

 professional
standards
authority
for Health and Social Care

2019/20
A snapshot of our
contribution to
public protection



We are an independent body, accountable to the UK Parliament. We exist to protect the public by improving regulation and registration of health and care professionals



There are three main areas to our work:

1 We oversee 10 statutory bodies that regulate health and social care professionals in the UK

2 We accredit registers held by non-statutory registering bodies of health and care professionals

3 We aim to improve regulation by providing advice to UK government and others, conducting/ commissioning research and promoting the principles of right-touch regulation.

We would usually refer to this short report as our 'highlights' for the year, but it does not seem an appropriate term for the financial year that ended on 31 March 2020.

The Coronavirus pandemic has cast much of the previous year into shadow and will continue to impact our work, the work of the regulators and accredited registers we oversee, the health and care practitioners they register, as well as everyone's daily lives for the foreseeable future.

The pandemic has brought into focus two areas of our ongoing work: encouraging greater cooperation and collaboration amongst regulators/registers to reduce the risk of harm; and reform of regulation.

This short document provides a snapshot of our work during 2019/20, but you can read the full report [here](#).

Find out more about all our work at www.professionalstandards.org.uk

Our organisational values are – integrity, transparency, respect, fairness and teamwork – and we strive to ensure that they are at the core of our work.



Focus on Social Work England

Social Work England (SWE) took over regulation of social workers in England from the HCPC on 2 December 2019. SWE will operate a different fitness to practise model from the other regulators with a large proportion of cases eligible for disposal outside of panel hearings with staff members agreeing what will be known as ‘accepted outcomes’ with registrants. We worked with colleagues at SWE to look at the practicalities of how we will operate the performance review and Section 29 processes (for those cases that do go to a hearing). We provided training and briefings for SWE panel members and other decision-makers on the Authority’s work and approach to fitness to practise.



Protecting the public: reviewing the regulators

REVIEWING REGULATORS’ PERFORMANCE

The performance review is our check on how well the regulators have been protecting the public and promoting confidence in health and care professionals and themselves. We publish a report about each regulator every year on a rolling basis. Our performance review is important because:

- ▶ it tells everyone how well the regulators are doing
- ▶ it helps the regulators improve, as we identify strengths and areas for improvement.

Regulator reviews 2018/19

In our regulator reviews for the annual report, we are mainly referring to our reviews covering performance in 2018/19 (as our reviews are carried out on a rolling basis and retrospectively). In these reports, we found that the regulators have generally performed well against the standards we set. Some have gone further, taking steps to improve training, to fine-tune professional standards and to evaluate carefully the complex issues of continuing competence and those relating to diversity. In the last month of the financial year (March 2020), all the regulators have had to take steps to deal with the Covid-19 pandemic. This has had a significant impact on the staff at the regulators and on their registrants. The Authority has provided support and guidance to the regulators in relation to their responses to the pandemic.



Regulator	Number of registrants	
Under 10,000		
GCC	1 person icon	3,356
PSNI	1 person icon	3,455
GOsC	1 person icon	5,388
Over 10,000 but under 100,000		
GOC	3 person icons	30,922
GPhC	3 person icons	95,357
SWE	3 person icons	98,448
Over 100,000		
GDC	4 person icons	114,028
HCPC	4 person icons	281,467
GMC	4 person icons	320,863
NMC	4 person icons	717,607



Find out more about:
 ● How we carry out our performance reviews

Protecting the public: reviewing the regulators

REVIEWING REGULATORS' PERFORMANCE

The number of Standards met does not give a full picture of how a regulator is performing but does help identify areas for improvement. For this annual report period (the reviews are mostly for 2018/19), where regulators did not meet Standards, the issues and concerns we identified related mainly to their fitness to practise processes.

General Chiropractic Council

We raised concerns about one of the Registration Standards relating to a backlog of illegal practice complaints dating from 2015. We also had ongoing concerns from previous reviews about the GCC's timeliness in progressing fitness to practise cases where an interim order might be needed.

General Dental Council

We remained concerned about the time taken to progress cases at the initial stages of its fitness to practise process as well as three serious information data breaches relating to fitness to practise cases.

General Medical Council

We looked carefully at data dealing with fitness to practise cases due to an increase in time taken both from receipt of a referral to the investigating committee or case examiner decision, and on to a final hearing.

General Optical Council

We raised concerns about delays in disclosing final fitness to practise decisions to us, due to the time limit we have to appeal these decisions. We continued to be concerned about how long the GOC takes to progress cases through its fitness to practise process.

General Osteopathic Council

The GOsC acted quickly to investigate and rectify an incorrect and/or fraudulent entry on its register in a way which protected the public. The GOsC also sought to develop guidance to address a shortcoming identified in its legislation in respect of applications for restoration, which we welcomed.

General Pharmaceutical Council

Following an audit, we identified concerns about some of the GPhC's fitness to practise processes, including transparency; timeliness; support of parties involved; record-keeping; and the consistency of decision-making in the early stages of the process.

Health and Care Professions Council

Six fitness to practise standards remained unmet – first identified in our 2016/17 review. These related to managing its assessment and investigation of complaints. The HCPC has made significant changes to its policies, procedures and processes and we will assess the impact of these changes in our next review.



Find out more:

● [Read our performance reviews](#)

Standards of Good Regulation met (24 Standards in total) 2018/19 Performance Review year (unless**)

General Chiropractic Council	22
General Dental Council	22
General Medical Council	24
General Optical Council*	22
General Osteopathic Council	24
General Pharmaceutical Council	20
Health and Care Professions Council	18
Nursing and Midwifery Council*	22
Pharmaceutical Society of Northern Ireland**	24

*These reviews were published post financial-year end (in April and May 2020).

** Review from 2017/18 cycle.

Social Work England – began operation on 2 December 2019 so its first performance review will be published in 2020/21 financial year.

Nursing and Midwifery Council

The NMC continued work to address concerns raised in our lessons learned review (May 2018) – relating to communicating with stakeholders/parties involved in the fitness to practise process. The NMC has worked to improve its processes and make changes under its new fitness to practise strategy. We will look at these areas in the NMC's next performance review.

Pharmaceutical Society of Northern Ireland

We saw a significant increase in the number of older cases within the PSNI's fitness to practise caseload. The PSNI explained these cases involved third-party investigations over which it had no control. It reassured us that it monitors these types of cases, including carrying out regular risk assessments and applying for interim orders where necessary.

Protecting the public: reviewing the regulators

REVIEWING REGULATORS' FINAL FITNESS TO PRACTISE DECISIONS

We help to protect the interests of patients and the public through our power to appeal the regulators' final fitness to practise decisions. *Fitness to Practise* is the process by which the regulators deal with concerns and complaints about their registrants.

We review thousands of final fitness to practise decisions each year. We find that the bulk of cases are managed to a high standard, with findings and sanctions that protect the public appropriately. However, there is room for improvement. For example, we have found that some regulators are not consistently good at preparing cases properly for hearings and that serious concerns are not put before the Fitness to Practise panels that determine these cases.





We have also observed that some panels do not always take full account of the public interest elements of fitness to practise and so reach decisions which the public – and sometimes the individual patients – do not understand.

Our work in this area helps regulators to improve standards of decision-making and recording through the learning points we feedback. We also share our expertise and experience with regulators and have assisted in the training of members of their Fitness to Practise panels.

[Read our case study which shows how our power to appeal final fitness to practise decisions contributes to public protection.](#)

Find out more about:

● [Our work scrutinising final fitness to practise decisions](#)

	2019/20	2018/19
 2,783	3,261	
	decisions reviewed	
 147	141	
	detailed case reviews	
 32	21	
	case meetings	
 21	11	
	appeals	

Focus on a case we appealed

A decision by the Health and Care Professions Council involving a paramedic who sent text messages to a vulnerable patient

We appealed this decision to impose suspension for six months on a paramedic who sent text messages to a vulnerable patient in an attempt to arrange a meeting for sexual activity. The HCPC did not bring charges and the panel did not address the potential for the registrant to have groomed the patient once he became aware of her particular vulnerabilities. The judgment was handed down on 25 October 2019, the Authority's appeal was allowed. The Judge agreed with our argument that the HCPC had not brought charges to address all the registrant's potential misconduct and remitted the case to the HCPC for a fresh hearing with new charges.

Protecting the public: reviewing the regulators

REVIEWING REGULATORS' FINAL FITNESS TO PRACTISE DECISIONS

Almost all of the Authority's appeals that were heard in 2019/20 were upheld either by agreed settlements or by Court decisions. We were unsuccessful in only one case.

SHARING FEEDBACK/CONCERNS WITH US

2019/20	2018/19	2017/18
416	360	377



During 2019/20 we received 416 'concerns' or contacts. This represents an increase of 10-15% when compared to the number received in 2018/19 (360) and 2017/18 (377). We will monitor this number carefully during 2020/21 to see if this increase is part of a trend and to see if there are any particular categories of concern that are increasing. The concerns related to:

- 80% were about the fitness to practise decisions made by regulators in the early stages of their process;
- 62% were general fitness to practise concerns, often about delays and the regulators' communication with parties.

More than two thirds of the concerns we have received in this period are from members of the public, with a further 21% coming from registrants.

Find out more about how we have used feedback in this case study. Concerns were shared with us about regulators creating barriers to vulnerable people raising potentially serious concerns.

Appeals referred this year:

- 7 upheld, or settled by consent
- 1 dismissed
- 1 awaiting a decision
- 13 listed to be heard in 2020/21

This year we have seen a **15%** decrease in the number of fitness to practise determinations notified to us by the regulators, from **3,261** in 2018/19 to **2,783** in **2019/20**.

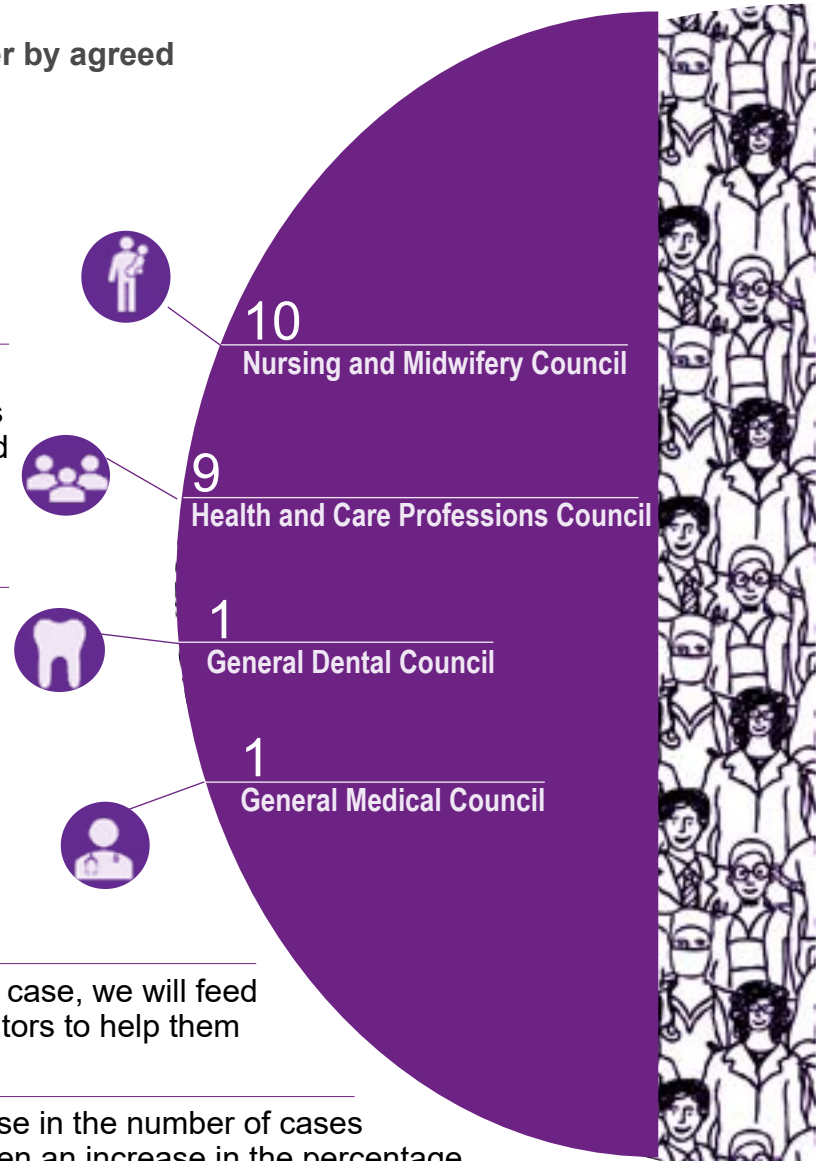
We have considered the reasons for the continuing decrease. We understand that the reduction is largely due to the NMC dealing with a high number of cases to address a backlog of hearings and that backlog has now been reduced. We will, however, continue to monitor trends in this area.

Where we decide not to appeal a case, we will feed learning points back to the regulators to help them improve their processes.

Although we have seen a decrease in the number of cases reviewed in 2019/20, we have seen an increase in the percentage of cases referred to Court (up from 0.34% to **0.79%**) when compared to the previous year.

2019/20

21 decisions appealed



Protecting the public: accrediting registers

THE ACCREDITED REGISTERS PROGRAMME

We have a statutory role in strengthening quality and patient safety by setting standards and accrediting registers of people working in occupations not regulated by law.

The Authority's Accredited Registers programme covers over 89,000 practitioners from a range of different professions in health and social care. Being accredited means that an organisation has satisfied us that it meets all of our Standards. Once accredited, the register and its registrants are entitled to use the Authority's accreditation mark (shown opposite) so that they can be distinguished easily.



We have continued to work to raise awareness of the Accredited Registers programme and the importance of using registrants on them. The www.checkapractitioner.com facility on our website allows people to search for practitioners on accredited registers.



Find out more about:
● [the Accredited Registers programme](#)



accredited register

Improving Standards: accreditation/re-accreditation

Every register we have accredited has been required to improve its practice in one or more areas to meet the **Standards for Accredited Registers** before gaining accreditation. **Conditions** (changes that must be made within a specified timeframe to maintain accreditation) and **recommendations** (actions that would be beneficial but do not have to be completed in order to maintain accreditation) may be issued by our accreditation panels at initial accreditation and annual review to improve practice against the Standards. Conditions must be met to maintain accreditation.



26
registers



89k
practitioners



55
occupations



1
conference



1
seminar



Protecting the public: accrediting registers

COMMUNICATIONS: CONFERENCES AND CAMPAIGNS

Conferences



ACCREDITED REGISTERS SEMINAR

Very useful talks regarding legislative restrictions for accredited registers

Useful information and good suggestions for action

Risk management was very interesting, good points raised and how registers can apply it....Given some points to think of when being reviewed

We held a seminar on 2 April, focusing on the theme of risk. We had a range of speakers including colleagues from Play Therapy UK, the British Association for Counselling and Psychotherapy as well as David Bradly, legal counsel at 36 Essex Chambers and Denham Phipps from Manchester University.

ANNUAL CONFERENCE

We held our annual conference on 21 October 2019, which focused on the Duty of Candour. We heard about the patient's perspective from Imelda Redmond of Healthwatch England and about the registers' work from Margaret Coats of the Complementary and Natural Healthcare Council.

Campaigns



SOCIAL MEDIA CAMPAIGNS

We have also conducted social media campaigns including to raise awareness of the importance of choosing complementary healthcare providers on an accredited register. However, given the modest resources available to the programme it is not possible for the Authority alone to raise awareness. It requires concerted effort by us, accredited registers, and other stakeholders with an interest in ensuring public protection, delivering services and promoting public health.

HOW CLUED UP ARE YOU ON THE RISKS OF COSMETIC PROCEDURE?

This is the question we asked when we joined with the Department for Health and Social Care's awareness campaign to raise awareness around risks involved in cosmetic procedures including Botox and lip fillers. We supported



this campaign and promoted the message that consumers should choose a practitioner either on a statutory register or an Accredited Register and use our [Check-a-practitioner](#) tool.

Focus on Safeguarding



We have again asked the Department of Health and Social Care to assist with securing changes to the Rehabilitation of Offenders Act and the Safeguarding Vulnerable

Groups Act (SVGA) to strengthen the protection accredited registers can offer.

At present, their exclusion from those Acts constrains their ability to protect the public as fully as they might. It either prevents or makes it difficult for them to act on safeguarding matters involving either children or adults.

This year, we have engaged with a range of stakeholders, from the four UK nations including Members of Parliament to raise awareness of this gap making a case for the legislation to be amended.

We wrote to the Education and Skills Committee of the Scottish Parliament to highlight the potential to address this with the draft Disclosure (Scotland) Bill. The Bill is intended to strengthen the safeguarding framework in Scotland. In the Stage 1 debate on the draft Bill, the points that we have raised were referenced by a member of the Education and Skills Committee.

Protecting the public: improving regulation

EXPANDING THE EVIDENCE-BASED FOR EFFECTIVE REGULATION

We work with key stakeholders to expand the evidence base for effective regulation. We do this by conducting and commissioning research, but also through communicating and cooperating with others working in the field to exchange ideas, extend our knowledge, and expand that evidence base.

We undertake commissions and investigations for government. We also provide advice to other similar organisations in the UK and overseas on other matters when asked to do so.

THE YEAR IN STATS



7

events



8

publications



15

blogs published

30

consultation responses



5

international/
national presentations



Focus on regulatory reform

The Government published its response to *Promoting professionalism, reforming regulation* in July 2019. We have long called for changes to the outdated and piecemeal legal framework for professional regulation and it remains our view that reform of the sector is needed to support the delivery of health and care services in the future in a flexible and innovative way. This has been brought into sharper focus by the recent emergency action that a number of the regulators have been required to take in the light of the workforce challenges brought about by Covid-19. This highlighted the need to ensure a balance between regulatory agility and protecting the public. We are broadly supportive of Government proposals, some of which echo our own proposals for reform, but we have cautioned that the proposed additional flexibility for regulators must be balanced by enhanced oversight to ensure that patients and the wider public are protected, and the public can continue to have confidence in regulation.



Protecting the public: improving regulation

CARRYING OUT AND COMMISSIONING RESEARCH/COMMUNICATING AND COOPERATING TO DEVELOP EVIDENCE-BASED REGULATION

Events



- 1 academic and research conference
- 1 futurology event
- 1 symposium
- 1 Welsh seminar
- 1 Scottish seminar
- 2 policy and research forums



ACADEMIC AND RESEARCH CONFERENCE

'...interesting conversations with people across the regulation sector, which will really help us with our future research.'

'Terrific interprofessional vibe brought depth and breadth to discussions. Very supportive and constructive conversations.'

We have continued to work to build our relationships with academics and researchers. We held our seventh conference on the theme of 'Regulation in the future – will it matter?'. Our academic collaborator for the event this year was Mr Robert Jago, Senior Lecturer in Law, Royal Holloway University of London. This was the first time that the event had been held at a Central London venue, the Royal Society of Arts (RSA). The change of venue still enabled a larger attendance than had been possible in previous years, with 150 attending in total. In addition to UK colleagues, attendees came from Australia, Belgium, Canada, Columbia, Ireland and the USA.



Find out more about the conference: read through the presentations or watch the highlights video

SEMINARS

In May 2019 we held a legal seminar in Scotland on 'What constitutes protection of the public in appeal hearings in health regulation?' This was well attended by colleagues from regulators and the legal profession.

In February 2020 we held a joint seminar with the the Welsh Government on regulatory developments and the Welsh context, which was attended by over 70 stakeholders.

SYMPOSIUM

In November, we hosted senior leaders from the professional regulators and other external stakeholders on the theme of 'Collaborative regulation'.

Publications



As well as engaging with stakeholders on regulatory reform, we continued to carry out policy and research work to expand the evidence base to ensure that public protection remains at the heart of a reformed professional regulation system. In the last year we have published:

- 3 research reports
- 3 policy advice reports
- 1 international review
- 1 short report

Sexual misconduct & an imbalance of power

49% of all cases involve vulnerable patients, ie someone who is younger, infirm, or with mental health issues (& those working in mental health are overrepresented - 26% in all cases).



INTERNATIONAL

A Review conducted for the Saskatchewan Registered Nurses Association

SHORT REPORT

An overview of our work and its contribution to protecting the public

POLICY ADVICE

As a response to the Williams Review on Gross Negligence Manslaughter in Health and Care, we were asked to produce two reports on fitness to practise by DHSC. We were also commissioned by Health Education England to look at the possibility of regulating sonographers using our right-touch assurance tool:

- Developing a methodology to assess consistency of fitness to practise outcomes - (we commissioned UCL)
- How public confidence is assessed when fitness to practise decisions are made
- Right-touch assurance of sonographers

RESEARCH

- Sexual misconduct in health and social care: understanding types of abuse and perpetrators' moral mindsets (by Ros Searle)
- Role of patients and service users in ensuring the safety of the care they receive
- From public hearings to consensual disposal – insights from the decision-making literature



Find out more:

You can find all our publications on our website