

Standards of Good Regulation

Factors to consider and evidence framework

June 2018

The Standards of Good Regulation (the Standards) describe the outcomes of good regulation for each of the regulator's regulatory functions, as well as across all aspects of their regulatory work. The Standards prioritise the core role of regulators in:

- Protecting patients and reducing harms
- Promoting professional standards
- Maintaining public confidence in the professions.

The Standards are informed by the Authority's principles of good regulation which state that regulators should act in a way which is:

- Proportionate
- Consistent
- Targeted
- Transparent
- Accountable and
- Agile.

The table below sets out some of the factors that we take into account when assessing whether a regulator is meeting the Standards, as well as providing examples of evidence that regulators may use to demonstrate their performance against each Standard. The examples are not meant to be exhaustive, and because the regulators operate within different contexts, the relevance of different types of evidence will vary from regulator to regulator. For that reason, we do not prescribe how each regulator can demonstrate that they are meeting each Standard.

Further information on the Standards and how they help us oversee the work of the health and care regulators, can be found on website at www.professionalstandards.org.uk

Standards of Good Regulation

Factors to consider and evidence framework

June 2018



General Standards		
	Factors to consider	Possible evidence
<p>Standard One</p> <p>The regulator provides accurate, fully accessible information about its registrants, regulatory requirements, guidance, processes and decisions.</p>	<ul style="list-style-type: none"> The regulator ensures that it provides easily accessible information about its regulatory activities to all who need to access it The regulator displays information about its registrants clearly and accurately, in a way that is helpful to those who need to access it the regulator regularly reviews its information to ensure it remains up-to-date and useful to those who access it 	<ul style="list-style-type: none"> Information on availability and accessibility of information about regulatory activities; distribution plan to stakeholders, availability in other formats/languages, Plain English campaign certification Evidence that feedback from users about accessibility of the register is regularly gathered and reviewed Documents and guidance for staff on what information is publicly available, and what should not be disclosed, and any disclosure policies and guidance
<p>Standard Two</p> <p>The regulator is clear about its purpose and ensures that its policies are applied appropriately across all its functions and that relevant learning from one area is applied to others.</p>	<ul style="list-style-type: none"> The regulator clearly articulates its purpose, and can demonstrate that all its activities are undertaken to support this The regulator can demonstrate how the outcomes of its work in one area is, where appropriate, used to inform and improve outcomes in other activities it undertakes 	<ul style="list-style-type: none"> Links between FTP and Registration to ensure that registrants remain appropriately registered. Explanation of how the register is updated with FTP information The regulator has a clear mission, and articulates how this relates to its statutory purpose as set out in its legislation Evidence about how the regulator embeds new standards or processes across its functions

Standards of Good Regulation

Factors to consider and evidence framework

June 2018



<p>Standard Three</p> <p>The regulator understands the diversity of the registrant population and its service users and ensures that its processes do not impose inappropriate barriers or otherwise disadvantage people with protected characteristics.</p>	<ul style="list-style-type: none"> • All of the regulator’s processes and guidance are demonstrably fair, and regularly reviewed to ensure that they continue to be so • The regulator understands and complies with its responsibilities in relation to equality and diversity, and where appropriate reports on its activities in this area 	<ul style="list-style-type: none"> • Details of how the regulator ensures that its processes are free from bias, including data collection methods and other processes that ensure fairness and objectivity • Information available to and collected by the regulator about registrants • Research or other activities undertaken by the regulator to inform itself about issues relevant to diversity • Actions taken by the regulator to address concerns about its processes
<p>Standard Four</p> <p>The regulator reports on its performance and addresses concerns identified about it.</p>	<ul style="list-style-type: none"> • The regulator has a transparent, easily accessible process for concerns to be raised about its performance by anyone who engages with its work • The regulator regularly ensures that information about its performance is made available, and that it explains changes to that performance 	<ul style="list-style-type: none"> • Papers and information to Council about the regulator’s performance • Details of processes for informing Council of concerns • Annual reports and other publicly available information demonstrating transparency
<p>Standard Five</p> <p>The regulator consults and works with employers, regulators and other stakeholders across all its functions to identify and manage risks to the public in respect of its registrants.</p>	<ul style="list-style-type: none"> • The regulator understands the environment in which it works, and has well developed relationships with organisations that influence its work, or the activities of those on its register • The regulator shares information with other organisations in order to ensure that risks posed by those on its register are appropriately managed • The regulator gathers and uses information from other organisations to manage any risks arising from the information posed by those on its register 	<ul style="list-style-type: none"> • Information on stakeholders’ feedback about the efficacy of the engagement process around the revision/development of standards and guidance

Standards of Good Regulation

Factors to consider and evidence framework

June 2018



Guidance and Standards		
	Factors to consider	Possible evidence
<p>Standard Six The regulator maintains up-to-date standards of conduct and competence which are kept under review and prioritise patient and service user centred care and safety.</p> <p>Standard Seven The regulator provides guidance to help registrants apply the standards and ensures this guidance is up-to-date, addresses new and developing areas of practice, and prioritises patient and service user centred care and safety.</p>	<ul style="list-style-type: none"> The regulator has a process for ensuring that standards are reviewed and amended where appropriate based on changes to practice and legislation. The regulator gathers feedback from registrants and other relevant parties (such as patient and service user representatives) about the standards and can demonstrate how this feedback is taken into account The regulator can demonstrate how the standards reflect patient and service user care and safety The regulator can demonstrate how they ensure and evaluate the accessibility of the standards There is a clear evaluation strategy for the standards There is a clear process for the development, implementation and evaluation of additional guidance released in support of the standards There is a clear governance and quality assurance framework for standards development 	<ul style="list-style-type: none"> Links to current standards of competence and conduct, and any supporting material Information on how the regulator reviews the efficacy of the standards of competence and conduct and the scheduled frequency of such reviews Information on how feedback is gathered relating to the standards and how it is taken into account in deciding when to revise their contents and in deciding whether additional guidance should be issued Details of the time since the last revision of the standards, and information about the way in which that review was carried out Any other information relevant to the current achievement of this Standard
Education and Training		
	Factors to consider	Possible evidence
<p>Standard Eight The regulator maintains up-to-date standards for education and training which are kept under review, and prioritise patient and service user care and safety.</p>	<ul style="list-style-type: none"> The regulator can demonstrate how its standards for education and training link to its standards for registrants, and prioritise patient and service user centred care The regulator's standards of education and training require the standards for registration to be included as part of the programme curriculum The regulator's standards of education and training provide for patient, service user and /or carer involvement in education and training programmes The regulator has a process in place for periodically reviewing its standards of education and training. It applies any learning gained about its education function, identifies 	<ul style="list-style-type: none"> Breakdown/mapping of how the standards for education link to the standards for registration Any formal process for review of the educational standards and information about the frequency and outcome of reviews Any evaluation of the effectiveness of the guidance and standards development/review process, in particular in relation to the account taken of stakeholders' views and of quality assurance outcomes Guidance given to students with disabilities to ensure that they do not face unnecessary barriers to successful careers in health Guidance documents for education and training providers, and for students/trainees, published on the regulator's website

Standards of Good Regulation

Factors to consider and evidence framework

June 2018

	<p>any relevant external developments and makes any necessary revisions or updates to its standards in a timely manner</p> <ul style="list-style-type: none"> • The regulator takes account of any trends and learning from student FTP outcomes where appropriate when revising its standards and guidance • The regulator publishes or otherwise makes available guidance for education and training providers to help them understand and meet the regulator's standards 	<ul style="list-style-type: none"> • Any evaluation of the effectiveness of the standards and guidance development/revision processes • Evidence of how learning from student fitness to practise cases is used in the education process • Any other information relevant to the current achievement of this Standard
<p>Standard Nine The regulator has a proportionate and transparent mechanism for assuring that the educational providers and programmes it oversees are delivering students and trainees that meet the regulator's requirements for registration, and takes action where its assurance activities identify concerns either about training or wider patient safety concerns.</p>	<ul style="list-style-type: none"> • The regulator can provide evidence of its quality assurance (QA) activity, any concerns or trends identified and follow-up action taken (e.g. where approval is subject to conditions) • The regulator shares any good practice identified through its QA process with education providers, and can demonstrate how it works collaboratively with them • The regulator periodically reviews/evaluates its QA process in order to ensure that it is working effectively • The regulator applies any learning gained about its education function in order to continuously improve the QA process • The regulator can demonstrate that it provides training and guidance to its QA panels • The regulator takes account of any trends and learning from student FTP outcomes where appropriate as evidence for the QA process • The regulator can demonstrate how its QA process for education and training is proportionate and avoids unnecessary duplication for education providers • The regulator allocates its resources to target the highest risks when carrying out its QA activities • The regulator's QA panels include a non-registrant/lay visitor • The regulator can demonstrate how its QA process is focused on confirming that providers are producing students and trainees that meet the standards for registration • The regulator obtains and uses feedback from employers about the competence of newly registered professionals • The regulator can provide evidence of the outcomes of its QA activity 	<ul style="list-style-type: none"> • Description/process documents/guidance relating to the accreditation process • Description/process documents/guidance relating to the inspection/visit process • Process relating to the appointment/training/appraisal of visitors/inspectors • Information on how feedback from educational institutions, students and other stakeholders is gathered, and how this feedback is used, alongside evidence of how such feedback has been used in practice • Links to published reports into the outcomes of the quality assurance process, and any other associated documentation • Information about how any concerns identified have been assessed, addressed, and followed up during inspections or by requesting further information from the institution • Process/criteria for deciding how to assess, address and follow up any concerns. • Evidence of action taken in respect of concerns raised about education/training programmes which are not addressed by means of inspection visits/requests for information from the relevant institution, including the monitoring of any themes • Any evaluation of the effectiveness of the education providers' success in producing students and trainees that meet registration standards. • Links to information on the regulator's website about how to raise concerns • Any other information relevant to the current achievement of this Standard, including any other evidence of the outcomes of the regulator's quality assurance activity and actions taken

Standards of Good Regulation

Factors to consider and evidence framework

June 2018

	<ul style="list-style-type: none"> The regulator has a publicly available process for raising concerns about education providers or programmes The regulator can provide evidence of the number of concerns received about education providers or programmes and how those concerns have been addressed 	
Registration and Continuing Fitness to Practise		
	Factors to consider	Possible evidence
<p>Standard Ten The regulator maintains and publishes an accurate register of those who meet its requirements for registration including any restrictions on their practice.</p>	<ul style="list-style-type: none"> The regulator can demonstrate that its standards for registration are appropriate to the context and risks of those they regulate The standards for registration are applied consistently, and that the regulator has a process for decision-making in relation to registration that is demonstrably fair, transparent to all, applied equitably, and clearly documented There is clear information or all applicants for registration (including in timescales for registration) and this information meets the needs of each type of applicant The regulator has quality assurance mechanisms in place to ensure the accuracy of the register and prevent errors in the registration process Registrants, applicants and others are clear about the standards for registration, how these are applied, and how the regulator decides on admission to the register The process for appeal is clearly and transparently set out, in line with the regulator's rules and processes, and consistently applied Where there is a potential concern relating to an application for registration, there is a clear process for investigating this concern The register is easily accessible, and contains information that is relevant to those who access it, in accordance with the regulator's rules and processes The regulator has clear rationales for the information it displays and the time this information it is available, and this includes information relating to fitness to practise 	<ul style="list-style-type: none"> SOPs process documents that describe the assessment process for applications for registration, restoration and renewal, and associated forms/template letters Descriptions of the different processes, timescales and criteria for different applicant types (i.e. UK graduates, EEA applicants etc.) Description of the factors that have to be considered when deciding whether criteria for registration are met. Where relevant, the legislative basis that underpins these criteria Guidance for decision-makers, and applicants, that describe the process for making decisions on applications/appeals KPIs and SLAs that set out timescales for decision and processing of applications/appeals Forms and guidance that provide information on the registration process for applicants Explanation and process for updating the register Quality assurance of the register, including the checking of data accuracy Description of how the register, what it is for, how to check it and what it contains (and what types of information it does not display) is publicised Any other information relevant to the current achievement of this Standard, including information about the reasons for any recent changes to the policy about the types of information displayed or the length of time it is available
<p>Standard Eleven The process for registration, including appeals, operates proportionately, fairly and efficiently, with decisions clearly explained.</p>		

Standards of Good Regulation

Factors to consider and evidence framework

June 2018



<p>Standard Twelve Risk of harm to the public and of damage to public confidence in the profession related to non-registrants using a protected title or undertaking a protected act is managed in a proportionate and risk based manner.</p>	<ul style="list-style-type: none"> • The regulator has in place guidance for itself and others on how concerns relating to illegal or unregistered practice are dealt with, including a process for understanding the risks of the concerns raised • Decision-makers within the regulator understand the basis and process for making decisions relating to misuse of title or the carrying out of restricted functions • The regulator has in place a strategy to communicate its role, and the role of others, in relation illegal or unregistered practice. This includes working with other agencies where it is appropriate to do so • The regulator can demonstrate how its activities in this area are proportionate to the risks of illegal of unregistered practice it identifies • The regulator ensures that registrants and applicants are made aware of their responsibilities and legal obligations in this area 	<ul style="list-style-type: none"> • SOPs/process documents outlining how the regulator deals with illegal practice allegations • Legislation that underpins this approach • Criteria and SLAs for decision-makers • Links to information on illegal practice for the public and other stakeholders • Any evaluation of the consistency of decisions made in relation to complaints about taking action with regard to illegal/unregistered practice • Any evaluation of the effectiveness of the regulator's activity e.g. monitoring of compliance with 'cease and desist' letters • Information that the regulator publishes to its registrants about action it has taken in respect of illegal practice and about their responsibilities • Any other information relevant to the current achievement of this Standard
<p>Standard Thirteen The regulator has proportionate requirements to satisfy itself that registrants continue to be fit to practise.</p>	<ul style="list-style-type: none"> • The regulator has in place a CPD (or equivalent system) that ensures continued fitness to practise (CFTP) • The regulator seeks feedback from registrants and stakeholders on the efficacy of its CFTP process, and considers that feedback when making changes to the system • The regulator regularly ensures that the CFTP system remains fit for purpose, taking into account changes to its standards, education and training, and the changing clinical and ethical context of its registrants • Where appropriate, learning from other parts of the regulator's work is used to inform and improve the CFTP process and outcomes 	<ul style="list-style-type: none"> • Description of the process registrants must follow to demonstrate CFTP • The legislative basis for that process • SOPs/process documents that describe how CFTP is assessed by the regulator • Links to information for registrants and others on the CFTP process • Evidence that the regulator has targeted its CFTP system towards ensuring that regulators develop their skills in their areas of practice, and public protection • Evidence that the regulator identifies and uses the information it gathers on how registrants are undertaking CFTP to inform and develop its processes • FTP learning is used where appropriate in the development of CFTP • Any other information relevant to the current achievement of this Standard • Any information from registrants evaluating the effectiveness of the CPD/CFTP process • Any evaluation of whether registrants subject to FTP sanctions have recently complied with the CPD/CFTP requirements • Any other information relevant to the current achievement of this Standard

Standards of Good Regulation

Factors to consider and evidence framework

June 2018



Fitness to practise		
	Factors to consider	Possible evidence
<p>Standard Fourteen The regulator enables anyone to raise a concern about a registrant.</p>	<ul style="list-style-type: none"> The regulator ensures that timescales for each stage of the FTP process are actively monitored, and cases are managed efficiently and proactively to avoid delay The regulator has documented and consistently applied process for each stage of the FTP process, and these are regularly and demonstrably reviewed There is published and easily accessible guidance for all on how the FTP process is carried out, and this guidance is regularly and demonstrably reviewed The regulator clearly sets out how it determines which complaints meet its threshold for investigation, and how this threshold is applied consistently, fairly, and in line with its standards, rules and policies There is a clear, documented process for risk assessment and management of cases both at receipt and throughout the life of an investigation, that this process is applied fairly and consistently, and that this process is regularly and demonstrably reviewed There is clear guidance for decision-makers and staff on how to decide whether the risk assessment of a case requires a referral to an interim orders panel, and that this guidance is applied fairly and consistently. The regulator can demonstrate how it works with other agencies to gather and share intelligence about its registrants, and that where appropriate cases are referred to those agencies through a process that is documented, consistent, fairly applied, and regularly reviewed Fitness to practise decision-makers have clear guidance setting out the framework for decision-making. This guidance is published, and regularly and demonstrably reviewed Decision-makers are appointed and trained through a process that is robust and transparent, and the regulator 	<ul style="list-style-type: none"> SOPs/process documents that set out how the regulator manages the stages of the fitness to practise process, and associated forms/template letters Relevant legislation, and how this relates to the way the regulator has constructed the FTP process SLAs and KPIs related to each of the stages of the FTP process and evidence of how compliance is monitored; outcomes of the monitoring process and action taken in respect of non-compliance Guidance for staff and decision-makers on assessing whether information/referrals received require FTP investigation. Evidence of quality assurance of a proportion of decisions taken not to investigate, and identification of any relevant learning. Details of how the regulator ensures that the process is demonstrably free from bias, particularly bias in favour of registrants Storage and communication of information and documents to ensure that it is dealt with securely when appropriate, and details of the relevant information security policies and procedures. Information about how the regulator checks compliance Any other information relevant to the current achievement of this Standard Evidence of quality assurance of risk assessment decisions taken, and implementation of any learning identified MOUs and agreements with other bodies, setting out the sharing arrangements for FTP information SOPs/process for initial and continuing risk assessment of cases, as well as the process by which the regulator prioritises cases Guidance for decision makers on criteria for IO referrals Any other information relevant to the current achievement of this Standard Evidence of actual referrals made to another professional/systems regulator or other relevant body, and evidence that the regulator shares its learning about these referrals with other bodies
<p>Standard Fifteen The regulator's process for examining and investigating cases is proportionate, deals with cases as quickly as is consistent with a fair resolution of the case and ensures that the best available evidence is considered for decisions at each stage of the process.</p>		
<p>Standard Sixteen The regulator ensures that all decisions are made in accordance with its processes, are proportionate, consistent and fair, take account of the statutory objectives, the regulator's standards and the relevant case law and prioritise patient and service user safety.</p>		
<p>Standard Seventeen The regulator identifies and prioritises all cases which suggest a serious risk to the safety of patients or service users and seeks interim orders where appropriate.</p>		
<p>Standard Eighteen All parties to a complaint are kept updated on the progress of their</p>		

Standards of Good Regulation

Factors to consider and evidence framework

June 2018



<p>cases and supported to participate effectively in the process.</p>	<p>ensures these decision-makers keep their skills and knowledge up-to-date</p> <ul style="list-style-type: none"> • The regulator ensures that the process for making a referral or a complaint is transparent, easy to understand, and guidance is available for those wishing to make complaint on the role of the regulator and its powers • The regulator ensures that all parties to a complaint are kept informed of the process of their investigation in a way that is timely, sensitive to the needs of those individuals, and flexible to take into account the changing nature of any investigation 	<ul style="list-style-type: none"> • Guidance, criteria and SLAs for decision makers and information about how frequently those documents are reviewed and the process for such review • Process for publication, and guidance on what should not be published • Process for communicating non-published information to relevant stakeholders (e.g. employers) as appropriate • Process relating to the appointment/training/appraisal of case examiners/IC members/panellists including the feeding back of any learning identified from the quality assurance of decisions • Process for, and outcome of, regular internal quality assurance of decisions made by decision-makers at all levels of the FTP process • Information about the number of upheld concerns raised/complaints made about the quality of FTP decisions, and actions taken in response • Any other information relevant to the current achievement of this Standard • Information about how the regulator communicates to registrants and to the wider public about the outcomes of its FTP activity e.g. by publication of statistical data and case summaries or an annual FTP report • Any evaluation of the frequency of repetition of FTP concerns by the same practitioners following the conclusion of the original FTP process • Any evaluation of the frequency of breach of conditions/suspensions • Links to information on how to make a complaint; information about any engagement activity undertaken to gauge and/or improve awareness of the regulator's FTP process Information available internally and to stakeholders on regulators' role, and what kinds of complaint can be dealt with • Guidance for staff about signposting complainants to other organisations, where appropriate • Information for participants in the process, such as guidance for witnesses • SLAs, SOPs and guidance for staff on keeping all parties up to date regularly; monitoring of compliance with those SLAs, SOPs, and guidance documents and prompt taking of remedial action and identification of thematic issues
-----------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Standards of Good Regulation

Factors to consider and evidence framework

June 2018



		<ul style="list-style-type: none">• Monitoring of complaints made/concerns raised/feedback received about timescales within the FTP process and about witness/informant experiences of the process, in order to identify areas where improvements are required• Any other information relevant to the current achievement of this Standard• Witnesses and informants are offered an opportunity to provide feedback on the process, and any feedback provided is reviewed and any relevant learning identified.• Information about training given to decision-makers about the appropriate considerations with regard to the evidence of vulnerable witnesses/informants
--	--	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------