

## Response to the Senedd Health and Social Care Committee consultation on the health and social care workforce

October 2021

### 1. Introduction

- 1.1 The Professional Standards Authority for Health and Social Care promotes the health, safety and wellbeing of patients, service users and the public by raising standards of regulation and registration of people working in health and care. We are an independent body, accountable to the UK Parliament. More information about our work and the approach we take is available at [www.professionalstandards.org.uk](http://www.professionalstandards.org.uk)
- 1.2 As part of our work we:
- Oversee the ten health and care professional regulators and report annually to Parliament on their performance
  - Accredit registers of healthcare practitioners working in occupations not regulated by law through the Accredited Registers programme
  - Conduct research and advise the four UK governments on improvements in regulation
  - Promote right-touch regulation and publish papers on regulatory policy and practice.

### 2. General comments

- 2.1 We welcome the opportunity to respond to the Committee's call for evidence in relation to the health and social care workforce. Our submission focuses on strategic theme three of *A healthier Wales: our workforce strategy for health and social care* on the delivery of seamless workforce models.
- 2.2 We draw the Committee's attention to ongoing activity to reform the regulation of health professionals as an important contextual consideration. We also highlight the role of Accredited Registers, which can provide additional assurance of health and care practitioners in occupations that are not statutorily regulated.

### 3. Detailed comments

#### Multi-professional workforce models and regulatory reform

- 3.1 This section highlights the forthcoming significant reforms to healthcare professional regulation in the UK and their relevance to the delivery of Action 14 in the workforce strategy.
- 3.2 The strategy sets out a vision for seamless multi-professional working centred around patients to promote effective care and prevent harm. Even prior to the

- pandemic, professionals' roles and the boundaries between them were changing in response to a range of factors, including team-based care and the need for providers to adapt to changing circumstances. We have argued that regulation should support effective multi-professional working, whilst delivering on its fundamental purpose of public protection<sup>1</sup>.
- 3.3 The UK model of regulation for healthcare professionals is on the brink of significant change, following a consultation on reform earlier this year<sup>2</sup>. These proposals seek to modernise the legislation of healthcare professional regulators, and to give them consistent governance models and powers across the regulatory functions of registration, fitness to practise, education and training, and standard setting. We support the reforms overall but have raised key areas of concern through the consultation<sup>3</sup>. The government's intention is to roll out the reforms sequentially to the regulators, starting with the GMC next year.
  - 3.4 The Health and Care Bill (currently in the House of Commons) would provide the Secretary of State for Health and Social Care with powers to abolish an individual health and care regulator and remove a profession from regulation if regulation is not required for public protection. We have powers to accredit organisations that hold registers for roles not required to be regulated by law. Our Accredited Registers programme provides a proportionate alternative to registration of these roles.
  - 3.5 In addition, KPMG have been commissioned by the Department for Health and Social Care to undertake a review of the regulatory landscape (referenced in the recent public consultation). This will provide options for the exercise of the powers for the Secretary of State to abolish regulators. The consultation also references plans to review the professions that are currently regulated in the UK, to consider whether statutory regulation remains appropriate for these professions.
  - 3.6 We have previously called for a single assurance body for health and care professionals and a common code. We continue to support simplification of the regulatory system and an overall reduction in the number of regulators. This is likely to address a number of the problems identified with the current system and make it easier for regulators to collaborate with other bodies, both to better protect the public and to support workforce objectives.
  - 3.7 Action 14 of *A Healthier Wales* includes a commitment to work with partners to harmonise governance, regulation and registration arrangements to facilitate

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<sup>1</sup> Professional Standards Authority 2015, Rethinking regulation. Available at: <http://www.professionalstandards.org.uk/docs/default-source/publications/thought-paper/rethinking-regulation-2015.pdf>

<sup>2</sup> Department of Health and Social Care 2021, Regulating healthcare professionals, protecting the public. Available at: <https://www.gov.uk/government/consultations/regulating-healthcare-professionals-protecting-the-public>

<sup>3</sup> Professional Standards Authority 2021, Three things to get right for public protection. Available at: [https://www.professionalstandards.org.uk/docs/default-source/publications/thought-paper/three-things-to-get-right-for-public-protection.pdf?sfvrsn=68e64920\\_5](https://www.professionalstandards.org.uk/docs/default-source/publications/thought-paper/three-things-to-get-right-for-public-protection.pdf?sfvrsn=68e64920_5); Professional Standards Authority 2021, Response to Regulating healthcare professionals, protecting the public. Available at: <https://www.professionalstandards.org.uk/publications/detail/professional-standards-authority-response-to-regulating-healthcare-professionals-protecting-the-public>

multi-professional working, and to encourage a more streamlined approach across the health professional regulators and Social Care Wales.

- 3.8 Though we do not take a view about progress made to date or whether delivery is on track for this action, we note the multiple, complex workstreams currently focussed on reforming the system of professional regulation across the UK. This may pose a challenge to harmonising arrangements, at least in the short term, while there remain high levels of uncertainty about the future landscape.

### **Assurance of new roles**

- 3.9 A key priority listed under Action 14 of the workforce strategy relates to the regulation and registration of the support workforce. This includes ‘considering statutory registration mechanisms for current non-registered, or voluntary registered staff’. Though we cannot comment on progress made on this priority, we note that since the publication of *A Healthier Wales* there has been a commitment from the UK government to review whether the professions which are currently statutorily regulated are the right ones (as referenced in 3.5 above). This review may therefore have implications for this aspect of the strategy.
- 3.10 We are not opposed to deregulating groups if this is no longer justified by the risk; however, we think that this needs to be carefully managed to avoid inadvertently creating additional public protection risks.
- 3.11 We have developed a methodology for assessing and assuring occupational risk of harm for health and care occupations<sup>4</sup>. We encourage governments to use this to support decision-making about whether new roles should be regulated or whether alternative means of assurance are more appropriate. Adopting this methodology to inform decisions about registering further occupations would help to promote a harmonious approach across the UK and make decisions more objective and transparent.
- 3.12 When considering the impact of regulation on the health and care workforce it is useful to reflect on the purpose of regulation. Regulation is fundamentally about protecting the public. It should not be used for other reasons, for example to enhance professional status. This is because statutory regulation, whilst it is an important tool in protecting the public, can be inflexible, restrictive, expensive or even counterproductive if used inappropriately. This may include introducing costs and barriers to entry for certain occupations which may run counter to wider objectives in Wales around workforce.
- 3.13 Where statutory regulation is not proportionate to the level of risk associated with an occupation, other means of assurance may be appropriate. These include the use of voluntary accredited registers of practitioners. The Accredited Registers programme operated by the Professional Standards

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<sup>4</sup> Professional Standards Authority 2016, Right-touch assurance: a methodology for assessing and assuring occupational risk of harm. Available at: [https://www.professionalstandards.org.uk/docs/default-source/publications/right-touch-assurance---a-methodology-for-assessing-and-assuring-occupational-risk-of-harm-\(october-2016\).pdf?sfvrsn=f21a7020\\_0](https://www.professionalstandards.org.uk/docs/default-source/publications/right-touch-assurance---a-methodology-for-assessing-and-assuring-occupational-risk-of-harm-(october-2016).pdf?sfvrsn=f21a7020_0)

Authority ensures that bodies registering roles that are not regulated by law operate effectively and adhere to good standards, thereby giving assurance to employers and the public. The registers cover about 100,000 practitioners across diverse areas of health and social care, from counselling and psychotherapy, to foot health practitioners.

- 3.14 We have recently undertaken a strategic review of the programme to identify how it can become more embedded within the wider system and support the efficient delivery of health and social care workforce plans. We envision the programme as offering a greater contribution to personalised care for patients, and to support recovery in health and social care from the pandemic. The pandemic has highlighted the need for greater integration of health and social care, as well as demonstrating the value of unregulated roles in supporting mental health needs. We would like to see employers ensuring that their healthcare practitioners in unregulated roles belong to Accredited Registers. This may provide a more flexible, efficient and proportionate means to providing the assurance of the support workforce referenced in Action 14 in *A Healthier Wales*.

#### **4. Further information**

- 4.1 Please get in touch if you would like to discuss any aspect of this response in further detail. You can contact us at:

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