

Agenda Item 10

Enclosure 6

**Health and Care Professions Council
25 September 2019**

**Professional Standards Authority for Health
and Social Care Performance Review Report
2018-19**

For discussion

**From Katherine Timms, Head of Policy and
Standards**

Professional Standards Authority Performance Review Report 2018-19

In July 2019, the Professional Standards Authority for Health and Social Care (PSA) published its annual performance review of the HCPC.

The PSA concluded that of the ten fitness to practise standards, six were judged as not being met. The HCPC met all of the standards relating to: guidance and standards; education and training; and registration.

The attached paper (appendix A) provides an outline of the PSA’s conclusions.

Regular reporting on performance

The Policy and Standards Department currently co-ordinates the quarterly data submissions from the Registration and Fitness to Practise Departments, and supports any response to the PSA’s draft annual performance reports.

SMT and relevant OMT members are currently involved in reviewing and approving any response to the PSA’s draft annual performance reports. We propose extending this to the quarterly data submission. This would mean that ahead of our quarterly data submissions, SMT are asked to review and approve the data, with input from OMT members where appropriate.

We believe this process will support robust and accurate data submissions, and give greater oversight to OMT and SMT in this regard. It will mean changes in data trends can be monitored closely, and be proactively addressed.

New Standards of good regulation

The PSA’s review of the HCPC’s performance in 2019-20 will be based on new Standards of good regulation. For information, we propose bringing a paper to SMT in November to outline our approach to each of the new standards.

Previous consideration SMT considered these updates and approved on 13 August 2019.

Decision
Council is invited to discuss the attached paper.

Next steps
Implementation of the new approach to the quarterly data process.
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Strategic priority	Strategic priority 1: Improve our performance to achieve the Professional Standards Authority's Standards of Good Regulation.
Risk	Strategic risk 1 - Failure to deliver effective regulatory functions. Strategic risk 3 - Failure to be a trusted regulator and meet stakeholder expectations.
Financial and resource implications	No financial or resource implications
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Professional Standards Authority for Health and Social Care Performance Review Report 2018-19

1. Introduction

- 1.1 In July 2019, the Professional Standards Authority for Health and Social Care (PSA) published its annual performance review of the HCPC for 2018-19. A full copy of the report is appended to this paper (appendix B).
- 1.2 In 2018-19, the HCPC was assessed as meeting 18 of the PSA's 24 Standards of Good Regulation. Of the ten fitness to practise standard, six were judged as not being met:
- Standard 1: Anybody can raise a concern, including the regulator, about the fitness to practise of a registrant.
 - Standard 3: Where necessary, the regulator will determine if there is a case to answer and if so, whether the registrant's fitness to practise is impaired or, where appropriate, direct the person to another relevant organisation.
 - Standard 4: All fitness to practise complaints are reviewed on receipt and serious cases are prioritised and where appropriate referred to an interim orders panel.
 - Standard 5: The fitness to practise process is transparent, fair, and proportionate and focused on public protection.
 - Standard 6: Fitness to practise cases are dealt with as quickly as possible taking into account the complexity and type of case and the conduct of both sides. Delays do not result in harm or potential harm to patients and service users. Where necessary the regulator protects the public by means of interim orders.
 - Standard 8: All fitness to practise decisions made at the initial and final stages of the process are well reasoned, consistent, protect the public and maintain confidence in the profession.
- 1.3 The HCPC has met all of the standards relating to: guidance and standards; education and training; and registration.
- 1.4 This paper outlines the performance review process and summarises the PSA's findings.

2. About the performance review process

- 2.1 The PSA oversees the nine regulators of health and social care professionals in the UK and is accountable to Parliament. The PSA is required by law to assess the performance of each of the regulators and to publish a report of its findings each year. The process seeks to check how effective the regulators have been in protecting the public and promoting confidence in health and care professionals; and to identify strengths and areas of concern in order to enable improvement. The PSA reports its assessment of the regulators' performance each year to the UK and Scottish Parliament and to the devolved administrations.
- 2.2 The PSA sets standards of good regulation, against which it assesses the performance of the regulators. For this year's review, the standards are grouped under the four regulatory functions: guidance and standards; education and training; registration; and fitness to practise. For its review of our performance in 2019-20, the PSA will be using its new Standards of good regulation to form the basis of its assessment.

3. Summary of feedback

Fitness to practise

- 3.1 The PSA highlighted that it had previously identified a number of serious concerns about the HCPC's performance in relation to fitness to practise. It made reference to our acceptance of those findings and the programme of work we have implemented to address them (the FTP improvement plan).
- 3.2 The PSA acknowledged the significant piece of work and investment to take forward the FTP improvement plan, but also recognised that it would not have been possible for the PSA to judge the effect of the FTP improvement plan on the cases they would have been able to look at in their review of performance in 2018-19. They expect however to be in a position to audit performance as part of the 2019-20 review and to assess the effectiveness of the FTP improvement plan.

Guidance and standards

- 3.3 The PSA noted that we have commenced a review of our Standards of proficiency, and acknowledged the blog posts we have published to support registrant understanding of areas such as GDPR, social media and end of life care. The report highlighted the work the HCPC has done to address recommendations arising from public inquiries, and welcomes the work done to ensure information on the website is accessible.

Education and training

- 3.4 The PSA noted the work undertaken to increase the threshold level of qualification for entry on to the Register for paramedics, and the work undertaken to ensure education providers deliver students who meet the new threshold requirements for entry onto the paramedic section of its register. The report highlighted the changes made to the HCPC Standard for prescribing; recognising the alignment with the Royal Pharmaceutical Society's framework and underlining the HCPC's commitment to 'prioritising patient and service user safety and patient and service user centred care'.
- 3.5 The PSA outlined the positive evidence it has seen that 'action is taken by the HCPC if the quality assurance process identifies concerns about education and training establishments'.

Registration

- 3.6 In 2018 it came to light that a doctor registered and practised in the UK for over 20 years as a result of fraudulent qualifications. The PSA's report acknowledged the work the HCPC has done to review its own processes in this regard, and confirmed that there were no areas of concern.
- 3.7 The PSA undertook a targeted review of Standard 2: 'The registration process, including the management of appeals, is fair, based on the regulator's standards, efficient, transparent, secure, and continuously improving' following information received from a third party which raised concern about for non-EU/EEA applicants. The PSA indicated that it had not seen any evidence of delays across the breadth of HCPC registration applications, but indicated that it may require more detailed information from the HCPC and other regulators in this regard in the future. It has committed to consider this further in 2019/20 in its review of the performance of all regulators.
- 3.8 The PSA noted the improvements made to the accuracy of links to hearings, and confirmed no errors or anomalies in its review this year.