Health and Care Professions Council response to Department of Health consultation: 'Promoting professionalism, reforming regulation. A paper for consultation'

Summary of our response to the consultation

This is a short summary of our response to the above consultation. It does not cover every consultation question. Our full response is available on our website.[1]

Regulating further and existing professions

- We do not agree that the Professional Standards Authority (PSA) should take on the role of advising the four UK Governments on which groups of healthcare professionals should be regulated. We are concerned about the potential for conflict of interest. (Question 1)

- We welcome the criteria suggested by the PSA to assess the appropriate level of regulatory oversight required of various professional groups. It is a good starting point. However, at this stage we are unconvinced that the criteria, and the process used to make judgements against those criteria, are sufficiently clear or robust. (Question 2)

- In principle, we can see that there may be some merit, in time, in reassessing the existing statutory regulated professions. However, we consider that our concerns about the PSA criteria and process should be addressed first. De-regulation would be high risk and any reassessment should include a thorough impact assessment of change upon groups including service providers, health professionals and regulators. (Question 3)

Reducing the number of regulators

- We agree that there should be fewer regulators. We see that reducing the number of regulators would have benefits in simplifying the landscape, providing increased clarity for members of the public about whom to contact and achieving economies of scale. (Question 5)

- There are some potential disadvantages to having fewer regulators. However, our successful multi-professional model of regulation has shown how they need not arise. (Question 6)

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[1] http://www.hcpc-uk.org/aboutus/consultations/external/

- We have not formed a firm view on the number or configuration of the regulators in a reformed sector. A first step might be to reduce the number of regulators over time by abolishing the smaller volume regulators and transferring their registers to other regulators. (Question 7)

Fitness to practise and professionalism

- We agree that all regulatory bodies should be given a full range of powers for resolving fitness to practise cases. We are keen to secure as soon as possible the immediate legislative changes we need to improve the effectiveness and efficiency of our regulatory functions. (Question 8)

- We consider that mediation is best conducted at a local level and has a limited role in the fitness to practise processes of the professional regulators. (Question 9)

- We agree that regulators have a role in supporting professionalism. In particular, we see that regulators have a role in using the data and intelligence they collect through their regulatory functions and using this to help prevent the same fitness to practise issues continuing to arise. We also think the regulators' role in education quality assurance is key and welcome the four UK Governments' support for a review of the role of the regulators in this area. (Question 12)

- We agree that the regulatory bodies should be given greater flexibility to set their own operating procedures, but within appropriate limits, which ensure that the public interest is safeguarded. (Question 16)

Joint working

- A shared online register portal and a single set of shared standards for conduct and ethical behaviour are realistic aspirations for joint working between the regulators. We do not support the suggestion of sharing back office function as evidence from other sectors shows that such arrangements are challenging and can have a negative impact on effectiveness. (Question 14)

Governance

- We have not reached firm conclusions about the desirability of regulatory body councils becoming unitary boards. The justification for the proposed change is unclear. We can see there may be some benefits, however, including quicker, more informed decision making and co-production between executive and non-executive members. If implemented, councils should have a substantial majority of non-executive members. (Question 18)