

Performance Review 2010/11 Summary

Changing regulation in changing times

As a result of our review of the nine health professional regulators we are satisfied that most of the regulators are performing well across their regulatory functions. We have however identified some areas of concern in relation to the performance of some of the regulators – those regulators are already taking action to address the areas of concern.

The Performance Review

The performance review is our annual check on how effective the regulators have been in protecting the public and promoting confidence in health professionals and themselves.

We assess the regulators' performance in their four regulatory functions: guidance and standards, education and training, registration and fitness to practise using our *Standards of Good Regulation*.

We assess the regulators' performance by considering their evidence submission alongside information we have collected from other sources.

Our Performance Review report 2010/11 includes our reports on the individual health professional regulators' performance and our views on the key issues and concerns across health professional regulation. Our full Performance Review report can be found at:

<http://www.chre.org.uk/satellite/402>

Our findings

In the overview section of the report we discuss our views on the key issues and concerns across health professional regulation. The subject matters discussed are:

- Forthcoming changes to health and social care regulation, and in particular the changes arising from the Health and Social Care Bill including: the introduction of voluntary registers; proposed changes to CHRE; proposed changes to the Health Professions Council; the impact of the restructuring of the NHS on the health professional regulators; and proposed changes to the Pharmaceutical Society of Northern Ireland.
- Recent developments impacting on the regulatory environment - including changes in the requirements for: indemnity insurance for registrants; language testing; revalidation; the Vetting and Barring scheme England/ Protecting vulnerable groups Scotland; and the notifiable occupations scheme.
- Issues arising during the performance review process – including introducing/improving: outcome-focused standards for education; internal quality assurance; communications with witnesses; stakeholder involvement; and how the regulators deal with complaints about themselves.

From our review of the individual regulators' performance we have identified that the regulators are generally fulfilling their responsibilities. We consider that they have remained focused on public protection, despite the challenges several of them have faced in 2010/11, including: the continuing rise in fitness to practise cases (affecting the GDC, GMC and the

NMC); changes in leadership (affecting the GDC, GOC, GOsC); and (in the case of GMC, GPhC and HPC) the assumption of new regulatory responsibilities.

In each of the individual regulators' performance review reports we have identified where we consider their performance has improved and where we think that there are areas of concern. We list below areas where we have seen similarities in the performance across the regulators.

We are pleased that the regulators have:

- Continued to refine their approaches to patient and public involvement
- Developed guidance on what amounts to appropriate advertising of healthcare services
- Placed greater emphasis on using outcome-focused processes and the involvement of patients and the public in the assessment of the performance of education providers
- Developed online registration systems
- Made more information available on their public-facing registers about fitness to practise sanctions imposed on registrants
- Developed better support mechanisms for witnesses

Some of the regulators could improve by:

- Removing the requirement for individuals to provide a health declaration signed by a GP on initial registration (as opposed to the individual providing a self-declaration)
- Developing effective electronic case management systems
- Improving the time taken for cases to progress through the fitness to practise process

Recommendations

We have identified a number of issues which require further consideration by either CHRE, the Department of Health or (in the case of PSNI) the Department of Health, Social Services and Public Safety Northern Ireland.

For CHRE

Enabling Excellence requires CHRE to provide advice to the government on a number of issues which have a bearing on the matters highlighted in the performance review. In next year's performance review we will summarise the advice we have provided to the government on the following matters:

- The implementation of our powers to investigate certain complaints about the regulators
- Modern and efficient fitness to practise adjudication
- Standards for the appointment of members to the regulators' councils.

We aim continuously to improve the quality of our performance review. As part of this work we will liaise with the regulators to refine and improve the quantitative (numerical) data provided in the regulators' individual reports about their core activities.

We will also continue to develop our relationships with the devolved administration governments.

For the Department of Health

We recommend that the Department of Health should:

- Continue to progress the legislative changes required for ensuring that indemnity insurance becomes a condition of registration
- Take into account our views about the importance of the notifiable occupations scheme in protecting the public when contributing to the Ministry of Justice's review of the scheme

For the Department of Health, Social Services and Public Safety Northern Ireland

We hope that progress continues to be made on implementing the proposed legislation, (the Pharmacy (Northern Ireland) Order 1976 (Amendment) Order (Northern Ireland) 2011).

For the regulators

We recommend that the regulators should:

- Address the highlighted areas of concern identified in their individual reports
- Review the performance review report as a whole, taking into account our views, and consider whether they can learn and improve from the practices of the other regulators
- Adopt the practice of requiring a registrant who has been convicted or cautioned for a drink or drug-related offence to undergo a routine medical examination, in order to establish whether or not their fitness to practise is impaired as a result of an underlying drink or drug dependency
- Ensure that they have a proportionate system of quality assurance which enables them to review cases that have reached key decision points in the fitness to practise process to ensure that processes are being followed consistently and that appropriate decisions are being made
- Work with: the Scottish Government to develop a consistent approach in publicly reporting on Scottish barring decisions which prioritises public protection and confidence in regulation; and with the Department of Health and Ministry of Justice to improve the management of the vetting and barring scheme in England and Wales
- Review their processes for handling complaints about themselves, to ensure that they have allocated sufficient resources to: enable complaints to be managed effectively and efficiently; and, where necessary, to enable them to systematically identify learning which could be used to improve overall performance. The regulators should also review whether they have appropriate governance and oversight arrangements in place in relation to the organisational complaints processes.

For further information, please visit www.chre.org.uk

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