



**Midwifery regulation – the
importance of legislation and
registration in the
development and support of
midwifery**

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Midwifery Council

Te Tatau o te Whare Kahu



**The health and safety of
mothers and babies comes
first**

Midwifery Council of New Zealand

- In 2003 Health Practitioners' Competence Assurance Act (HPCAA) became law
- All regulated health professionals (doctors, nurses, dentists, physiotherapists, midwives and 11 others) are under the same act
- Under the HPCAA, midwifery was separated from nursing and the Midwifery Council was formed in 2004
- By 2017, more than half of practising midwives entered the profession through direct entry midwifery education

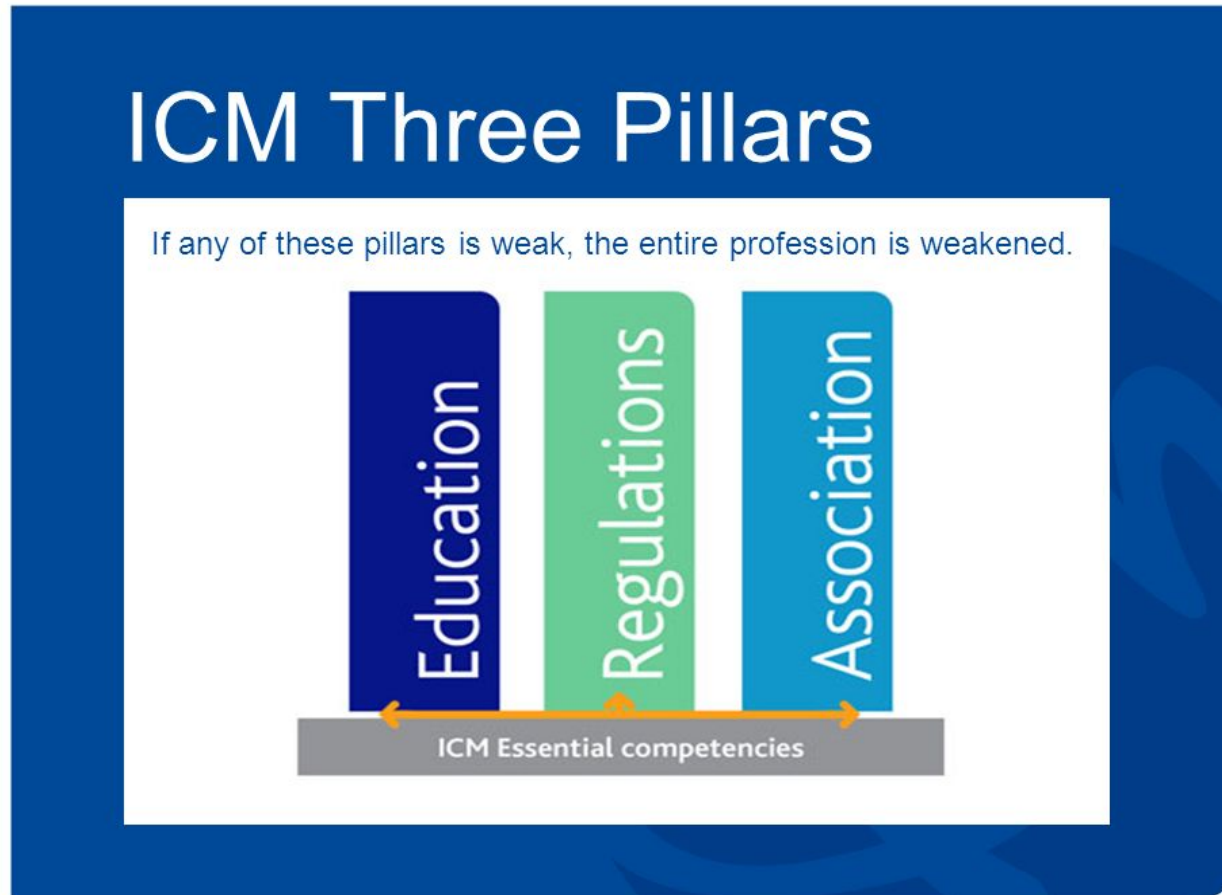
Why is it so important that midwives regulate midwives?

It is the only way to ensure a competent and autonomous midwifery workforce which practises at the required standard

Regulation does this by:

- Regulating entry into the profession
- Prescribing pre-registration education
- Setting the midwifery scope of practice
- Protecting the public by ensuring public safety
- Relicensing and encouraging continuing competence
- Complaints and discipline where necessary
- Codes of conduct and ethics

Three pillars of education, regulation and association are interdependent



If one of the pillars is weak, the midwifery workforce will not be competent and autonomous

Why is it important to have a strong and autonomous midwifery workforce?

Midwifery is associated with **improved efficient use of resources and outcomes** when provided by midwives who are educated, trained, licensed, and regulated

Renfrew MJ, McFadden A, Bastos HM, et al. Midwifery and quality care: findings from a new evidence-informed framework for maternal and newborn care. *Lancet* 2014; published online June 23. [http://dx.doi.org/10.1016/S0140-6736\(14\)60789-3](http://dx.doi.org/10.1016/S0140-6736(14)60789-3).

How does legislation develop midwifery?

- Recognises midwifery as an essential service that is required to provide quality safe maternity care
- Provides a legal framework to inform regulation of midwives
- Gives statutory authority to midwifery regulatory body
- Protects the health and safety of the public
- Provides mechanisms to ensure midwives are competent and fit to practise

How does registration develop midwifery?

- Specifies the Scope of Practice of the midwife
- Prescribes the midwifery qualification, accredits midwifery education programmes and monitors schools of midwifery
- Registers midwives who are:
 - Qualified to practise midwifery
 - Competent practise midwifery
 - Fit to practise midwifery

How does regulation develop midwifery?

- Standards are set for clinical and cultural competence, and for ethical conduct
- There is accountability by midwives for their practice
- There are mechanisms in place by which the public are reassured of the quality and safety of midwifery practice

Regulation

Getting the balance right

- It should always be about reasonable practice
- It should be public-focused, profession-based
- It is important that it involves educative, supportive and collegial processes
- It requires the midwife to engage and accept responsibility and accountability for her practice
- The role of regulation should protect the public but not be punitive (no blame) to the health professional

Principles of right touch regulation

- Proportionate – only intervene when necessary; appropriate remedies to risks posed; costs identified and minimised
- Accountable – justify decisions and be subject to public scrutiny
- Consistent – rules and standards are fair
- Transparent – be open, keep regulation simple and user friendly
- Targeted – focused on problems and minimise side effects
- Agile – must look forward and be able to adapt to anticipate change

Right touch regulation – getting the process right

1. Identify the problem before the solution
2. Quantify and qualify the risks
3. Get as close to the problem as possible
4. Focus on the outcome
5. Use regulation only when necessary
6. Keep it simple
7. Check for unintended consequences
8. Review and respond to change

When not to regulate

Regulation should not be used if:

- There is no risk of harm
- The risk is already being managed
- If a targeted local solution is preferable
- If new risks or unintended consequences outweigh the benefits of regulating
- If regulation is driven by the wish to enhance professional status rather than enhancing public safety

Trustworthiness and public confidence

- All professions seek to be thought of as trustworthy
- Trustworthiness comes from individuals or profession demonstrating:
 - Competence
 - Reliability
 - Honesty
- Regulators must ensure their processes provide the public with enough intelligible and assessable evidence of competence, honesty and reliability that they can place their trust in a trustworthy midwifery profession

Onora O'Neill

Regulation

National regulatory system leads to:

- Professional identity for both the midwife and the public
- A profession that is held to be trustworthy
- The profession sharing its values and knowledge through standards and codes
- A mandate from the government and a recognition of the role midwives have in maternal and newborn health
- A culture of continuing improvement and quality and safety
- Reflection and ongoing learning
- Consistency of care and reduction in inequities in service provision
- Protection of the public through high quality regulated midwifery care

Regulation and registration of midwives is important only because ..



... it leads to the development of midwifery and ensures the best outcomes for mothers and babies