



How can you assess regulatory performance in equality, diversity and inclusion?

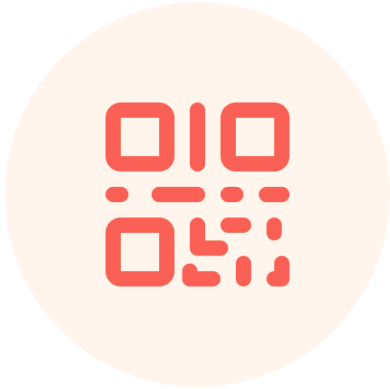
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The Professional Standards Authority

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**Is your organisation assessing
EDI performance?**

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Context – Equality Act 2010

The Act protects people from:

- Direct discrimination
- Indirect discrimination
- Harassment
- Victimisation

Based on nine protected characteristics:

- Age, gender reassignment, being married or in a civil partnership, being pregnant or on maternity leave, disability, race, religion or belief, sex and sexual orientation.



Context – Equality Act 2010

The Public Sector Equality Duty, this requires the PSA to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.



PSA EDI Action Plan 2022-23

1. We will develop our capability so that we have the knowledge and understanding to lead by example in creating an empowering and inclusive culture.
2. We will promote an inclusive workplace culture where everyone feels empowered, engaged and valued.
3. We will use our influence to encourage the promotion and progression of EDI across health and social care regulators and accredited registers.



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Performance review at the PSA

- 10 UK health and social care regulators
- Standards of Good Regulation

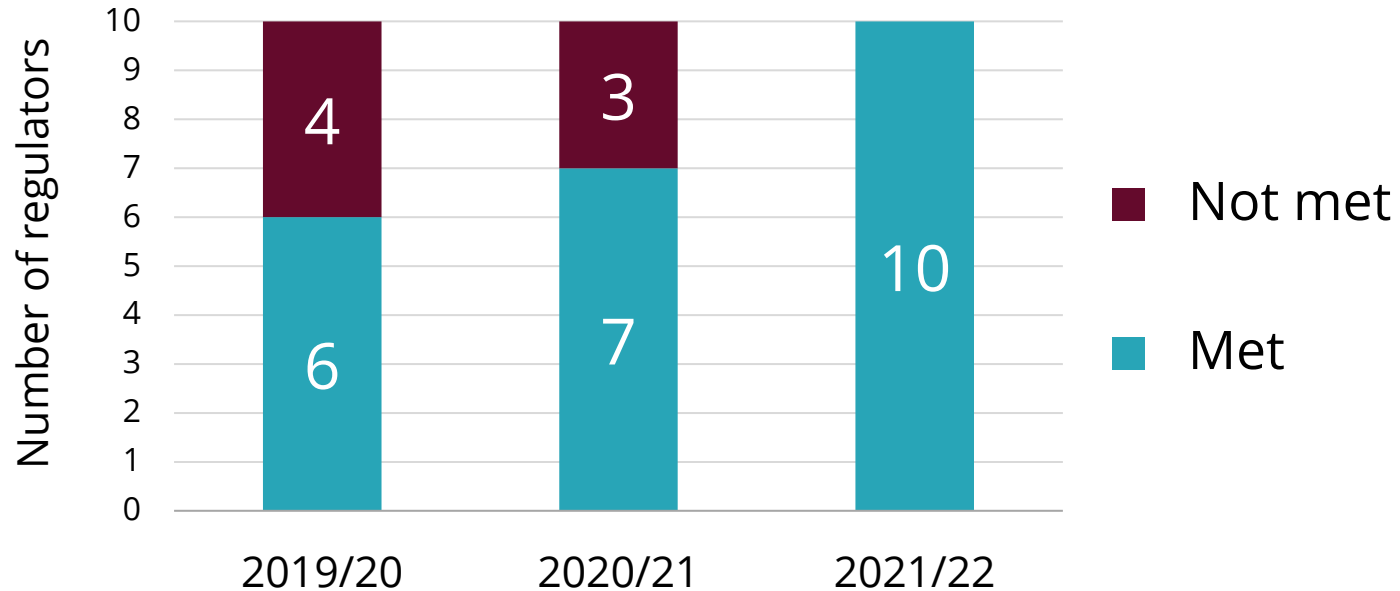


Standard 3

“The regulator understands the diversity of its registrants and their patients and service users and of others who interact with the regulator and ensures that its processes do not impose inappropriate barriers or otherwise disadvantage people with protected characteristics.”



Performance against Standard 3



Performance against Standard 3



Plans & strategies



Decision-makers



Registrant EDI data



FtP complainants



Activity



Outcomes



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Review of Standard 3: objectives

- Consistency
- Transparency
- Driving improvement



Review of Standard 3: the project

- How we had assessed Standard 3 so far
- How other oversight bodies assessed EDI
- Revising our expectations and approach



Review of Standard 3: engagement

- Regulators
- Stakeholders
- Members of the public



Review of Standard 3: the matrix

- Outcome statements
- Indicators



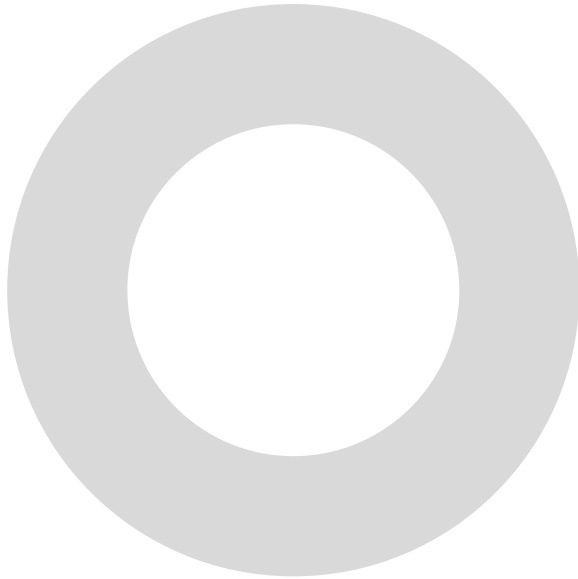
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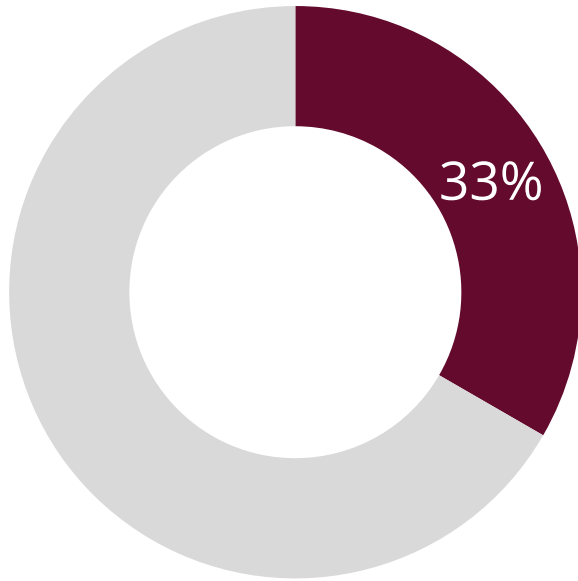
How long do you think a regulator should have to reduce identified barriers or unequal outcomes in its processes?

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Review of Standard 3: stakeholders



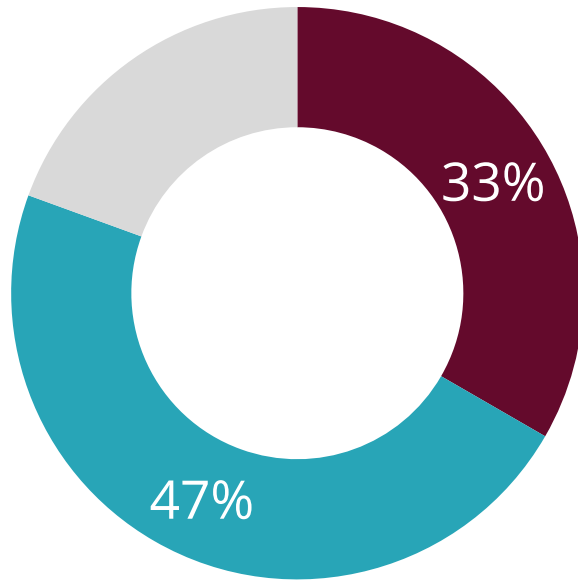
Review of Standard 3: stakeholders



Immediately



Review of Standard 3: stakeholders

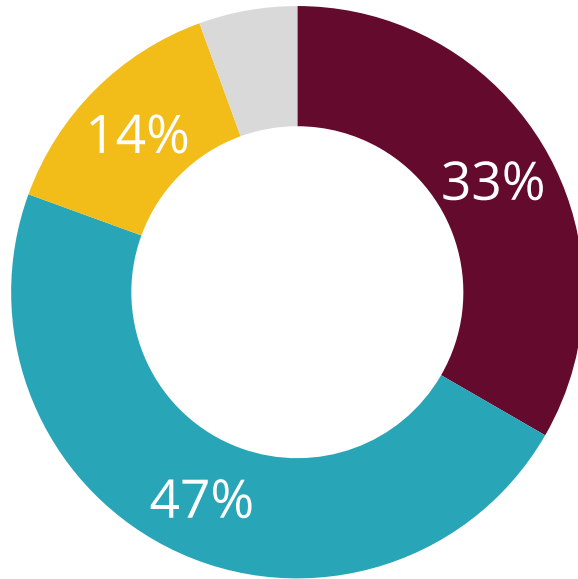


Immediately

1-2 years



Review of Standard 3: stakeholders



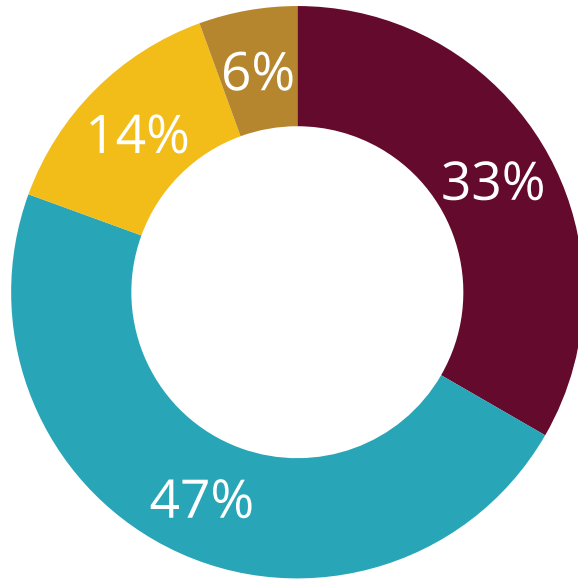
Immediately

1-2 years

2-3 years



Review of Standard 3: stakeholders



Immediately

1-2 years

2-3 years

More than 3 years



Review of Standard 3: expectations

In terms of EDI, the regulator makes fair decisions across all regulatory functions

- 2023/24: EDI data, processes, training
- 2025/26: reduction in unfair outcomes



Review of Standard 3: challenges

- Timeframes
- Proportionality
- Clarity



Performance review Standard 3 evidence matrix (May 2023)

Standard 3: The regulator understands the diversity of its registrants and their patients and service users and of others who interact with the regulator and ensures that its processes do not impose inappropriate barriers or otherwise disadvantage people with protected characteristics.

Outcome 1		The regulator has appropriate governance, structures and processes in place to embed EDI across its regulatory activities
Indicators	23/24	Holds up-to-date and accurate data covering all relevant characteristics for senior leadership, Council, committees, decision makers and fitness to practise panellists
	23/24	Has an EDI strategy/action plan that is regularly updated to incorporate new good practice, with regular public reporting against targets, milestones, and impact
	23/24	Has a clear governance structure to embed EDI across the organisation
	23/24	Ensures its regulatory policies and processes do not disadvantage particular groups (including producing Equality Impact Assessments in advance of major policy changes/reviews)
	25/26	Senior leadership, Council, committees, decision makers and fitness to practise panellists are more reflective of the diversity of the community



Outcome 2		In terms of EDI, the regulator ensures that students and registrants are equipped to provide appropriate care to all patients and service users, and have appropriate EDI knowledge and skills
Indicators	23/24	Standards and/or guidance for students and registrants are designed to equip them to provide appropriate care to all patients and service users
	23/24	Standards and/or guidance for students and registrants require them to value diversity and challenge discrimination
	23/24	Requires education and training providers to demonstrate that they prepare students to provide appropriate care to all patients and service users
	23/24	Requires education and training providers to demonstrate that they take appropriate account of diverse student needs
	23/24	Supports and encourages registrants to improve their EDI knowledge and skills, including through its CPD/revalidation requirements where relevant
	25/26	Demonstrates progress made by itself and education and training providers to equip students and registrants to provide appropriate care to all patients and service users



Outcome 3		In terms of EDI, the regulator makes fair decisions across all regulatory functions
Indicators	23/24	Holds up-to-date and accurate data covering all relevant characteristics for its registrants
	23/24	Ensures its fitness to practise processes and guidance address allegations of racist and other discriminatory behaviour
	23/24	Ensures staff, Council, committee, decision makers and fitness to practise panellists receive training on EDI issues
	23/24	Uses data and/or other evidence to identify unfairness in its processes and decisions, and takes action to reduce the potential for bias
	23/24	Has methods of collecting EDI data from those raising fitness to practise concerns and reduces barriers to raising concerns
	25/26	Shows evidence of a reduction in unfairness in outcomes identified by its analysis



Outcome 4		The regulator engages with and influences others to advance EDI issues and reduce unfair differential outcomes
Indicators	23/24	Seeks out and acts on feedback from a diverse range of stakeholders
	23/24	Uses research or evidence indicating issues which adversely affect groups of patients and service users who share protected characteristics to inform its work
	23/24	Provides and promotes routes to allow registrants, patients, service users and others to speak out against bias and discrimination
	23/24	Ensures it identifies, records, and acts on the EDI elements of organisational complaints
	23/24	Engages with other regulators and organisations in the health and social care sector and beyond, for example through joint regulatory EDI groups
	23/24	Publishes its own EDI data, research and analysis
	25/26	Can demonstrate impact of its work to reduce unfair disproportionality across fitness to practise referrals
	25/26	Engages with providers of approved qualifications and other organisations in the sector to improve the diversity of student admissions and progression
	25/26	Has made progress in developing and implementing its plans to reduce any identified unfair differential attainment in training



Review of Standard 3: next steps

- Assessments
- Reporting
- Evaluation
- Standards of Good Regulation



Review of Standard 3

- Any questions?



Accredited Registers

- What are Accredited Registers?
- 26 Registers covering a range of occupations in health and social care
- Range of different types of organisations and occupations



Why did we need a new Standard?

- Standards for Accredited Registers – no specific EDI requirements
- Was assessed as part of Impact Assessment – limited
- Our objectives under our EDI Action Plan
- Highlighted through the PSA's *'Safer Care for All'* report



What did we want to achieve?

- Align with the *Standards of Good Regulation*
- Benchmark
- Drive improvement



Development of the Standard

- The process
- Engagement
- Public consultation



Consultation results

‘We believe the addition of an EDI Standard will lead to a greater focus on EDI in the programme’
(Accredited Register)

‘This increases accountability for the PSA and accredited registers. It brings them up to speed with many healthcare regulators who already have focused EDI standards for their registrants.’ (Accredited Register)

‘It's good to be so ambitious.’
(Practitioner)

‘The minimum requirements are set at a high level and given the importance of EDI it is appropriate to set them at a high level.’ (Accredited Register)



Consultation Results

‘...including a focus on EDI can be a box ticking exercise which does not result in greater diversity.’ (Practitioner)

‘...as all the accredited registers may be at different stages with regard to EDI, there would need to be careful consideration given to the phasing in of this requirement.’ (Accredited Register)

‘The addition of a new EDI Standard for PSA Accredited Registers may give the impression that there is an EDI focus, but it will not guarantee that EDI is truly embedded in the culture and practice of registers.’ (Accredited Register)



Challenges

- Timings
- Striking the right balance/Proportionality
- Do we consider wider factors such as socioeconomic and intersectionality?



What did we do?

- Reviewed the wording of the Standard
- Reviewed the minimum requirements
- Reviewed the implementation plan



Standard 9 – Equality, Diversity and Inclusion

‘The organisation demonstrates its commitment to equality, diversity and inclusion and ensures that its processes are fair and free from unfair discrimination.’



Standard 9

- A. The register's regulatory functions are underpinned by fairness and equity of access to registrants and service users.
- B. The register understands the diversity of its registrants, service users and complainants and has an awareness of issues that may impact those with protected characteristics as defined by the Equality Act 2010.
- C. The register works to promote and enhance EDI by seeking to understand and act on issues affecting the roles registered and service users.



Support for Accredited Registers

- Evidence matrix
- Guidance
- Engagement



Next Steps

- Assessment of current Accredited Registers
- Review of the minimum requirements
- Development of a good practice guide



Introduction of Standard 9

- Questions?



How can you assess regulatory performance in equality, diversity and inclusion?

Discussion





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Thank You

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