

# ANNEX ONE

## The dataset

November 2015

## About the Professional Standards Authority

The Professional Standards Authority for Health and Social Care<sup>1</sup> promotes the health, safety and wellbeing of patients, service users and the public by raising standards of regulation and voluntary registration of people working in health and care. We are an independent body, accountable to the UK Parliament.

We oversee the work of nine statutory bodies that regulate health professionals in the UK and social workers in England. We review the regulators' performance and audit and scrutinise their decisions about whether people on their registers are fit to practise.

We also set standards for organisations holding voluntary registers for people in unregulated health and care occupations and accredit those organisations that meet our standards.

To encourage improvement we share good practice and knowledge, conduct research and introduce new ideas including our concept of right-touch regulation.<sup>2</sup> We monitor policy developments in the UK and internationally and provide advice to governments and others on matters relating to people working in health and care. We also undertake some international commissions to extend our understanding of regulation and to promote safety in the mobility of the health and care workforce.

We are committed to being independent, impartial, fair, accessible and consistent. More information about our work and the approach we take is available at [www.professionalstandards.org.uk](http://www.professionalstandards.org.uk).

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<sup>1</sup> The Professional Standards Authority for Health and Social Care was previously known as the Council for Healthcare Regulatory Excellence

<sup>2</sup> CHRE. 2010. *Right-touch regulation*. Available at <http://www.professionalstandards.org.uk/policy-and-research/right-touch-regulation>

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# 1. The dataset

Set out below is the data that we propose to collect from the regulators in order to inform our assessment of the scope of the review we decide to undertake. We will collect this data where indicated on a quarterly basis or annual basis, so that we can gain a better understanding of changes in performance over a period of time.

We anticipate that some of this data will already be collated and published by regulators either externally (for example in Council papers) or internally (for example in management reporting packs). We recognise that not all of this information will be available, or available on a quarterly basis, and we will liaise with regulators as to how they will be able to make the necessary arrangements to report this data to us.

We have separated the data into two types. All of the data we collect will be used to inform our assessment decision as to the type of review we will undertake, and in our overall assessment of the regulator's performance. We have also identified items of data that we believe are key comparators across the Standards of Good Regulation. We expect to routinely report on these comparators both in each regulator's performance review report, and in our overarching reports on performance across the sector. We will compare the regulators' performance against these comparators where we consider it appropriate to do so

We do not envisage that we would routinely publish all of the data as part of our performance review of each regulator, nor use all of it for comparative purposes in our discussion of the performance of the regulators in our annual report, though we may include any of the data in our reports (and draw any comparisons we consider relevant) if we consider it appropriate to do so. If the data we receive gives rise to a concern that we investigate in more detail, it is likely that we will publish this data in our performance review report.

We recognise that not all of the data set out below may relate to all regulators, and prior to the start of the collection process we will work with each regulator to identify which data is relevant to them. We have also identified some data items that we may not ask individual regulators for if we are satisfied with the information they provide about the documented processes and procedures and their own quality assurance/compliance checking activities.

The proposed new comparators are on the next page.

## Proposed Key Comparators

Below are the items of data that we have identified as being key comparators across the Standards of Good Regulation. We expect to routinely report on these comparators both in each regulator's performance review report, and in our overarching reports on performance across the sector. We will compare the regulators' performance against these comparators where we consider it appropriate to do so. The key comparators are:

1. The number of registration appeals concluded, where no new information was presented, that were upheld.
2. Median time (in working days) taken to process initial registration applications for
  - UK graduates
  - EU (non-UK) graduates
  - International (non-EU) graduates
3. Time from receipt of initial complaint to the final Investigating Committee/Case Examiner decision
  - Median
  - Longest case
  - Shortest case
4. Time from receipt of initial complaint to final Fitness to Practise hearing
  - Median
  - Longest case
  - Shortest case
5. Time to an interim order decision
  - From receipt of complaint
6. Outcomes of the Authority's appeals against final fitness to practise decisions
  - Dismissed
  - Upheld and outcome substituted
  - Upheld and case remitted to regulator for re-hearing
  - Settled by consent
  - Withdrawn
7. Number of data breaches
  - Reported to the Information Commissioner
8. Number of successful judicial review applications

## 2. Registration dataset

We will ask each regulator to provide information about their registrants, and those applying for registration. For those regulators that register businesses and students as well as qualified individuals, we will also ask for information about the registration of those groups, so we can understand the effect their registration has on the overall work of the regulator.

Where a regulator has in the previous five years increased the number of professions it regulates, we will ask for data on each of the registered professions, so we can understand any effect that the registration of any new profession or professions might be having on the regulator's overall performance.

We have set out in the document where we will collect data quarterly, or on an annual basis or where we will only collect it after considering the regulator's documented processes and procedures and quality assurance.

We will ask for the following information on a quarterly basis:

<p>1. Number of registrants (including where applicable students, premises and bodies corporate) in the following categories:</p> <ul style="list-style-type: none"><li>• UK graduate</li><li>• EU/EEA graduate</li><li>• Non-EU/EEA graduate</li></ul>
<p>2. Number of new registration applications received (including where applicable students, premises and bodies corporate) in the following categories:</p> <ul style="list-style-type: none"><li>• UK graduate</li><li>• EU/EEA graduate</li><li>• Non-EU/EEA graduate</li></ul>
<p>3. Number of registration appeals</p> <ul style="list-style-type: none"><li>• Received</li><li>• Concluded</li></ul>
<p>4. Of those appeals concluded, the number of appeals:</p> <ul style="list-style-type: none"><li>• Upheld</li><li>• Rejected</li><li>• Withdrawn</li></ul>
<p>5. Of those appeals concluded, and where no new information was presented by the applicant, the number of appeals:</p> <ul style="list-style-type: none"><li>• Upheld</li><li>• Rejected</li><li>• Withdrawn</li></ul>
<p>6. Median time (in working days) taken to process initial registration applications for:</p> <ul style="list-style-type: none"><li>• UK graduates</li><li>• EU (non-UK) graduates</li><li>• International (non-EU) graduates</li></ul>

We will ask for the following information on an annual basis:

<p>7. The number of rejected applications, broken down into the following types</p> <ul style="list-style-type: none"><li>• Application for registration</li><li>• Application for restoration</li><li>• Application for renewal</li></ul>
<p>8. The number of rejected applications, broken down into the following reasons for rejection:</p> <ul style="list-style-type: none"><li>• Failure to demonstrate indemnity insurance in place or due to be in place</li><li>• Concerns relating to conduct or competence</li><li>• Concerns relating to health</li></ul>

We may decide to ask for the data below, once we have reviewed the information you have provided about your processes in these areas.

<p>9. The percentage of registrations that have lapsed (at the last renewal period) where the registrant is (or was at the time) the subject of an FTP investigation that had not concluded, or the subject of a finding of impairment or a sanction that is/was still current, and</p> <ul style="list-style-type: none"><li>• The Investigation Committee or Case Examiner has yet to reach a decision</li><li>• The case has been referred to an Fitness to Practise Committee but no final decision has been reached (this includes where a decision has been made but the case is subject to appeal)</li><li>• The Investigation Committee or Case Examiner has decided to accept undertakings.</li></ul>
<p>10. The number of cases of unregistered practice that have been closed, and the reasons for their closure:</p> <ul style="list-style-type: none"><li>• No action taken</li><li>• 'Cease and desist' letter sent</li><li>• Prosecution</li></ul>

### 3. Education dataset

We have removed the previous data items relating to education. We will consider the processes for education and continuing fitness to practise for each regulator, and may ask for data on these processes following our analysis of the way in which each regulator operates its processes in these areas.

## 4. Fitness to practise dataset

We will ask each regulator to provide information about their fitness to practise work. For those regulators that register businesses and students in addition to qualified individuals, we will also ask for information about fitness to practise in relation to those groups, so we can understand the effect they have on the overall work of the regulator.

Where a regulator has in the previous five years increased the number of professions it regulates, we will ask for data on each of the registered professions, so we can understand any effect that the registration of any new profession or professions might be having on the regulator's overall performance.

We will ask for the following information on a quarterly basis:

11. Number of cases considered by an Investigating Committee/Case Examiner
12. Number of cases concluded by an Investigating Committee/Case Examiner
13. Number of cases considered by a final Fitness to Practise Committee/Case Examiner
14. Number of cases concluded by a final Fitness to Practise Committee/Case Examiner
15. Time from receipt of initial complaint to the final Investigating Committee/Case Examiner decision: <ul style="list-style-type: none"><li>• Median</li><li>• Longest case</li><li>• Shortest case</li></ul>
16. Median time to interim order committee decision <ul style="list-style-type: none"><li>• From receipt of complaint</li><li>• From decision that there is information indicating the need for an interim order</li></ul>
17. The number of interim orders which have not been reviewed by a committee within the required timeframe.
18. The number of High Court extensions to interim orders: <ul style="list-style-type: none"><li>• Applied for</li><li>• Granted</li><li>• Rejected</li></ul>
19. Number of open cases (at the end of the quarter) which are older than: <ul style="list-style-type: none"><li>• 52 weeks</li><li>• 104 weeks</li><li>• 156 weeks</li></ul>
20. Total number of registrant appeals in the quarter which are <ul style="list-style-type: none"><li>• Ongoing</li><li>• Opened</li><li>• Concluded</li></ul>

<p>21. Outcomes of registrant appeals against final fitness to practise decisions:</p> <ul style="list-style-type: none"> <li>• Upheld and outcome substituted:</li> <li>• Upheld and case remitted to regulator for re-hearing</li> <li>• Settled by consent</li> <li>•</li> </ul>
<p>22. Number of cases that are closed due to the referrer being anonymous</p>
<p>23. Number of occasions a case has been referred to another investigating body/regulator</p>
<p>24. Number of cases concluded by an Investigation Committee/Case Examiner with the following outcome:</p> <ul style="list-style-type: none"> <li>• No further action</li> <li>• Advice</li> <li>• Warning/caution (not published on the register)</li> <li>• Warning published on register</li> <li>• Referral to Fitness to Practise Committee</li> </ul>

We will ask for the following information on an annual basis:

<p>25. Median and mean time from final Investigating Committee decision to final Fitness to Practise Committee decision or other final disposal of the case</p>
<p>26. Time from receipt of initial complaint to final Fitness to Practise Committee determination/or other final disposal of the case:</p> <ul style="list-style-type: none"> <li>• Median</li> <li>• Longest case</li> <li>• Shortest case</li> </ul>
<p>27. Number of cases referred by the Investigation Committee/Case Examiner for a substantive Fitness to Practise Committee hearing and that hearing has not yet begun</p>
<p>28. Total number of hearing days</p>
<p>29. % of final hearings that conclude within their original hearing day allocation</p>

We may decide to ask for the data below, once we have reviewed the information you have provided about your processes in these areas.

<p>30. Number of voluntary erasure/removal applications:</p> <ul style="list-style-type: none"> <li>• Received</li> </ul>
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<ul style="list-style-type: none"> <li>• Granted</li> </ul> <p>Prior to FTP case being considered by an IC/Case Examiner</p>
<p>31. Number of voluntary erasure/removal applications:</p> <ul style="list-style-type: none"> <li>• Received</li> <li>• Granted</li> </ul> <p>Subsequent to the FTP case being considered by an IC/Case Examiner</p>
<p>32. Number of voluntary erasure/removal applications granted by decision maker:</p> <ul style="list-style-type: none"> <li>• Registrar</li> <li>• Case Examiner/IC</li> <li>• FTP Committee</li> </ul>
<p>33. Number of cases disposed of by consensual process (other than voluntary erasure/removal):</p> <ul style="list-style-type: none"> <li>• Undertakings</li> <li>• Consensual panel disposal agreement reviewed by an FTP committee</li> <li>• Other consensual disposal agreement</li> </ul>
<p>34. Number of cases disposed of by consensual process (including voluntary erasure/removal) by allegation type as set out in the published Notice of Inquiry/Hearing:</p> <ul style="list-style-type: none"> <li>• Misconduct</li> <li>• Performance</li> <li>• Ill-health</li> <li>• Conviction</li> <li>• Other</li> <li>• Combination of two or more of the above</li> </ul>
<p>35. Number of cases referred back to the IC/Case Examiner (following a previous referral to an FTP Committee) where the IC/Case Examiner decides to terminate the referral where:</p> <ul style="list-style-type: none"> <li>• The request was made by the regulator</li> <li>• The request was made by the registrant</li> </ul>

We recognise that some regulators currently publish the data below, and we will ask those that do to provide it to us. We may in the future decide to request this data from all regulators.

<p>36. Number of cases opened as a result of:</p> <ul style="list-style-type: none"> <li>• Self-referral by registrant</li> <li>• The regulator deciding to open the case without any third party raising a concern</li> <li>• Referral by non- NHS employer</li> <li>• Referral by patient</li> <li>• Referral by NHS</li> <li>• Referral by another registrant</li> <li>• Anonymous informant</li> <li>• Referral by another regulator body</li> </ul>
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- Any other informant

37. Number of cases concluded by a final Fitness to Practise Committee where the outcome is:

- Regulator offered no evidence
- No case to answer
- Facts not proved
- Misconduct not found
- Impairment not found
- No impairment warning
- Impaired but no sanction
- Reprimand
- Warning/Caution Order
- Conditions
- Fine
- Suspension with a review
- Suspension without a review
- Indefinite suspension
- Erasure

## 5. Other data

We will ask the regulator for the following data on a quarterly basis:

38. Number of data breaches:

- Reported internally

We will ask for the following data on an annual basis:

39. Number of judicial review applications (where leave has been given) relating to:

- Registration processes and decisions
- Education quality assurance processes and decisions
- FTP processes and decisions

40. Number of successful judicial review applications

41. Staff turnover (%)

We may decide to ask for the data below, once we have reviewed the information you have provided about your processes in these areas.

42. Number of organisational complaints overall, and number of organisational complaints in the following areas:

- Timescales for FTP or registration activities
- Customer service including quality of decision letters in FTP or Registration