STANDARDS OF GOOD REGULATION: TWO APPROACHES TO ASSESSMENT

Christine Braithwaite (LLM), Director of Standards and Policy, Professional Standards Authority, UK

Carolyn Reed, Chief Executive/Registrar, Nursing Council of New Zealand

Sue Corke, Registrar and CEO, College of Early Childhood Educators, Ontario, Canada
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?

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

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.

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.
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.

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.

**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?
(2)

- 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.

(3)

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

Process

- Regulators submit documentary evidence
- We test it against other sources
- We finalise each regulator’s performance review report
- We report our views on emerging themes and issues in regulation
- We draft a report summarising our view and ask for comments
- We lay report before Parliament and publish
- http://www.professionalstandards.org.uk/library
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)

Christine.braithwaite@professionalstandards.org.uk
+44 (0)20 7389 8039

www.professionalstandards.org.uk

Standards of Good Regulation
Carolyn Reed
Nursing Council of New Zealand context

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

Key issues - Governance

- Communications
- Board role
- Reporting
- Risk and performance
- Meetings.
Key issues - Fitness to Practise

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

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).

Reflections/learnings

- Importance of team working together/trust
- Value of external reviews (accountability)
- Transparency.
Assessing Regulatory Performance: An experimental approach

Sue Corke, Registrar/CEO, College of Early Childhood Educators, Ontario

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.
## College of ECE: A year of introspection

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

### 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.

### College context

- **Governance**: Council members both elected and appointed
- **Young College**: 5 years old
- **Self-regulated, non-health profession**
- **Particular demographics**: predominantly female; early family formation
- **Mix of staff expertise**: pay at 50th percentile
- **Rapid growth**: Over 50,000 certificates of registration issued
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.

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.

Two methods of assessment selected

**Adapted PSA standards**

**Constructed questions implemented through two mechanisms over 7 months**

**First, 15 internal facilitated sessions**

- Focused on 5 functional areas
- Involved 96% of staff in cross departmental groupings

**Second, serendipitous survey instrument adapted from HRPA* mapped to PSA good standards**

- Completed by Executive Leadership Team
- Analyzed by third party

*Human Resources Professionals Association*
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

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

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
**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**

**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**

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<table>
<thead>
<tr>
<th>Activity</th>
<th>Evidence</th>
<th>Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Self-assessment of the process for three</td>
<td>Process is set up so that no one feels vulnerable to unfair treatment</td>
<td>Process is perceived to be fair and balanced</td>
</tr>
<tr>
<td>Staff reflection and regular ethics</td>
<td>Process is monitored to ensure fairness of procedures, including providing equal and fair treatment</td>
<td>Statutory reporting allows the College to address perceived fairness</td>
</tr>
<tr>
<td>Registration appeal process</td>
<td>Published process, disclosure</td>
<td></td>
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<tr>
<td>Published process, disclosure</td>
<td>Review by the OTC</td>
<td></td>
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<tr>
<td>Blind reviews of individual assessments</td>
<td>Anti-bias training</td>
<td></td>
</tr>
<tr>
<td>Anti-bias training</td>
<td>Guarantees the process is in no one’s favor for unfair treatment</td>
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Example Two

Survey administered to Executive Leadership Team

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

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.
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.

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.

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.
Where to from here??

External implications:
– Benefited from the useful addition of the HRPA 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.

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.

Sue Corke
suec@college-ece.ca
Thank you.