the council has done an absolutely marvellous job. No doubt all the professionals would want to add their thanks to those that have already been made.

All is going in the right direction, and I am particularly glad to hear that the transition is likely to take place later this year. That must be good news. I should like confirmation from the

Minister that when we say that this will take place, it actually will happen and the handover will begin. I seek that confirmation because quite a number of hearing aid dispensers in the independent sector could be employed in the National Health Service and thus reduce waiting lists. The time for that to happen has more than passed, so we need good news on this front.

The Government have always argued for an inclusive society. I speak from experience when I say that if there is one area which excludes you, it is not

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being able to hear the conversation taking place around you. Age is a factor which adds to this problem, even if, like me, you have had a different hearing problem for a long time. The more people are able to live to an older age, the more likely it is that they will have this problem.

We all welcome the fact that the merger will benefit clients, and we know that the RNID is very much in favour of it. We also know that of course BSHAA equally welcomes it. Moreover—and one has to say that this does not always happen—all the parties have been working together really well for quite some time.

**Earl Howe:** I am sure that the Committee will be grateful to the Minister for his explanation of the amendments. In his absence, I thank the noble Lord, Lord Darzi, for writing to me about them in advance. I have no difficulty with the principle of what is proposed, which appears to be potentially beneficial to registered hearing aid dispensers as well as their customers. As has been said, the professional bodies most closely associated with audiology are in favour.

I have only three questions. The first concerns regulatory clarity. One feature of the proposals is that complaints by consumers will no longer be directed toward a single body, as they are at the moment. Complaints that fall under the heading of consumer protection will fall to the Office of Fair Trading or trading standards officers. Complaints about fitness-to-practise matters and professional standards will fall to the HPC. Is the Minister satisfied that the new system will be simple for the consumer to understand and navigate? An ordinary man or woman, especially if they are elderly and frail, wants a straightforward process. This aspect of the changes introduces greater complexity and scope of confusion.

My second question relates to the transition. If there are fitness-to-practise cases in train when the transfer to the HPC is effected, how will they be concluded? On complaints, will the Government ensure that there is the minimum hiatus between one set of arrangements and the next? It would be unacceptable for consumers if the HAC's work in dealing with complaints was suddenly terminated before the complaints were resolved, only then for the matters in question to be dealt with from scratch either by the HPC or one or other of the trading standards bodies. How will the transition be achieved smoothly so as not to disadvantage the consumer with undue delays?

My third question relates to the employees of the Hearing Aid Council itself. How many employees are there? Are there new jobs for them to go to, and will their employment rights be protected under TUPE arrangements if they transfer to the HPC?

**Lord Tunncliffe:** First, I thank noble Lords for their general support. At the moment, I am let loose only on things about which people agree. I agree that it is odd that those in the public sector were not registrants; the proposals address that. On the matter of charges, yes, there will be a real reduction in fees. The Hearing Aid Council is a very small organisation with about 1,700 registrants, 200 of which are

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employers. To fund the running of the council, it now charges registrants an annual fee of £695. The Health Professions Council, in contrast, regulates about 180,000 health professionals. It has significant resources at its disposal—vastly greater than the Hearing Aid Council—and charges its registrants £72 a year. I am sure that the Committee will appreciate that the difference in fees of more than £600 a year is not inconsiderable to the hearing aid profession.

I was invited to assure the noble Baroness that the transition will take place this year. I have to disappoint her. It will be taken with all due speed, but the transition will be next year. I think that I am right to say that the target was April; we are doing our best to achieve that, but we will have to publish the Section 60 order, and of course we will want a proper 12-week consultation.

Some of the noble Earl's concerns are covered by a communications campaign jointly instigated by the HAC and the HPC aimed at all relevant stakeholders to ensure that they are all aware of the impending change. The HAC has begun working with the RNID, Hearing Concern, Citizens Advice and other consumer groups to ensure that the campaign reaches its intended audience. The HPC and HAC are already working out a plan for a smooth transition, and have been planning this for two years. I can write to noble Lords with more detail if that would be helpful.

Finally, what about the workers? The Hearing Aid Council has a very small staff. The only full-time staff are three executive assistants and a modernisation and transfer manager. The chief executive, the registrar and the director of resources all work between one and two days a week, and the legal director works one and a half days a month. The council is working towards abolition in 2009, and any continuing uncertainty may affect staff retention. No staff are expected to transfer to the HPC, but we are confident that the two years of close co-operation with the HPC and the better protection will ensure that expertise is not lost.

On Question, amendment agreed to.