



Professionals Don't Need Regulating

Alan Clamp | Professional Standards
Authority (UK)

#CLEAR2023AEC



Perspectives on regulation



The Professional Standards Authority

Quis custodiet ipsos custodes?



Strategic Plan

2023-26

Vision:

Safer care for all through high standards of conduct and competence in health and social care professionals.

Mission:

To protect patients, service users and the public by improving the regulation and registration of health and social care professionals.



What is a professional?

- *A person in a specialized job role that requires specific knowledge, skills or expertise.*
- Requires: formal education/training (qualifications); demonstration of competency; code of conduct.
- Characterized by: willingness to learn; conscientiousness; accountability; interpersonal skills; integrity.
- High standards of **Competency** and **Conduct** (equally important) – so don't need regulating.



Which professions need regulating?

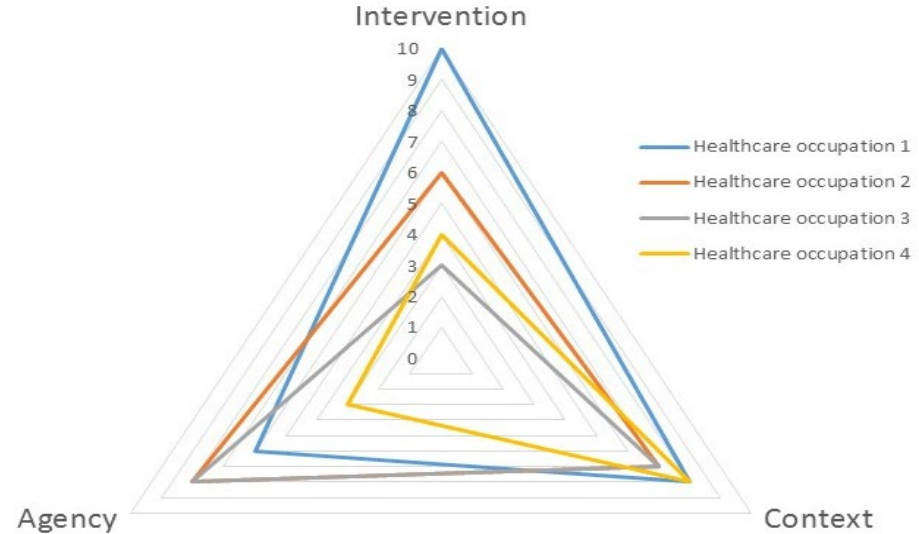


Department
of Health &
Social Care

Closed consultation

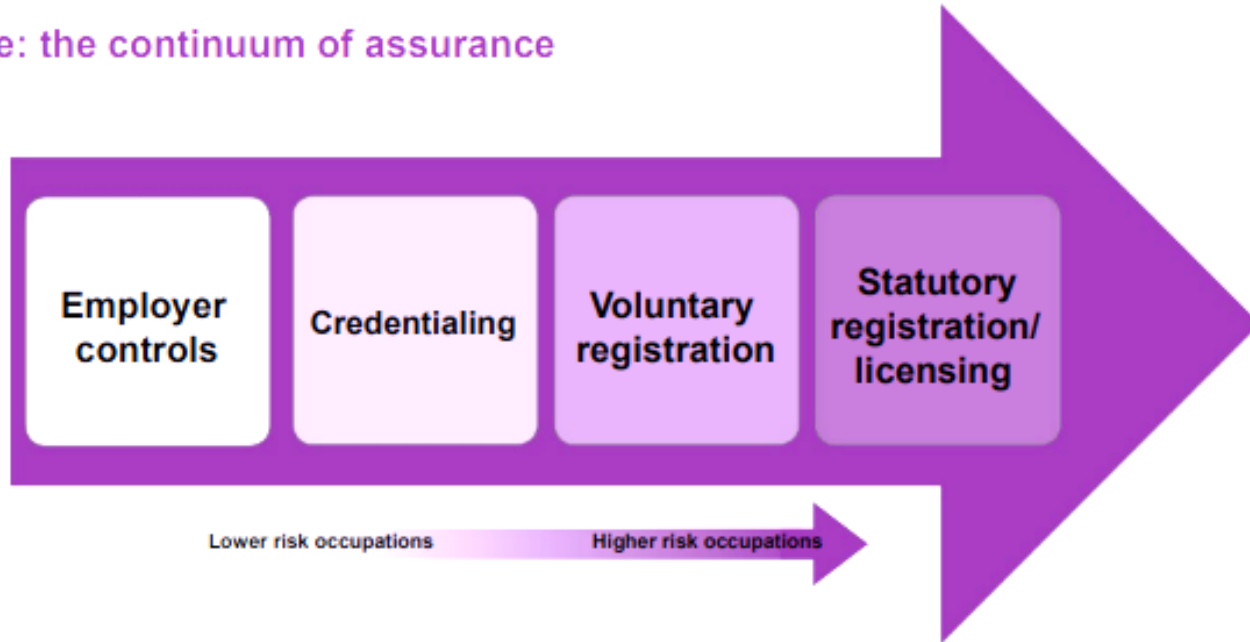
Healthcare regulation: deciding when statutory regulation is appropriate

Published 6 January 2022



A range of regulatory approaches

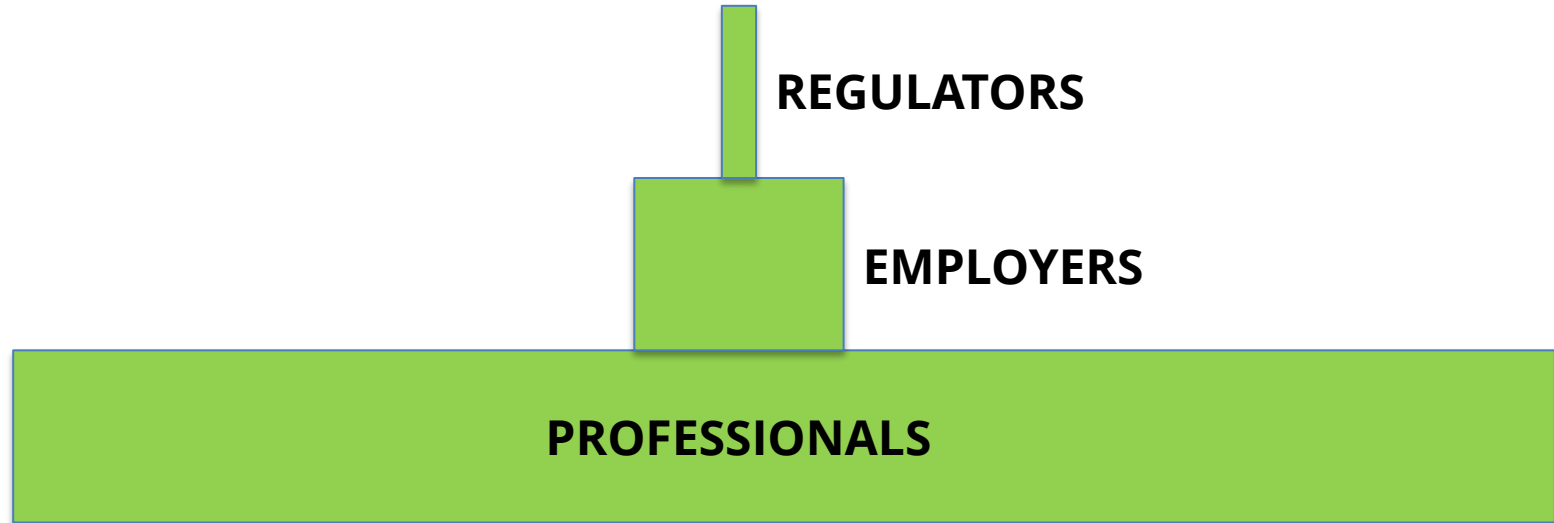
Figure: the continuum of assurance



Collaborating for public protection



Lines of defence



The standard model

- Registration
- Vigilance
- (Enforcement)



Whack-A-Mole



The standard model v2

- Registration
- Post-registration continuing professional development
- Information, advice and guidance to support high standards and compliance
- Vigilance
 - (Enforcement)



Prevention is better than cure



When things go wrong

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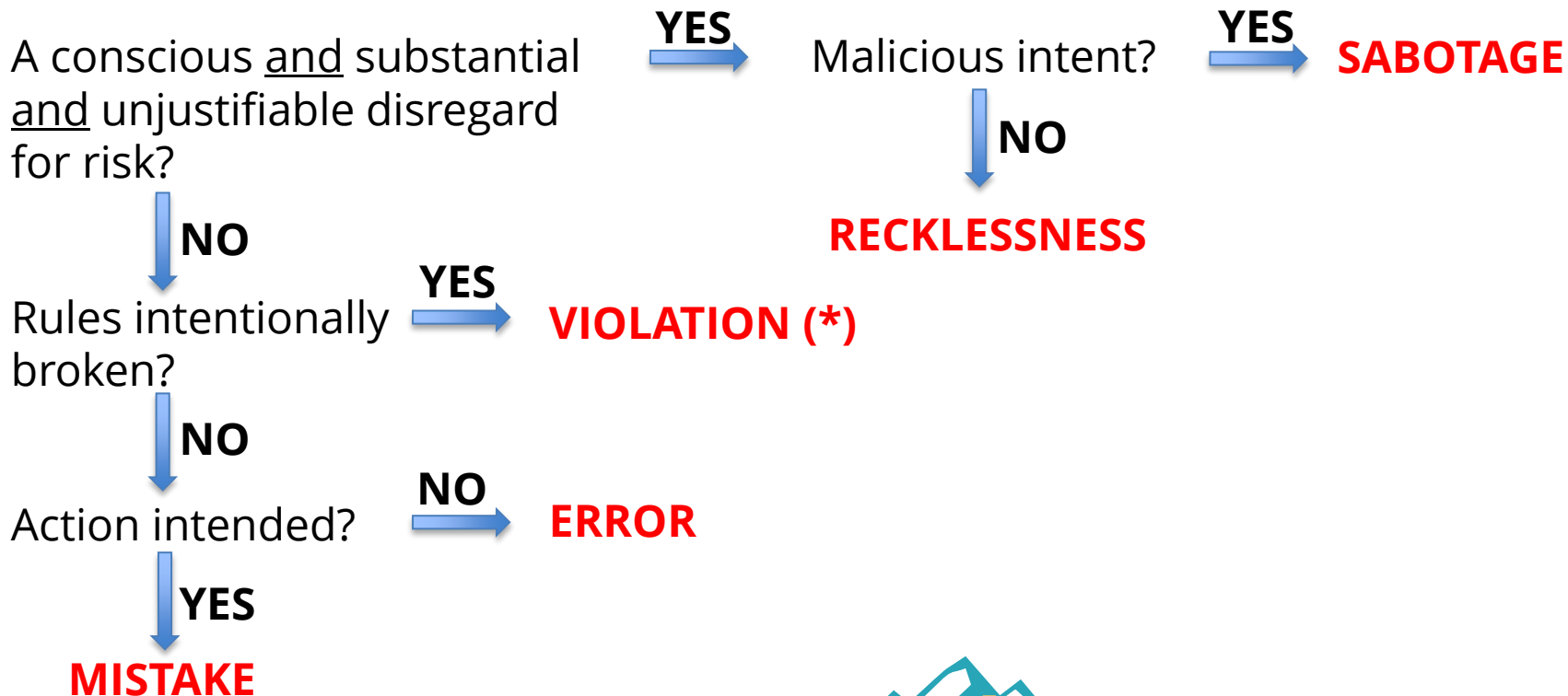
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Increasing Accountability



When things go wrong

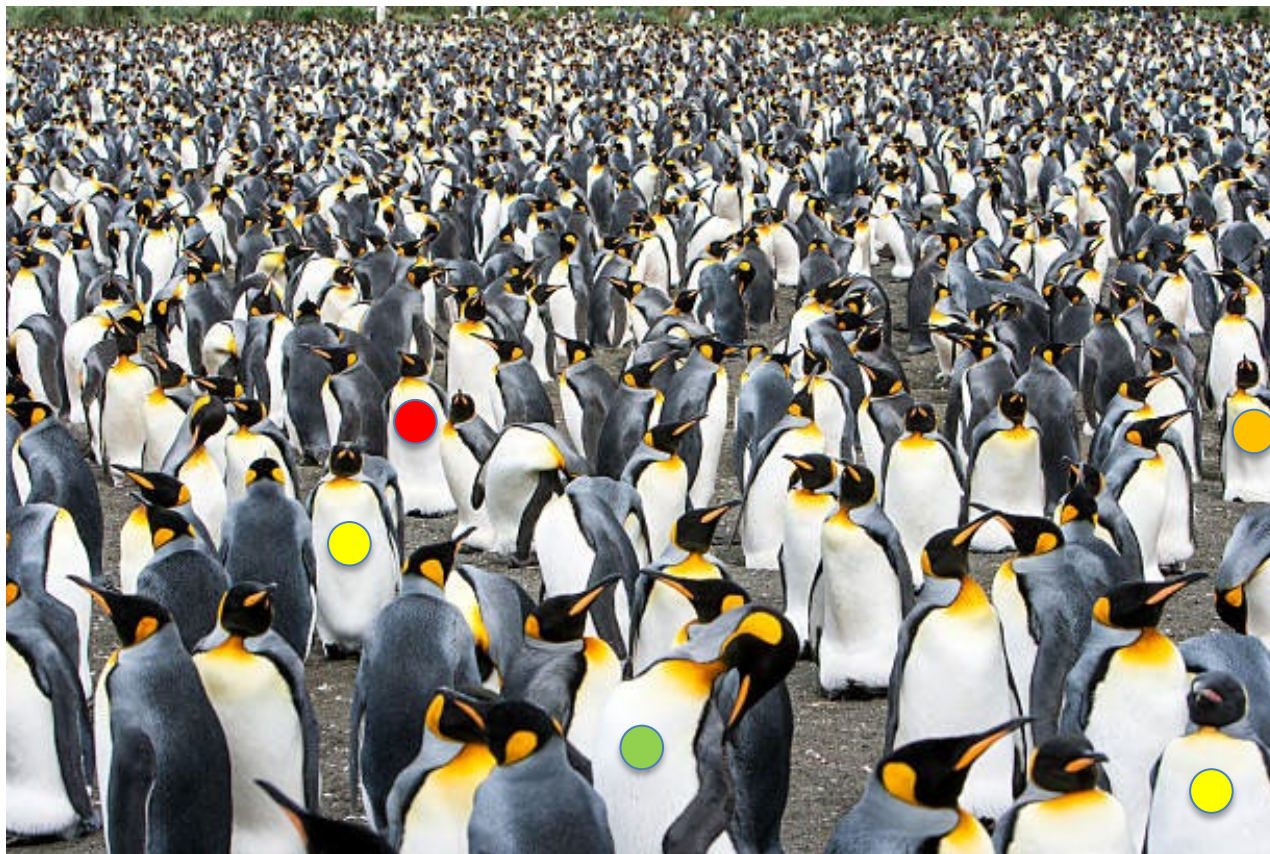




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Drivers for regulatory change ...

- Technology
- Environment
- Innovation
- Economic growth
- Professional practice
- Societal norms and expectations
- **We don't need *more* regulation, just *better* regulation**



A kinder model

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Perspective

OXFORD

Finding space for kindness: public protection and health professional regulation

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Reducing the fear of regulation



SPEAK – LISTEN – LEARN – ACT



Moving away from the standard model – *refocusing* regulation

- **Don't use it unless you really have to.**
- Keep the basics: robust registration; effective vigilance (and use it for *learning* as well as compliance); and proportionate enforcement for violations/recklessness [10%].
- Focus the vast majority of time, effort and resources 'upstream' on initial training, CPD and IAG to support professionals in meeting high standards of competence and conduct [90%].



Moving away from the standard model – *refocusing* regulation

- Engage with all stakeholders on the same team of public protection to enhance effectiveness; and influence system changes where these are needed.
- Practice compassionate regulation to: support professional wellbeing; reduce fear and defensive practise; promote positive workplace cultures – more speaking, listening, learning and action – better outcomes for all.



Professionals don't need regulating

- 99% of professionals don't need a compliance and enforcement model of regulation (**negative regulation**).
- We need less regulation; and we need to shift towards preventative regulation, characterized by guidance, learning, cooperation, compassion and focus on outcomes (**positive regulation**).
- It's time to change *how* we regulate.



Conclusions

- **Do professionals need regulating? No** – no issues with competence or conduct (although can benefit from positive regulation).
- **Do professions need regulating? Only some** – those that present the greatest risk of harm (with a regulatory approach proportionate to risk). Use a continuum of assurance and work in collaboration with others to keep people safe.



Conclusions

- **So we do need to regulate some professionals?**
Yes – because we don't know who is professional (99%) and who is not (1%); the regulatory approach should not be based on the 1%.
- **What do we regulate?** Not errors or mistakes (unless repeated/multiple); regulate violations (taking into account context) and recklessness; use the enforcement 'stick' sparingly but robustly for violations/recklessness with no valid excuses, and for sabotage.



Conclusions

- **How do we regulate?** A positive and preventative approach; education, training, IAG to support high standards; responsive to changes in our environments; in a kind and compassionate way that: emphasizes learning; reduces fear; and supports speaking up and collaboration to address problems.



Conclusions

If we regulate the right professions and the right behaviours in the right way

..... then we make a much bigger contribution to improving services and protecting the public.



A final word ...





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Thank You

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