



# What are you looking for?

Changing the culture of and refocusing  
regulatory relationships with education and  
training providers

Áine Lynch (**Moderator**) | NMBI

Carolyn Donohoe | NMBI

#CLEAR2023AEC

Thomas Allen | CORU

James Doran | CORU



# Who we are



- Aine Lynch,  
Board Vice President
- Carolyn Donohoe,  
Director of Education,  
Policy and Standards



- James Doran,  
Strategic Projects Manager
- Thomas Allen,  
Strategy and Policy Manager



# Question for your consideration

- Consider the complaints your regulator normally receives about its process or requirements. What are they?



# What are you looking for?



# The Origin of Tension in Regulatory Relationships: *Two Conflicting Perspectives*

*The modern regulatory state has good reasons to seek controls over the professions. [...] The state has an interest, therefore, in ensuring a good quality of professionals' work.*

*However, state control of the professions is difficult to arrange, as the state is **an outsider**. Professionals have an internal perspective on their practice, whereas the state can only have an external perspective. For the most part, professional activities can only be completely understood by an insider, because they require practical experience and are highly contextual. They do not lend themselves to generalisation: they are complex, highly variable, contextual and illegible for the outsider.*

- Challenges of **external vs. internal perspective**
- Differences in perception around the role of the regulator
- Aspirational v. threshold requirements
- Autonomy v. burden

*Wibren van der Burg, The Regulation of Professionals. Two Conflicting Perspectives, pg. 5*



# Regulation of Professionals in Ireland

- Qualifications-Based Registers
  - Regulator sets threshold standards
  - Education providers seek approval
  - Only graduates from approved qualifications are eligible for registration



# Relationship with Education Providers

- Direct
- On-Going
- High Stakes







# Case Study One: Revising the **process** of education programme approval

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Carolyn Donohoe | NMBI





# NMBI – Who are we?

NMBI is the regulator for the professions of nursing and midwifery in Ireland.

We have a statutory obligation to protect the public and the integrity of the practice of the professions of nursing and midwifery.

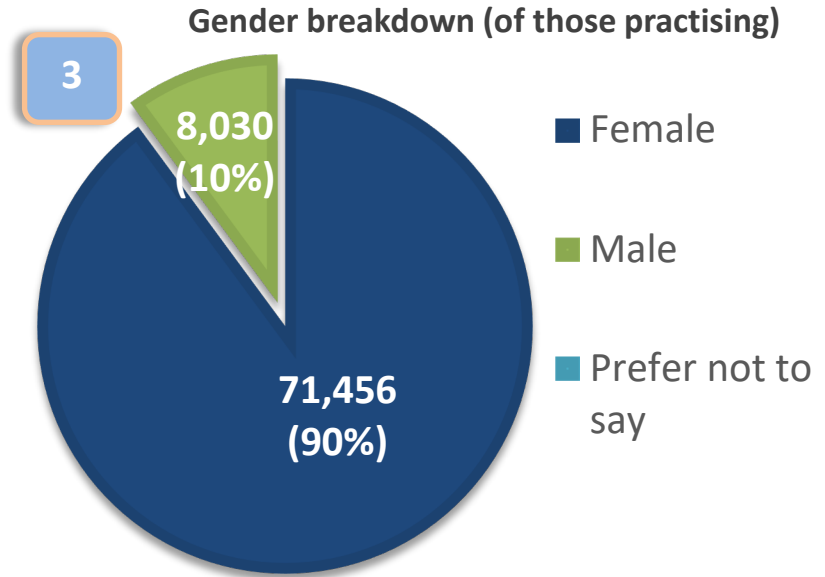
We perform our functions in the public interest under the Nurses Act, 1985 and the Nurses and Midwives Act 2011, as amended.



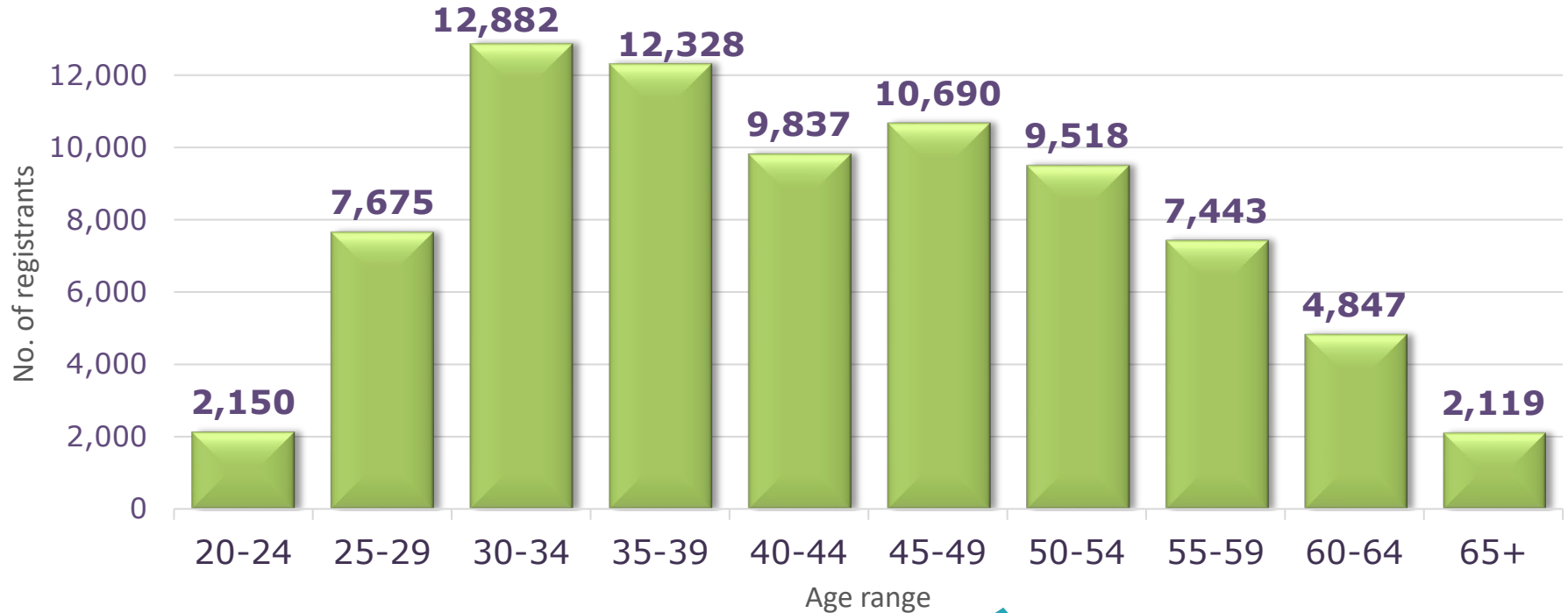
# Current registration numbers

As of 1 June 2023

- ✓ 84,948 registrants on the NMBI Register
- ✓ 79,489 are currently practising  
(of these there are 6,257 new registrants)
- ✓ 70,969 are patient-facing



# Age distribution of practising registrants



We do not have workplace for 5,218 new registrants.

There are 2,552 practising nurses working abroad, mainly Australia, UK, UAE, USA



# Division registrations

Division	Registered	Practising	Patient-facing	New since June 2022
Advanced Midwife Practitioners	30	19	17	9
Midwives	9,316	4,574	3,905	316
Midwife Prescribers	83	34	31	20
Midwife Tutors	27	15	3	5
Advanced Nurse Practitioners	809	605	573	157
General Nurses	71,239	57,295	50,951	5,494
Psychiatric Nurses	9,211	7,472	6,537	429
Intellectual Disability Nurses	5,169	4,026	3,315	179
Children's Nurses	4,975	3,458	3,044	206
Public Health Nurses	2,721	2,286	1,903	138
Nurse Prescribers	2,221	1,425	1,326	302
Nurse Tutors	787	552	126	43
<b>Grand Total</b>	<b>106,629</b>	<b>81,771</b>	<b>71,738</b>	<b>7,298</b>



# Regulating Better

A Government White Paper setting out six principles of Better Regulation



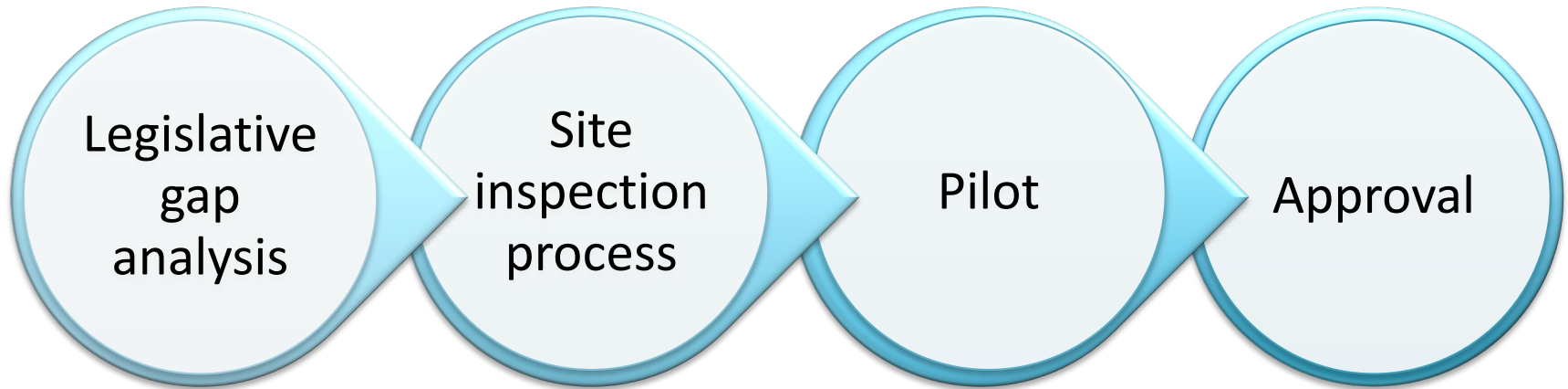
# Regulatory Framework

1. NECESSITY	2. EFFECTIVENESS	3. PROPORTIONALITY	4. TRANSPARENCY	5. ACCOUNTABILITY	6. CONSISTENCY
<p><b>We will require higher standards of evidence before regulating</b> We will strengthen policy making and the quality of regulations through impact analysis, better training and awareness-raising, and better quality data on which to base decisions.</p> <p><b>We will reduce red tape</b> The burden of red tape will be reduced through customer service initiatives, IT-enabled improvements and Statute Law Revision.</p> <p><b>We will keep our regulatory institutions and framework under review</b> The requirement for sectoral regulatory institutions will be regularly reviewed in the light of sectoral dynamics, competition, convergence and market change.</p>	<p><b>We will target our new regulations more effectively</b> The objectives of regulation will be stated clearly in explanatory guides. We will more frequently use regulation that sets out the goals to be achieved but which leaves maximum flexibility as to the means of achieving them.</p> <p><b>We will make sure that regulations can be adequately enforced and complied with</b> We will frame regulations so that they achieve the greatest levels of compliance without excessive enforcement and compliance costs.</p> <p><b>We will ensure that existing regulations in key areas are still valid</b> We will systematically review existing regulations governing key areas of the economy and society.</p>	<p><b>We will regulate as lightly as possible given the circumstances, and use more alternatives</b> We will promote the use of a wider range of alternatives by Government Departments/Offices.</p> <p><b>We will ensure that both the burden of complying and the penalty for not complying are fair</b> Penalties in regulations will be more proportionate. We will also monitor the burden of compliance on business and SMEs.</p> <p><b>We will use Regulatory Impact Analysis appropriately when making regulations</b> We will pilot and then mainstream a system of RIA in Government Departments and Offices.</p>	<p><b>We will consult more widely before regulating</b> Consultation processes will be improved and made more consistent across Government Departments and Offices.</p> <p><b>There will be greater clarity about Public Service Obligations</b> We will ensure that Public Service Obligations are made more explicit when regulating, in terms of costs and service levels.</p> <p><b>Regulations will be straightforward, clear and accessible</b> Regulations will be as straightforward, clear and accessible as possible, with guidance in plain language.</p>	<p><b>We will strengthen accountability in the regulatory process</b> Regulators and enforcement agencies should be clearly accountable to citizens, through the Houses of the Oireachtas and Government.</p> <p><b>We will improve appeals procedures</b> There should be well publicised, accessible and equitable appeals procedures that balance rights of appeal with the need for speedy action, in a fair manner. Where regulatory decisions are referred to the courts, there are particular requirements of speed and expertise.</p>	<p><b>We will ensure greater consistency across regulatory bodies</b> As far as possible, there should be greater similarity in the remit, responsibilities, structure and approaches of regulatory institutions.</p> <p><b>We will ensure that regulations in particular sectors/areas are consistent</b> Legislation in linked or connected areas will be consistent, and kept up to date and accessible through processes of simplification, consolidation and restatement.</p>





# Using principles of better regulation to guide change



# Principle 1: Necessity

- We aimed to reduce the red tape.



- 144 requirements reduced to 66.

The requirements are organised into the following categories:

- **Education Body Requirements**

Category 1: Student Admission and Progression

Category 2: Governance and Management

Category 3: Practice Placements

- **Programme Requirements**

Category 4: Curriculum

Category 5: Assessment

- **Associated Health Care Provider Requirements**

Category 6: Clinical Learning Environments

- **New Providers/New Programme Specific Requirements**

Category 7: New Provider/New Programme Requirements

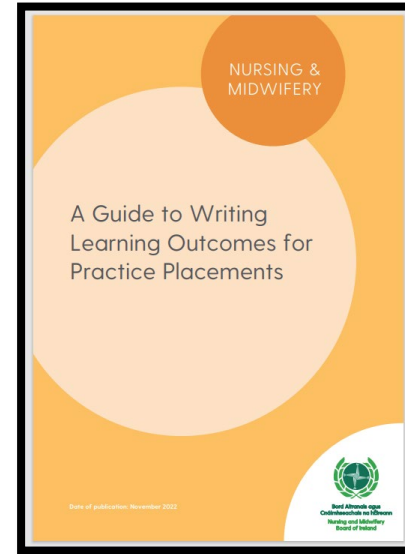


# Principle 2: Effectiveness

- We aimed to ensure that what we examined still required regulation.



# Principle 3: Proportionality



- We aimed for light touch regulation, using alternatives where possible.



# Principle 4: Transparency

- We aimed to set out our expectations in an accessible, clear and straightforward way.



# Principle 5: Accountability



- We aimed to strengthen our regulatory processes and credibility of our teams.





# Principle 6: Consistency

- We aimed for greater consistency across regulatory bodies.



2021

**Unprecedented** for the education body (EB) & regulatory body

1<sup>st</sup> time NMBI as a professional regulatory body jointly assessed nursing curriculum documents.

1<sup>st</sup> time an EB quality review process was conducted in concurrent alignment with regulator inspection.

**Significance of the Big Bang Approach**

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Nursing and Midwifery Board of Ireland

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**Principles for Professional Engagements with Education Providers, including Programme Validation, Professional Accreditation and Approval**





Bord Altranais agus  
Cnáimhseachais na hÉireann

Nursing and Midwifery Board  
of Ireland

Carolyn Donohoe

[cdonohoe@nmbi.ie](mailto:cdonohoe@nmbi.ie)

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# Case Study Two: Reviewing the **tools** used in education programme approval

Thomas Allen | CORU

James Doran | CORU

#CLEAR2023AEC

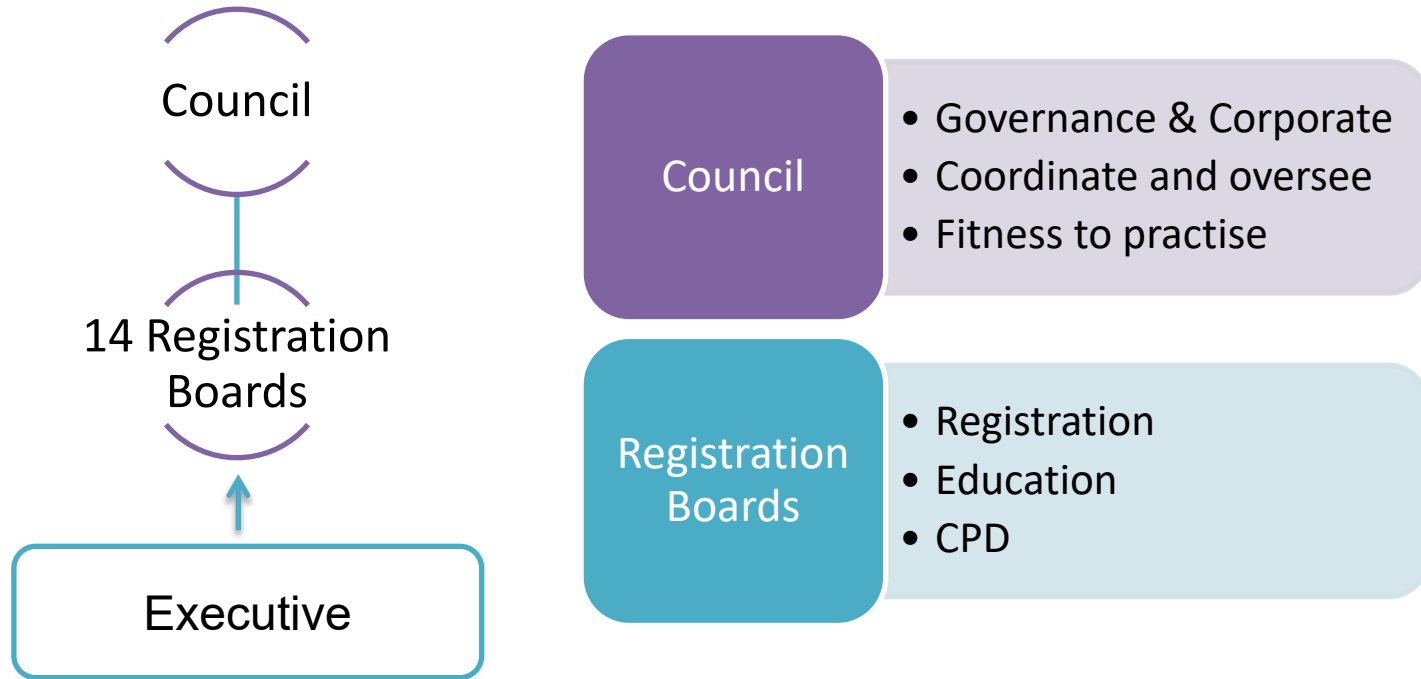


# About CORU

- CORU is Ireland's multi-profession health regulator
- 25,000 registrants across 12 professions

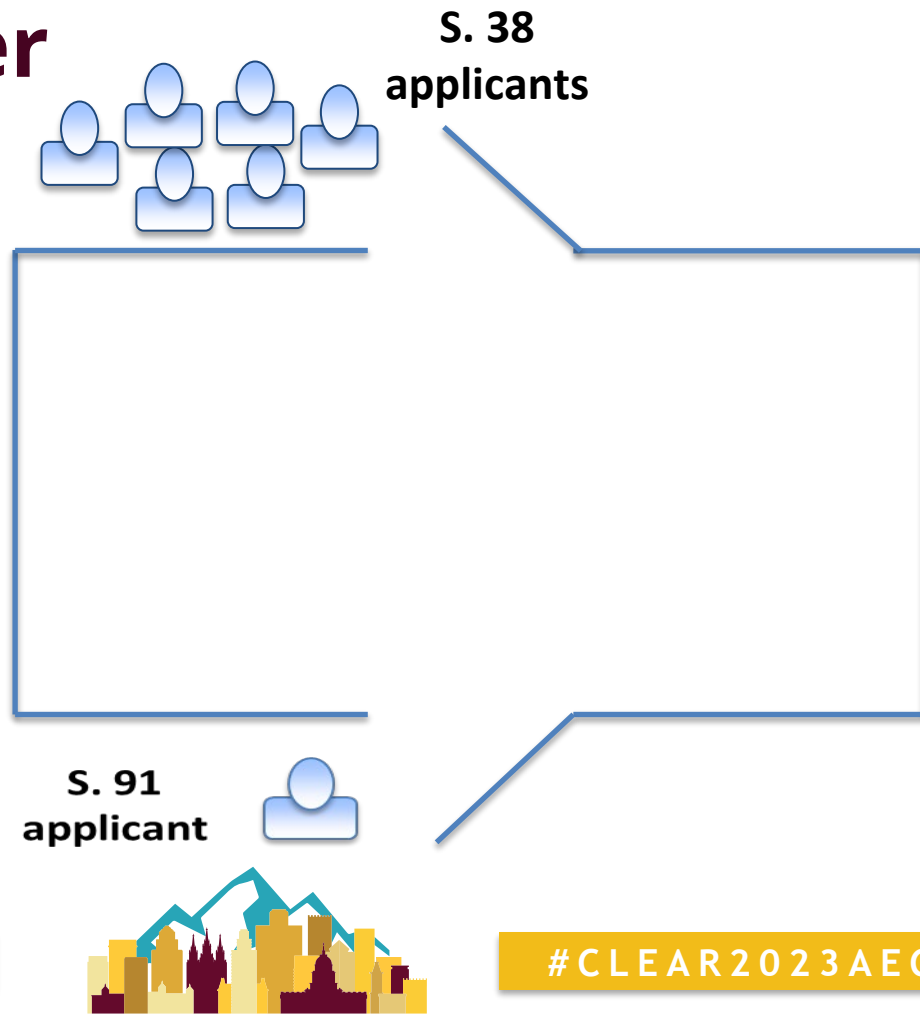


# CORU Structure



# Entry to the Register

- Various 'gates' onto the Register
- A graduate with an approved qualification from an approved programme can apply through one of these gates (Section 38)
- Existing practitioners can apply through another gate (Section 91)





# The Threshold Requirements

## Standards of Proficiency

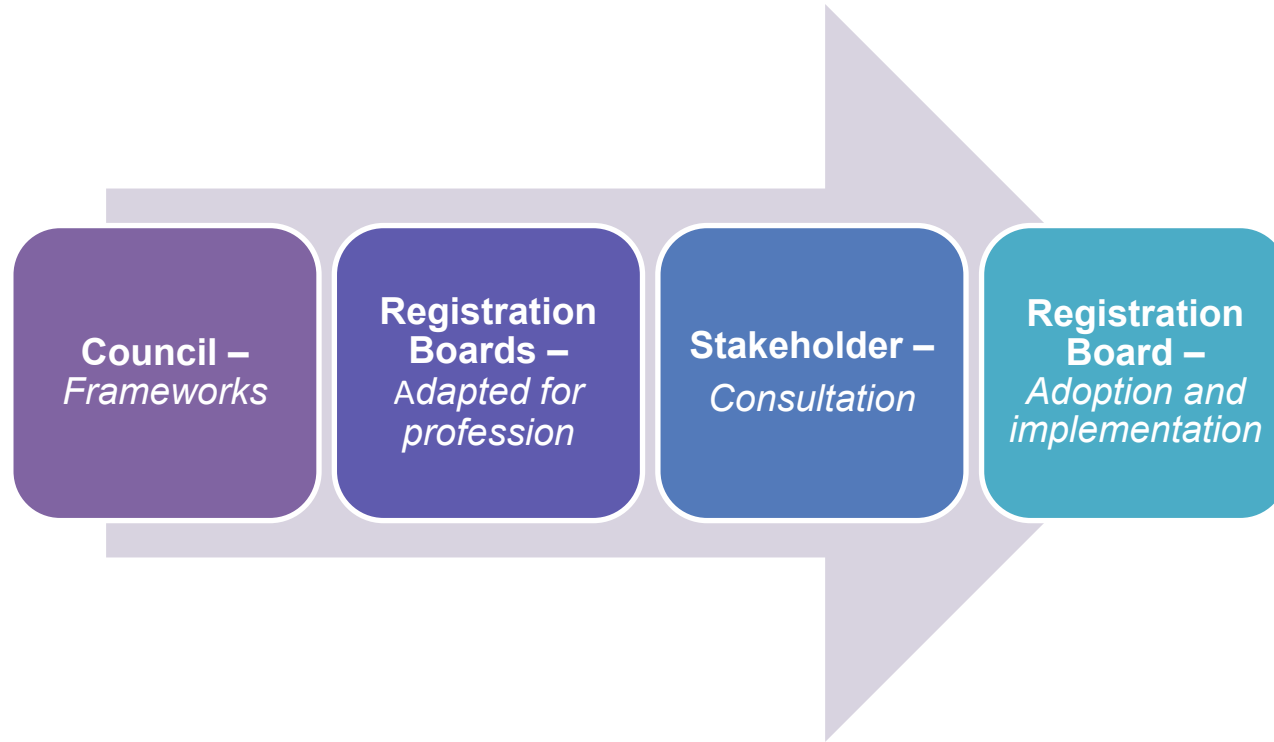
- **WHAT** a graduate must know and be able to do to enter the register
- Minimum knowledge and skills

## Criteria for Programmes

- **HOW** a programme is designed and run
- System in place to consistently produce graduates who meet the standards of proficiency



# Developing Criteria and Standards



# 2015 Framework Criteria & Standards

- Criteria/Standards based on these used by:
  - +100 Review Team members
  - 79 Education and Training programmes
  - 30 Campuses / 15 Institutions
  - 12 Professions
  - 10 Boards



# CORU Identified Areas for Improvement

- Overlap and Duplication
  - E.g. staff requirements repeated
- Inconsistency in Language
  - E.g. “process” and “mechanism” / “must” and “should” / “appropriate” and “effective”



# CORU Identified Areas for Improvement

- Scope for Simplification

- 2.4** The education provider will have a set of requirements for the selection of practice placements to ensure quality learning experiences for students that reflect the normal context and environment of practice. The education provider will work in partnership with the practice placement provider and have written agreements in place that clearly set out the responsibilities of all parties in ensuring that the placement supports the achievement of the standards of proficiency.



# CORU Identified Areas for Improvement

- Lack of Clarity
  - E.g. Practice Education Team
- Unnecessary
  - E.g. Overlap of some criteria with other regulators' remit



# Regulatory Relationships and the Review of CORU's *Criteria*



Cyclical review of Council Framework *Criteria for Education and Training programmes* approximately every 5 years



Experience of implementing the 2015 Framework and our relationship with education providers

*Common Complaint: the Criteria*



Clear an objective of our work would be in reviewing our *Framework Criteria* to try and use opportunity to ease some emerging tensions with education providers





# Case Study Structure

- How we *approached* our review of the *Criteria* and attempted to ease tensions in our relationships with education providers; and
- What we've done so far in the project and what we've achieved and learned.



# Signals and Regulatory Relationships

*Julien Etienne: Ambiguity and relational signals in regulator-regulatee relationships*



As regulators, we have to try and make sense of our relationships with those we regulate

We **can't** attempt to re-orient or alter their motivations

We have to try and **figure out their motivations**



Our **interactions** are key – through these what emerges are **relational signals** and over time we start to understand each other and can work towards viewing things through a **shared lens**



# Tool One: Regulatory Lookback

## *Cass Sunstein: Looking Backward, Looking Forward*

- Retrospective Analysis that considers the *content and substance of the regulation, its purpose and whether it works*
- Engagement with two key constituencies: *CORU Executive members **and** external stakeholders, which comprised:*
  - *Review Team members*
  - *Registration Board members*
  - *Education Programme Directors*
  - *Heads of School in Education Providers*

Representation  
from all  
professions



# Tool One: Regulatory Lookback

## *What did we find out?*

- Feedback was clear and unambiguous across all stakeholders
  - Too many criteria
  - Unnecessary division between curriculum and assessment which opens up door to *duplication*
  - Clarity of criteria essential: wording used, length of criteria and purpose
  - Structure



# Tool One: Regulatory Lookback

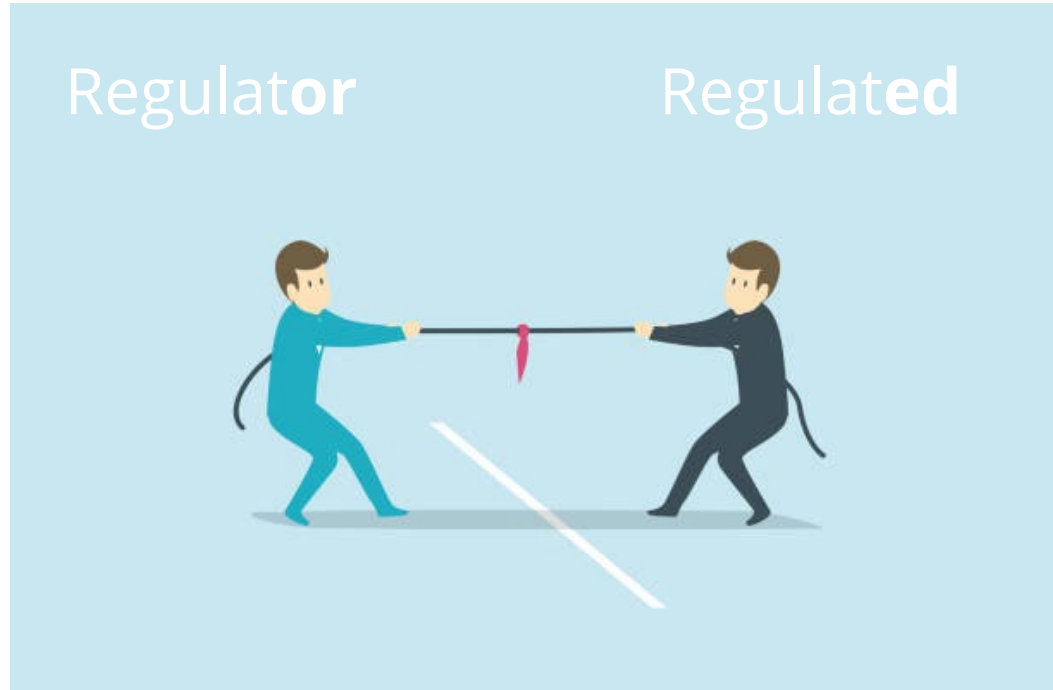
## *What did we find out?*

### Key Learning

- Common signals emerge between regulator and regulatee when we take the time and drill down systematically
- ***We have more in common than we might initially think***



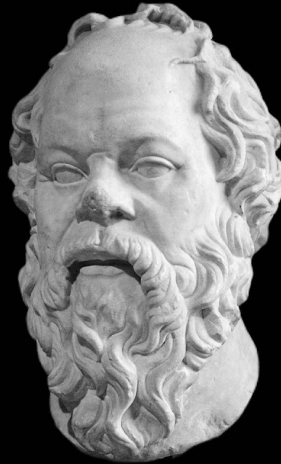
# Regulatory Relationships



# Tool Two: Process of Looking Inward

## *'Know Yourself' – Socrates*

***Do you know  
YOURSELF?***



- If we are to establish strong working relationships with stakeholders, it follows we need to take a look **inward** and figure out **our purpose, our role**





# Our Legislative Remit

“ 27(1) The **object** of the registration board of a designated profession is to **protect the public** by fostering high standards of professional conduct and professional education, training and competence among registrants of that profession. ”



# Our Legislative Remit

“ 31(1)[...] the Registration Board of a designated profession may, subject to Section 32, make bye-laws relating to:

**(c) Qualifications approved** for the purposes of Section 38 as attesting to the **standard of proficiency required for registration.** ”



# Tool Two: Process of Looking Inward

## *What did we do?*

- Linked the purpose of the *criteria* explicitly with our legislative remit:
  - *education programmes are designed to meet the standards of proficiency and foster proficient professionals ready for safe practice on entry to the register*



# Tool Two: Process of Looking Inward

## *What did we do?*

Reviewed our remit in the light of a multi-regulator environment in Ireland

Quality and Qualifications Ireland's (QQI)

Asking ourselves the question of our criteria: *Why are we looking for this?*



# Tool Two: Process of Looking Inward

## *What did we do?*

- *'Running a regulated programme is hard':*  
We acknowledged our frame of reference, our expertise and where there were **gaps** in our experience of third level education
- Plugged with gaps by including representative voices from the sector as part of the *criteria* drafting process



# Tool Two: Process of Looking Inward

## *What did we find out?*

### Key Learnings

- *Returning to First Principles:* taking *clarifying time* to sit back, review and ask more searching questions: 'why am I looking for this?', 'How does this meet our regulatory purpose?'
- Recognising we have limitations – especially as a multi-profession regulator. There are times we need to search out other voices.



# Tool Three: Process of Looking Outside *Our Evidence Base*



Examination of international quality assurance models, identifying trends



Developments in education pedagogy, curriculum development and assessment



Research around barriers to implementing regulatory standards



National and International research assessing issues associated with the delivery of health and social care





# Tool Three: Process of Looking Outside

## *What did we find out?*

### Key Learnings

- Despite looking *backwards* and *inwards* in efforts to ease tensions in regulatory relationships, there remains instances of pushback and challenge; **tension remains.**
- Linked with process of looking inwards, regulators have a responsibility that is sacrosanct.
- It is essential that regulators, therefore, have an **evidence base** in order to **credibly articulate** their case.



# What we've done so far ...



## Stakeholder Engagement + Desktop Research

Resulted in a series of *Key Issues Papers* that identified trends internationally in education standards and quality assurance requirements, areas in our *2015 Framework* that needed addressed, issues of contention and new challenges



Using these *Key Issues Papers* as initial discussion points, we facilitated a series of drafting workshops, which included our education consultants



We are now at the stage of preparing to publish *draft Criteria* for widespread public consultation



# What changes have we made?

## *Structural and Organisational Changes*



# What changes have we made?

## *Removed Criteria*

“ 2.19: Mechanisms for the return of placement assessments to the education provider must be in place. ”

“ 4.15: The programme provider must have secure mechanisms in place to manage and store student records/data and demonstrate compliance with data protection legislation. ”



# What changes have we made?

## *Consolidated Criteria: Quality Assurance (2015 Criteria)*

**2.5:** The education provider must maintain a thorough and effective system for approving and monitoring the quality of all practice placements. Students, the practice education team, placement providers and all relevant stakeholders – including service users where appropriate – must have a role in this review process including mechanisms for obtaining regular feedback



**4.3:** The programme must have regular monitoring and evaluation systems in place incorporating input from staff, students and all relevant stakeholders



**4.13:** There must be a quality assurance policy and system in place – which includes regular quality assurance audits, reviews and reports – that identifies quality issues and with clear accountability for addressing these issues.



**5.2:** The curriculum must be guided by evidence-informed professional knowledge, relevant to current practice and the philosophy and core values associated with the profession with evidence of input from all relevant stakeholders including service users and employers



# What changes have we made?

*Consolidated Criteria: Quality Assurance (2023 draft Criteria)*

**4.1:** There are effective systems in place for regular and systematic monitoring, evaluation and quality improvement of the programme, which includes the appointment of at least one external examiner

**4.2:** There are effective arrangements in place which ensure all relevant stakeholders, including students, service users and employers, contribute to the programme's design, management and quality improvement



# What changes have we made?

## *Succinct and Outcomes Based Language (2015 Criteria)*

- 2.3 The number, duration and range of practice placements and their position within the programme must reflect current practice and demands of the profession. They must be appropriate to facilitate translation of theory into practice and the achievement of the standards of proficiency.
- 2.4 The education provider will have a set of requirements for the selection of practice placements to ensure quality learning experiences for students that reflect the normal context and environment of practice. The education provider will work in partnership with the practice placement provider and have written agreements in place that clearly set out the responsibilities of all parties in ensuring that the placement supports the achievement of the standards of proficiency.
- 2.5 The education provider must maintain a thorough and effective system for approving and monitoring the quality of all practice placements. Students, the practice education team, placement providers and all relevant stakeholders – including service users where appropriate - must have a role in this review process including mechanisms for obtaining regular feedback.





# What changes have we made?

## *Succinct and Outcomes Based Language (2023 draft Criteria)*

### Criterion 3: Assessment

*Assessment is fair, valid and reliable to ensure successful students meet the standards of proficiency* •

- 3.1 The assessment strategy ensures that a student who successfully completes the programme has met the standards of proficiency.
- 3.2 Assessments are designed to facilitate student progression by ensuring that students meet all the specified standards of proficiency before they can progress to the next stage of the programme.
- 3.3 Assessment methods are appropriate to and effective at measuring the achievement of the standards of proficiency.
- 3.4 Students, educators and practice educators understand the assessments employed in the programme, requirements for progression and procedures for non-progression.



# Case Study Conclusions

There are tools we, as regulators, can use to help to ease regulator-regulatee relationships. In order to move forward, we can:

Look backwards

Look inwards

Look outwards



We have to be realistic: there is **no ideal relationship of complete harmony and solidarity**. The nature of our relationships is dynamic, complex and multifaceted.

*We can't ease all tensions in regulatory relationships, but we can try and ease some.*





Ag Rialáil Gairmithe Sláinte  
agus Cúraim Shóisialaigh  
Regulating Health +  
Social Care Professionals

- James Doran
- [james.doran@coru.ie](mailto:james.doran@coru.ie)
- Thomas Allen
- [thomas.allen@coru.ie](mailto:thomas.allen@coru.ie)

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# Overall Learning

- Guiding frameworks for better regulation can make a difference

- To move forward we should

**Look backwards, look inwards and look outwards**







# Thank You

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