

Standards of Good Regulation:
two approaches to assessment



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**STANDARDS OF GOOD REGULATION: TWO
APPROACHES TO ASSESSMENT**

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Standards of Good Regulation

Christine Braithwaite




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Professional Standards Authority


- Our role in public protection and improving regulation
- Standards of Good Regulation - what they are and why we developed them
- Performance reviews - what they are and why we do them
- How regulators use them
- Do they work?


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The Authority - our role

- Reporting on the effectiveness of regulators in the interests of patients and the public
- Identifying best practice in health and care professional regulation and registration and influencing the wider field of regulatory policy
- Advising Government on matters relating to health and care professional regulation
- Accrediting voluntary registers of unregulated health and care occupations.


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“Be not simply good, be good for something”.
(Henry David Thoreau)



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Standards cover 4 regulatory functions:

- Setting and promoting guidance and standards for the profession(s)
- Setting standards for and quality assuring the provision of education and training
- Maintaining a register of professionals
- Taking action where a professional’s fitness to practise may be impaired.



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The standards of good regulation relating to education and training

1. Standards for education and training are linked to standards for registrants. They prioritise patient and service user safety and patient and service user centred care. The process for reviewing or developing standards for education and training should incorporate the views and experiences of key stakeholders, external events and the learning from the quality assurance process.




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2. Through the regulator’s continuing professional development/revalidation systems, registrants maintain the standards required to stay fit to practise

3. The process for quality assuring education programmes is proportionate and ...focused on ensuring the education providers can develop students and trainees so that they meet the regulator’s standards for registration.




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4. Action is taken if the quality assurance process identifies concerns about education and training establishments

5. Information on approved programmes and the approval process is publicly available.




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How they protect the public

- How does good regulation through education and training promote and protect the health, safety and well-being of patients, service users and other members of the public and maintain public confidence in the profession?




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- Assures the public that those who are registered have and/or continue to meet the regulator's standards
- Assures the public that those providing education and training to students, trainees and registrants give them the required skills and knowledge so that they can practise safely and effectively.

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- Effective stakeholder involvement in the education and training process increases everyone's trust, confidence and knowledge of health professional and social work regulation.

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Process


Regulators submit documentary evidence	We test it against other sources	We draft a report summarising our view and ask for comments
We finalise each regulator's performance review report	We report our views on emerging themes and issues in regulation	We lay report before Parliament and publish

<http://www.professionalstandards.org.uk/library>

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Learning and improving

- "If I am walking with two other men, each of them will serve as my teacher. I will pick out the good points of the one and imitate them, and the bad points of the other and correct them in myself."
(Confucius)



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Standards of Good Regulation

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Context



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Context



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Nursing Council of New Zealand context

- Demographical context
- Internal context
- Evidence focus
- Political context (2011)
- Environmental context
- Messages from afar/lessons.

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The Reality

- Prepare for audit/self review
- Decision not to hide skeletons in the cupboard
- Unexpected bonus/opportunity to reflect, debate and expand thinking
- Overall affirming decision.

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Main findings

We consider that overall the NCNZ has satisfactory governance arrangements in place and that it generally has effective processes for handling cases under the conduct, health and competence procedures, reaches appropriate decisions which protect the public and provides a good level of service to those who are involved. We also consider that it has a reflective approach to its work generally and regularly seeks the views of its stakeholders to ensure that its policies and processes are as effective and efficient as they can be.

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Key issues - Governance

- Communications
- Board role
- Reporting
- Risk and performance
- Meetings.

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Key issues - Fitness to Practise

- Case management
- Self audit
- Policy
- Committees
- Competence Review Process
- Communication.

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Next steps

- Publish report in full on website and send to key stakeholders (transparency)
- Develop action plan to address issues raised
- Report against recommendations to the Council
- Update progress to stakeholders (website).

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Reflections/learnings

- Importance of team working together/trust
- Value of external reviews (accountability)
- Transparency.

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Assessing Regulatory Performance: An experimental approach

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College of Early Childhood Educators: Self-Assessment

The College of ECE would like to thank Harry Cayton of the Professional Standards Authority, UK, for inspiring the self-assessment initiative and encouraging the College to adapt PSA Standards of Good Regulation; and Claude Balthazard of the Human Resources Professionals Association for permitting the College to adapt his Regulation Practices self-assessment tool.




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College of ECE: A year of introspection

5 th year anniversary of the College	Annual risk assessment	Member surveys
Council performance evaluation	Office of Fairness Commissioner reported	5 th year statutory review of ECE Act, 2007
Inspired by PSA's Standards of Good Regulation	Adaptation for Ontario non-health context required	

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Several objectives for regulatory self-assessment

- Affordable and credible process to ascertain regulatory performance
- Increased internal awareness of our regulatory roles
- Development of continuous improvement agenda
- Potential for knowledge transfer.


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College context

Governance
Council members both elected and appointed

Particular demographics
predominantly female; early family formation


Young College
5 years old



Mix of staff expertise
pay at 50th percentile


Self-regulated, non-health profession

Rapid growth
Over 50,000 certificates of registration issued

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PSA assessment

- 3rd party objective review of written documentation against the standards identified per function
- It asks: what is the activity; what is the evidence for that activity; what is the impact of that activity
- It provides many examples of evidence that could be provided.
- It seeks evidence of the regulator's commitment to continuous improvement
- It has a solemn formality and is often embedded in a statutory requirement.




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College self-assessment

- Used an inquiry method to elicit the same kind of information by turning the PSA's text into relevant questions to be used with staff in workshops
- Carefully selected staff to include experts, facilitation skill, cross-section of departments, developmental opportunities for recorders
- Pre-briefed everyone on expectations and homework prior to the workshop
- Created an informal atmosphere
- Used technology to capture responses and play back in real time
- Examples of responses from workshops on Registration; and Complaints and Discipline
- Put all results – 15 workshops at approximately 6 questions per workshop (90 questions) – on staff intranet.



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Two methods of assessment selected

**Adapted PSA standards
Constructed questions implemented through two mechanisms over 7 months**

<p>First, 15 internal facilitated sessions</p> <ul style="list-style-type: none"> • Focussed on 5 functional areas • Involved 96% of staff in cross departmental groupings 	<p>Second, serendipitous survey instrument adapted from HRPA* mapped to PSA good standards</p> <ul style="list-style-type: none"> • Completed by Executive Leadership Team • Analyzed by third party
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* Human Resources Professionals Association



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Workshop # 1: How we share and exchange regulatory knowledge


Maps to Section 1: Overview – PSA

Main finding:

- CECE shares and exchanges knowledge well with regulatory networks

Future consideration:

- Create deliberate internal sharing habits and mechanisms



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Workshop # 2: Complaints and Discipline


Maps to PSA Section 5: Fitness to Practise

Main finding:

- CECE has fair, objective, impartial and transparent policies and procedures in place

Future consideration:

- Focus on plain language for our members and access to justice for respondents



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Workshop # 3: Registration


Maps to PSA Section 4: Registration

Main finding:

- CECE has registration processes that seek and act on member feedback; are transparent and service oriented; staff are given anti bias and discrimination training

Future consideration:

- Improve service delivery through technology
- Assess membership statistics to inform service improvements



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Workshop # 4: Professional Practice


Maps to PSA Section 2: Guidance and Standards

Main finding:

- CECE has professional and ethical standards that are practice-oriented, and the College provides regular up-to-date guidance to the profession

Future consideration:

- Align guidance with complaints trends



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Workshop # 5: Internal support of regulatory functions


No equivalent from PSA – staff initiated
Probes whether internal support staff understand the regulatory framework and can be proactive

Main finding:

- CECE's support infrastructure reflects a clear understanding between operational and governance boundaries

Future consideration:

- Develop greater awareness of regulatory functions in the early learning and child care sector



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Example One

Evaluating the College's Regulatory Performance
Workshop # 3: Registration
Group 1: Decoding a member and the public register

Question 7: What mechanisms are in place to make the registration process free from bias, real or perceived?

Activity	Evidence	Impact
<ul style="list-style-type: none"> Self-assessment of the process for bias 	<ul style="list-style-type: none"> Self-reflection and regular audits Process is set up so that no one person reviews the process by intention; cross-referencing of applications so multiple people review each application (task sharing) Registration appeals process Published process, disclosure Review by the OFC Blind reviews of individual assessments Anti-bias training Openness to declare a conflict of interest with processing applications Statistical reporting 	<ul style="list-style-type: none"> Process is perceived to be fair and balanced Statistical reporting allows the College to detect perceived biases



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Example Two

Evaluating the College's Regulatory Performance
Workshop # 2: Complaints and Discipline
Group 3: Transparency, Consistency and Record Keeping


Question 1: Does the College share information with other law enforcement and regulatory authorities in order to protect the public interest? Do other authorities share relevant information with the College in order to protect the public interest?

Activity	Evidence	Impact
1. Sharing info and best practices with OCT and other regulatory colleges	1. Registrar's Network: Investigator's Participation in Network; many professional networks	1. Learning from mistakes; obtain ideas about what has happened elsewhere; new procedures; best practices; leveraging other experts; not re-inventing the wheel; avoiding liability
2. Law enforcement – reciprocal sharing with police in certain circumstances; CAS if they have not already been alerted	2. All investigation reports will refer to CAS/Police reports, court dates provided by courts – if we do not have will get from employer/complainant	2. Prevents further risk of harm; risk mgmt. strategy that is key to C & D; legal obligation – compliant with law; can shorten investigations and hearings process (if charges proven in court, must not prove evidence)
3. Ministry of Education – information sharing protocol	3. We have a formal sharing protocol; how well the ministry staff have been trained in the protocol; number of SCORs communicated to the College; College requesting changes to permit full sharing	3. Increase in number of complaints; swifter production of info from ministry staff; better effect on accountability (protects public interest); strengthens relationship with government; improves credibility of College with public

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Survey administered to Executive Leadership Team

- HRP survey mapped to PSA Standards of Good Regulation
- Administered to 6 senior managers, including Registrar
- Third party analysis.

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Survey administered to Executive Leadership Team continued

Results:

- On 83 relevant elements of regulatory practice, average score was 3.3 out of 5: better than basic
- 18.1% met excellent standard or better
- 2.4% failed to meet basic standard
- There were four standards about which there was a wide divergence of opinion

Conclusions from the Survey:


- Much to be pleased about
- Much to improve.

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High level observations about regulatory performance

Some areas are much **more evolved** than others e.g.

- Eligibility for practice
- Transparency and fairness in discipline
- Stakeholder involvement
- Regulatory and governance networks
- Commitment to continuous improvement.




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High level regulatory observations

Some areas are **less well developed**, e.g.


- Haven't assessed whether standards and guidance are effective
- Performance measurement tools are not well developed
- Don't know enough about our members
- Not using technology effectively (yet)
- Not able to accredit pre-service education and training (yet)
- Not always communicating in plain language
- The public may not be fully aware of the College.



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Random observations

- Many staff did not know what work occurred in other departments
- There was initially a halo effect from the workshops which lessened over time
- A senior management survey provided additional insights
- Fewer than 20% of staff have a regulatory background.




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Where to from here??

External implications:

- Benefited from the useful addition of the HRPAs survey
- Attempted standards transfer to non-health, self-regulatory context
- Needs broader discussion to assess potential for transferability to other regulators, e.g. workbook possibility.




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Where to from here?? Continued

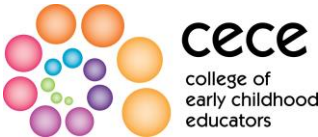
Internal Use:

- Has informed directors' work plans
- Will inform next budget exercise
- Meaningful instrument for cross-departmental awareness & collaboration
- Concrete changes already in process.



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Thank you



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college of
early childhood
educators



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professional
standards
authority



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