

Raising concerns about Health and Care Professions Regulators policy

February 2020

1. Introduction

The Professional Standards Authority for health and social care (the Authority) promotes the health, safety and wellbeing of patients, service users and the public by raising standards of regulation of health professionals.

We scrutinise and oversee the work of 10 regulators. We are an independent body accountable to the UK Parliament.

The 10 health and care professional regulators are:

- General Chiropractic Council (GCC)
- General Dental Council (GDC)
- General Medical Council (GMC)
- General Optical Council (GOC)
- General Osteopathic Council (GOsC)
- General Pharmaceutical Council (GPhC)
- Health and Care Professions Council (HCPC)
- Nursing and Midwifery Council (NMC)
- Pharmaceutical Society of Northern Ireland (PSNI)
- Social Work England (SWE).

Our main work with regulators is to:

- Produce an annual performance review which is presented to Parliament
- Scrutinise decisions made by the regulators at their final fitness to practise hearings
- Work to improve regulation through research and by advising Government.

2. Concerns and complaints about the regulators

We are often approached by members of the public, registrants and employers with concerns about regulators.

The Authority does not have the power to investigate complaints or to compel a regulator to take any action about a concern we receive. However, we will occasionally work with the regulators informally on the concerns we receive. In most instances we are limited to asking questions on behalf of an individual.

We use these concerns as an opportunity, not only to try to help individuals where possible, but also to share with the regulators any good practice or learning points to improve their processes for the future. We hope that the regulator will also use the opportunity to consider how it has approached an individual's concerns, but we cannot compel the regulator to take action.

This policy sets out how we deal with the concerns that we receive about the 10 health and care regulators – see the box below for details about the Accredited Registers programme.

Accredited Registers

The Authority also runs an [accredited registers scheme](#) which assesses organisations providing non-statutory registers of health and care practitioners. You can contact us to [share your experience](#) of any of our accredited registers.

3. What concerns will we consider raising with a regulator?

If you contact us about a concern and want our assistance, we will review your concern to determine whether it is a matter that we can contact the regulator about. The questions that we ask ourselves are:

- Has the regulator responded adequately to the concern?
- Is it likely that by raising the concern we may be able to find out more information?
- Could our involvement result in an improvement to public protection or the regulation of health and care professionals?
- Will it be helpful for our performance review work to find out more about the regulator's approach?
- Does the concern raised have implications for public protection?

To answer these questions, we are likely to need further information from you such as the correspondence you have shared with the regulator about the concerns and in particular the regulator's response.

Before accepting a concern, we will also check if:

- You have already taken your concern fully through the regulator's organisational complaints process and given them the opportunity to respond. If this has not happened, we will ask you to do this, unless there are exceptional circumstances.
- Your concern can be dealt with more effectively by another organisation or via another route. For example through the NHS complaints process or through legal action. We have written a [guide to making complaints about health and care services](#) that you may find helpful

Examples of the types concern we may and may not consider are set out below:

Concerns we can consider	Concerns we will not consider
Delays by the regulator to respond to concerns about practitioners	Financial activity or business arrangements e.g. setting of fees or charges set by the regulator
Lack of clarity about processes/rules in fitness to practise cases	Decisions made in the initial stages of the fitness to practise processes which mean that a fitness to practise

	case is not referred onto a final fitness to practise committee
Customer service including failing to respond to correspondence and not providing clear explanations for actions taken	Support for clinical techniques
Issues with the process of quality assuring educational institutions	Registration application or revalidation decisions or appeals
Decisions by a final fitness to practise hearing which you consider to be insufficient to protect the public We review the outcomes of all final fitness to practise hearings of the regulators within our <i>Section 29</i> powers of appeal. However, they need to be dealt with within a strict timescale, which is 40 days from the date of the hearing or the last date on which the registrant could appeal against the decision	We cannot intervene with decisions made by a final fitness to practise hearing that are considered too harsh on a registrant Registrants have their own right of appeal to the courts over these decisions

While we may use our discretion to contact a regulator to raise a concern, our process is not a route through which we can challenge a decision (such as the outcome of a fitness to practise investigation) on an individual's behalf. The regulators we oversee are empowered through their legislation to make a range of decisions about their registrants and the professions they regulate. These decisions may only be challenged through the regulator's own processes or in a court of law.

This means that we will not contact a regulator simply because there is disagreement over a decision it has made.

4. How will the Authority handle your concern?

If we agree that we can consider your concern, we will write to you to ask for your consent to share your concern with the regulator. We will not contact a regulator about a case without an individual's consent.

Once we have received your consent, we will write to the regulator and ask for their comments on your concern. We will ask the regulator to respond within 20 working days.

When we receive a response from the regulator, we will contact you and let you know how they have replied. We usually ask the regulator to reply in such a way that we can share their response with you in full. If the response takes longer than 20 working days to receive, we will send you an update on the progress we have made.

If the regulator wishes to correspond with you directly we will let you know. You will be able to tell us if you have received a response within an acceptable timeframe. If you do not, we can consider if there is any further action we can take.

5. How we monitor the concerns we receive

The feedback we receive from considering concerns can help us identify performance issues that our [annual performance reviews](#) of the regulators should investigate, for example through our targeted reviews and audits. In this way, the feedback we receive has a real influence on the work that we do with regulators. Find out more about how sharing feedback with us can help regulators improve their processes [in our short case study](#).

We do use any learning from the concerns we receive in other areas of our work such as:

- Our [reviews](#) of the regulators' final fitness to practise decisions under *Section 29* of the NHS Reform and Health Care Professions Act 2002
- Our [policy and research work](#) to improve professional regulation.

You can also share your experience of the regulators about any matter, whether or not you wish us to raise a concern. [You can find out more about this on our website](#).

6. How to raise your concerns with the Authority

If you believe that your concern is in line with those that we can consider as set out above you are welcome to contact the Authority. You can do this by:

Writing to: Concerns and Appointments Officer
Professional Standards Authority
157-197 Buckingham Palace Road
London
SW1W 9SP

Emailing: concerns@professionalstandards.org.uk

Calling: 020 7389 8030

We will acknowledge receipt of your correspondence within five working days.

7. Records disposal policy

Our records disposal policy states that we will keep concerns raised with us about the regulators for three years.

The Authority has an [Information Charter](#) that explains our approach to personal information.

8. Internal complaints procedure

If you are unhappy with the way that we have dealt with your concern, you can complain about us.

[How to complain about us policy](#)

DOCUMENT CONTROL

Version Control

Printed documents are uncontrolled. This document is only valid on the day it was printed.

Version	Description of Version	Date Completed
1.0	Complaints about Health Professions Regulatory Bodies Policy	November 2008
2.0	Complaints about Health Professions Regulatory Bodies Policy	October 2010
2.1	Change of Address	April 2011
2.2	Updated in light of the Health and Social Care Act and changes within CHRE	July 2012
2.3	Change of contact details	October 2012
2.4	Change of contact details and change to the Professional Standards Authority	November 2012
2.5	Change of contact details	August 2013
2.6	Document reviewed	February 2020

Associated Documentation

Version	Description of Documentation
2.0	Unreasonably persistent contact and unacceptable behaviour policy
2.0	How to complain about us policy