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## Professional Standards Authority for Health and Social Care - Stakeholder Survey 2022 – Analysis of responses

### 1. Overview of responses

- 1.1 The survey ran from 1<sup>st</sup> February - 7<sup>th</sup> March 2022. We received 49 responses, 47 through Survey Monkey and 2 by email.
- 1.2 Of these, 33 were organisational responses and 16 were from individuals.
- 1.3 We also received one further response from a registrant representative body, however as they provided general feedback and didn't directly answer any of the questions their response hasn't been included in the detailed analysis under each question but is referenced in the key themes/issues captured at the start.

#### Type of respondent

- 1.4 Of the organisational responses:
  - 7 were from professional regulators
  - 9 were from Accredited Registers
  - 4 were from patient/service user organisations
  - 3 were from Government representatives
  - 7 were from representative bodies
  - 3 were from other bodies including an Ombudsman and a Government Arms Length Body.
- 1.5 The majority of individual respondents identified as professional/practitioner rather than patient or service user.

#### Geographical location/coverage of organisation

- 1.6 There were the following responses from different parts of the UK (46 respondents answered this question, 3 skipped it and some ticked more than one option):
  - UK-wide (organisation) - 24
  - England – 19
  - Wales - 3
  - Northern Ireland – 1
  - Scotland - 4

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### **Sector (health or social care)**

- 1.7 46 respondents answered this question and 3 skipped it. The majority, 43, had a primarily health sector focus whilst 4 had a social care focus. One respondent ticked both health and social care.

## **2. Key themes and issues**

- 2.1 Key themes from responses from stakeholders included:

- Broad confidence in the overall work of the Authority and the value of its' independent oversight to strengthen public protection both through oversight of the statutory regulators and operation of the Accredited Registers programme
- A general view that the Authority could demonstrate more leadership and be more actively involved in discussions around equality, diversity and inclusion as well as promoting a coherent approach and helping to navigate some of the potential trade-offs and opportunities presented by regulatory reform
- Support for the Authority use its role to promote learning, best practice and consistency amongst the regulators more effectively
- A frequently expressed view by Accredited Registers and some other respondents that the Authority should do more to improve recognition of and demonstrate the value of the Accredited Registers programme amongst key stakeholders
- A general view that the performance review process could be more transparent, timely, flexible, responsive and draw feedback from a wider pool of stakeholders but that the changes underway to the process should support this
- Support for more early engagement with regulators on both the performance review and section 29 to ensure a shared understanding of process and rationale for decisions
- General support for the Authority's policy and research work but some suggestions for improvements or additions to this including consideration of timeliness and suggestions to focus on some of the difficult policy issues that regulators are facing
- Broad support for engagement and communications with a wider range of stakeholders to support all of the statutory functions but particularly the Accredited registers programme and the performance review.
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### 3. Professional Standards Authority role and strategic objectives

#### *Question 6 - Do you have confidence in the Authority's work to protect the public?*

3.1 33 respondents answered this question and 16 skipped it.

Always	Mostly	Occasionally	Not at all	Don't know
5	25	1	1	3

3.2 In the free text comments, several respondents expressed the view that they had broad confidence in the work of the Authority. However, concern was expressed by one that the PSA lacks teeth to hold regulators to account, with the example provided of an organisation's repeated failure to meet standards. Another noted the difficulty of establishing the impact of the Authority's work.

3.3 Several respondents referenced the Accredited Registers programme with specific comments about the need for increased marketing and awareness of the programme and clarity on the legal safeguarding requirements for the ARs.

3.4 More than one response referred to opportunities for improvement in the Authority's work and increasing the overall visibility of the Authority itself.

3.5 One respondent expressed support for the Authority's risk-based approach to assessing which professions should be regulated with a focus on protecting the public and the proposed Performance Review improvements to allow the PSA to more effectively hold regulators to account for their responsibility to protect the public.

3.6 There was concern expressed by one respondent that messaging by the Authority around proposed reforms to professional regulation had the potential to undermine wider confidence in healthcare regulation.

#### *Question 7 - Do you think that the Authority's Strategic objectives are right for the organisation?*

3.7 32 respondents answered this question and 17 skipped it.

Yes	No	Unsure	Don't know
25	0	0	7

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***Question 8 - Do you think the work done by the Authority is in line with its Strategic Objectives?***

3.8 32 respondents answered this question, 16 skipped it.

Yes	No	Unsure	Don't know
21	1	1	10

***Question 9 - Do you have any comments on the Authority's Strategic Objectives or the work done?***

- 3.9 In the free text answers, several stakeholders referenced collaboration and joint working in relation to the Strategic Objectives with support expressed by one for the commitment to collaborative working under Strategic Aims 1 and 2. One suggested the need for a more explicit reference actively encouraging joint working between the regulators and another respondent suggested that the Strategic Objectives should include reference to ensuring the regulator develops good and constructive relationships with its stakeholders/ professional bodies, as well as between regulators.
- 3.10 Two respondents suggested a strengthened strategic approach to EDI is needed with one noting that Strategic Aim 3 is very broad, and that the Authority's focus so far with regard to the regulators has been on data collection above other means of addressing EDI impacts. Another that the Authority should better address disproportionate FtP impacts on minority groups
- 3.11 Two respondents highlighted recognition of the Accredited Registers in relation to the Strategic Objectives. One suggesting that they should more explicitly capture the need to improve recognition of the ARs. Another expressed the view that the Authority hasn't maintained sufficiently strong relationships with wider stakeholders to raise the profile of the AR programme under Standard 2 and that the increase in AR fees in 2021 was poorly timed and not aligned with the intentions outlined under Strategic Aim 3.
- 3.12 Additional comments from individual stakeholders under this question included:
- For the Strategic Objectives to more explicitly take account of regulatory burden, ensuring oversight is 'proportional, cost effective and transparent'
  - A suggestion that Authority focus and support should be targeted at scrutinising and sharing learning in relation to improving regulatory outcomes and should avoid straying into the territory of other bodies e.g. the ICO and the Charity Commission

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- For the Authority's activity on reform to be both 'principled and pragmatic' and to be captured under the intentions behind both Strategic Aims 1 and 2 by helping regulators to 'navigate the inevitable trade-offs as part of the solution design' and be a 'positive force in helping design an approach that maximises alignment in what the department, regulators, and the Authority believe will contribute to enhanced patient protection and better outcomes'
- The view that the PSA is not achieving Strategic aim 1 to protect the public by delivering 'highly effective' oversight due to the fact that 'regulators can currently continually fail to meet standards without sanction or consequence'.

***Question 9 - Do you have any comments on specific areas of our work or any suggestions for how we can do it better? This includes:***

- ***The performance review of the statutory professional regulators***
- ***Our review of the regulators final fitness to practise decisions through our section 29 process***
- ***The Accredited registers programme for registers of unregulated health and care practitioners***
- ***Our policy and research work, events and publications.***

- 3.13 There were a significant number of comments on both on the existing performance review process and the proposed changes to the process with the recent consultation referenced by some. The timeliness and length of the existing process was raised, as well as the need for a more flexible, responsive and risk-based approach. In relation to information used for the review, there was a suggestion that the process should avoid overreliance on data and seek to gain a better understanding of regulator QA processes. Another respondent suggested that it may be helpful for the PR to take account of more 'soft' measures of regulator performance such as culture, how they deal with staff concerns and feedback, adverse events and corporate complaints to gain a more rounded view.
- 3.14 Another respondent suggested that the review could look in more detail at the quality of communications between regulator and registrant in key areas such as registration and fitness to practise where poor information and delays would cause distress and inconvenience to registrants.

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- 3.15 Some responses touched on the scope of the PR with one respondent highlighting their view that it tends to focus on what has been completed or is in progress rather than what hasn't been done. Another highlighted a preference for the Authority to look in more depth at other aspects of the regulators' functions alongside fitness to practise. One respondent commented that they find the reports useful but would like them to be more in depth and challenging and for the PSA to have the power to mandate the regulators to meet the standards.
- 3.16 A number of respondents were keen for the Authority to take a more collaborative approach to the performance review and its other statutory functions. One suggested that the Authority should consider more co-production and engagement in developing processes and recommendations. Another suggested that the Authority should share with the regulator as much of the feedback it receives about them as possible to identify opportunities for learning.
- 3.17 Several respondents commented on the potential for the performance review to do more to look across the regulators to either identify good practice, promote a consistent approach or encourage cross regulator collaboration.
- 3.18 There was support from a number of respondents for the planned changes to the performance review process which should improve the timeliness of the process as well as increase engagement, dialogue, communication and transparency around the process. One respondent also welcomed the move to less frequent full PR assessments
- 3.19 There were two comments about the section 29 process, both of which put forward the view that there should be greater engagement around the process including more communication, dialogue and transparency around the rationale for decisions, more notice for regulators of s.29 meetings and more engagement ahead of a decision to appeal.
- 3.20 A number of respondents felt that the Authority should do more to raise awareness of the AR programme and promote the benefits of joining a register. There were concerns raised by one respondent that lack of awareness, particularly with the devolved governments may devalue the programme. Respondents suggested that the Authority should promote the programme more to various stakeholders included NHS Employers, employers, the general public and the devolved governments.

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Some respondents also suggested that the Authority should make improvements to the accreditation process and further consider the burden on Registers.

- 3.21 One respondent outlined their view that it is unhelpful when the Authority refers to AR practitioners as unregulated as this can suggest that there is not a robust framework in place. Another suggested the need for more parity between regulated and AR practitioners as many work with patients in the same way as those who are statutorily regulated do.
- 3.22 One respondent put forward the view that the PSA should have a role and a process/criteria to decide which organisations are most suitable to hold ARs for particular roles to avoid duplicating registration over two organisations.
- 3.23 The view was expressed by one respondent that the PSA could do more to promote standards that Accredited Registers must maintain, for example by publishing an ethical framework of behaviours and model policies on complaints handling and continuing professional development as well as information for practitioners and members of the public about what they mean.
- 3.24 In relation to the Authority's policy and research work there was support from one respondent for the focus on fewer, bigger things in policy work. One respondent expressed the view that the PSA should ensure it doesn't discourage innovation and new approaches with the example given of its approach to oversight of accepted outcomes.
- 3.25 One respondent highlighted that the Authority's policy and research work is useful but could sometimes be more timely, for example the work on the regulators' response to Covid-19.
- 3.26 Two respondents suggested further work around the fitness to practise process, with one suggesting a focus on ensuring that patients and families are supported through the FtP process and another suggesting that the Authority look at how the regulators identify and share learning and improvement from fitness to practise processes with employers to promote a just and open culture.
- 3.27 One respondent suggested that there is an important role for the Authority to play in policy and research on cross-regulator issues which can then be embedded in the evidence framework for the performance review to demonstrate good practice. Another response suggested that there is an opportunity for collective learning around equality, diversity and inclusion (EDI).

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#### **4. Authority values**

*Question 10 - Do you think that the Authority demonstrates these values in the way it works?*

- *Integrity*
- *Transparency*
- *Respect*
- *Fairness*
- *Teamwork*

- 4.1 This question was answered by 30 respondents and skipped by 19. The breakdowns of responses are in the table below.

	<b>Always</b>	<b>Mostly</b>	<b>Occasionally</b>	<b>Not at all</b>	<b>Not sure</b>
Integrity	17	7	1	0	5
Transparency	10	12	4	0	4
Respect	14	10	0	1	5
Fairness	10	15	0	1	4

*Please give any examples or further information about your answer.*

- 4.2 In the free text answers, several respondents commented that their interactions with the Authority always or mostly align with the values. One respondent expressed the view that AR registration renewal is always carried out in accordance with the values, another stated that the Authority has demonstrated transparency in its work with stakeholders and communicates clearly about its intention and priorities.
- 4.3 There was disappointment expressed by one respondent that the Performance Review process changes were discussed at the Private session of the Board and a suggestion that it would have been good to allow a more open debate. Another respondent stated the need for clear communication about the specifics of the detailed changes proposed for the PR process.



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- 4.4 A further respondent suggested that the Authority could significantly improve its transparency and teamwork by developing a closer working relationship with operational and policy teams at the regulators. This would help to clarify the reasons behind certain decisions, allow further regulator feedback and also support greater fairness of process. This was echoed by another response which noted that thresholds for meeting or not meeting the Standards of Good Regulation are not as transparent as they could be but hope that the new PR process will improve this.
- 4.5 One respondent noted that they would appreciate a collegiate and collaborative approach based on shared goals and expressed the view this is currently present in most interactions/'touch points' with the Authority with exception of discussions around approach to cost recovery and rapid escalation of this issue without proper one-to-one engagement and the Authority's efforts to improve pre-appeal engagement.
- 4.6 The view was expressed by one that whilst the PSA usually acts with respect there is sometimes insufficient consideration of the impact of actions and decisions on others, for example there was insufficient warning about the reform publication in October which included the view that a single regulator would be the best way to deal with problems in the system which led to regulators having to allay anxiety amongst staff. Another response suggested that some communications around the reforms appeared to suggest that the regulators were against patients and the PSA was for them which could undermine regulators and damage perceptions of the PSA's integrity and approach.
- 4.7 A view was highlighted by one respondent that the PSA has been open to listening to the concerns expressed about advertising and constructive progress is being made.
- 4.8 Concerns were raised by one respondent about integrity and transparency of the AR consultation process where the view was expressed that the PSA had its own agenda to increase fees and didn't appear to listen to other suggestions for change. Another respondent echoed concerns about the impact of fee increases for smaller registers.

## 5. Where the Authority can add value/show leadership

**Question 11 - Do you think there are areas in which the Authority should be showing more leadership?**

- 5.1 This question was answered by 30 respondents and skipped by 19.

Yes	No	Don't know
19	5	6

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*If yes, please explain.*

- 5.2 Suggestions highlighted in the free text box for where the Authority could demonstrate more leadership included EDI. This was raised by a number of respondents with a specific reference in one response to ensuring that registrants from black and minority ethnic groups are not disproportionately represented in the fitness to practise process.
- 5.3 A more central role for the Authority in identifying and sharing good practice amongst regulators was another area identified by several respondents along with leadership on the role and value of professional regulation and demonstrating the link between effective regulation and public protection.
- 5.4 A number of respondents called on the Authority to demonstrate leadership in raising awareness of the AR programme by working with Government. Comments suggested that the Authority should be the voice of the ARs with the devolved administrations and to raise the profile of the programme with different stakeholder groups. One respondent called for the Authority to promote a level playing field for the public when choosing a practitioner regardless of whether they are regulated or unregulated.
- 5.5 Several respondents suggested that the Authority should show leadership in raising awareness of itself and its role whilst another proposed greater leadership on the possibilities of regulatory reform.
- 5.6 One respondent called for the Authority to have more legal powers to hold regulators to account when standards are not met and suggested that this would allow the Authority to demonstrate greater leadership across the entire UK health regulatory landscape.
- 5.7 Other suggestions on where the Authority could be showing more leadership from individual respondents included:
  - Encouraging and facilitating a focus on upstream regulation amongst regulators
  - A focus on how regulators identify and share learning and improvement from fitness to practise processes with employers to promote a just and open culture
  - Leading with its values in its use of language, framing and tone in reporting style and communications to promote 'a positive and improvement-focussed atmosphere, improve stakeholder relations, increase depth and appropriateness of insight, and provide public reassurance where this is appropriate'
  - In complex policy areas where the regulators are struggling to navigate to help forge a consistent approach with strong focus on patient experience. Examples provided included workforce and the role of the Authority and the regulators in this space and sex, gender and gender identity

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- Ensuring patients and families are listened to and supported through fitness to practice and a focus on shared decision making and partnership with patients in professional educational standards
- Advising the UK governments on professional regulation of healthcare practitioners and understanding when voluntary registration is not enough and when other forms of assurance such as licensing should be considered.

***Question 12 - In which areas do you think that the Authority has the most impact or adds the most value?***

- 5.8 This question was answered by 20 respondents and skipped by 29.
- 5.9 Several respondents referenced the performance review as a key way in which the Authority has impact and adds value: 'Through a rigorous annual Performance Review, the PSA 'helps maintain good regulatory standards, identifies clear areas for improvement, and when results are published these are clear and easy for the public to understand'. Other respondents pointed to the 'independent assurance' that this mechanism provides and the benefit of the process in allowing regulators to demonstrate their value. Another referenced the value that it brings in encouraging consistency and best practice.
- 5.10 A number of other respondents pointed to the AR programme as an example of where the Authority has impact and adds value citing the kite mark and the signposting of the programme to key stakeholders such as NHS Employers and GPs. One respondent also stated that accreditation allows registers to demonstrate their equivalence to other registers in meeting the standards and provide assurance to members that processes and governance are robust and another stated that voluntary registration may increase public and system confidence in new and existing roles that are not regulated by law.
- 5.11 Several respondents referenced the Authority's review of the regulators' fitness to practise decisions through the section 29 process in protecting the public.
- 5.12 Other respondents highlighted the Authority's policy advice as adding value and one specifically referenced *Right-touch regulation* highlighting its value in providing 'overall guidance'. A couple of responses alluded to the value added by raising public awareness of regulation and one specifically focussed on the role in 'educating patients/services users and employers on the benefits and importance of regulation'.

**6. Communication and engagement with stakeholders**

***Question 13 - Do you think the Authority is visible enough in carrying out its work?***

- 6.1 This question was answered by 29 respondents and skipped by 20.

Visible enough	Partly visible	Insufficiently visible	Don't know
4	17	6	2

- 6.2 A strong theme amongst responses to this question was greater awareness of the AR programme and for the Authority to increase its visibility and communication with key stakeholders to support this objective: 'The PSA is visible among relevant stakeholders and within the healthcare regulatory environment, but should also operate clear, concise, and timely communications on the role and importance of accreditation to increase significantly public awareness and understanding of the registers.'
- 6.3 A number of responses highlighted specific groups where it would be useful for the Authority to have greater profile and visibility including the devolved governments, patients and the public and within the NHS.
- 6.4 One stakeholder emphasised the importance of third-party feedback as part of the PR process to provide independent assurance suggesting the need for greater visibility of the Authority with key stakeholders who can provide such feedback
- 6.5 One stakeholder expressed the view that the Authority should ensure that in increasing its visibility it doesn't use language or communications which 'appears to create division between the PSA and regulators or members of the public and registrants which on occasions has been the case'.
- 6.6 Another expressed the view that the Authority is more visible within healthcare than social care and that much of its output has a focus on and is more relevant to the healthcare professions.

***Question 14 - Do you think that the Authority communicates well with stakeholders?***

- 6.7 30 respondents answered this question and 18 skipped it.

Very	Mostly	Occasionally	Not at all	Don't know
6	16	6	2	1

- 6.8 Several comments in the free text box suggested a wider range of additional groups that the PSA may want to communicate with more. These included professional bodies, employers and patients and service users.

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- 6.9 Several respondents were positive about the Authority's approach to communications: 'The PSA communicates well with stakeholders through being transparent and effectively communicating complex topics with a clear and engaging approach.'
- 6.10 One respondent highlighted their view that the research, blogs and opinion pieces that the PSA publishes are 'informative, thought provoking and helpful'.
- 6.11 One respondent expressed the view that the Authority doesn't listen enough to stakeholders.

***Question 15 - Do you think that the Authority engages well with stakeholders?***

- 6.12 30 respondents answered this question and 18 skipped it.

Very	Mostly	Occasionally	Not at all	Don't know
5	12	10	2	1

- 6.13 Several stakeholders provided positive comments about their experience of engaging with the Authority with interactions described as 'constructive and helpful' and the Authority is 'proactive in seeking stakeholder views and input' and highlighting the value in helping 'both organisations better understand each other's functions'.
- 6.14 More than one respondent referenced the need for more collaborative engagement with regulators with one highlighting the absence of 'specific help' being available.
- 6.15 Several respondents highlighted the value of engaging with a wider group of stakeholders particularly in relation to the performance review and the Accredited registers programme. Specific groups suggested for further engagement by the Authority, included employers, NHS stakeholders, patients and service users.
- 6.16 One response in particular highlighted the importance of the Authority 'regularly engaging key stakeholders to guarantee it is aware of local intelligence, patient safety and public protection risks and any changes in the standing of the regulators' and suggested that the Authority map key stakeholders directly to the Standards of Good Regulation and make use of roundtables and consultations as well as engagement with named contacts at key organisations, to gain soft intelligence.

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- 6.17 It was suggested by one respondent that the PSA should ensure it is fully considering reports and inquiries for example those undertaken by NHS stakeholders/Government to inform current and future performance reviews.
- 6.18 One respondent expressed the view that the PSA should consider preparing a stakeholder engagement strategy for the Government's planned review into health and social care regulatory bodies.

***Question 16 - Do you get the information you need from the Authority?***

- 6.19 29 respondents answered this question and 20 skipped it.

Yes	No	Sometimes	Don't know
18	2	6	3

***Question 17 - Do you find the information put out by the Authority is available in an accessible format?***

- 6.20 31 respondents answered this question and 18 skipped it.

Yes	No	Not always	Don't know
23	0	2	6

***Please explain if 'no' or 'not always'***

- 6.21 Comments in the free text box included the view from one respondent that information received is 'accessible and well written', however another respondent suggested that some reports are quite lengthy and therefore not as accessible as they could be.
- 6.22 One respondent drew attention to the fact that Word documents are better for screen readers than pdfs.

***Question 18 - Is there any information that you are not currently receiving from the Authority that you would like to receive?***

- 6.23 Several respondents expressed a preference to receive more information about the operational and decision-making process around the performance review, for example how the assessment panel reaches its decision about meeting the Standards of Good Regulation and how the Authority determines which areas will be subject to monitoring and periodic review.

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- 6.24 Two respondents asked for more updates on the Authority's engagement with Government, stakeholders and media activity to support the Accredited Registers programme. One also requested more advice and guidance on how best to market register status amongst key stakeholders.
- 6.25 One respondent requested more information based on a 'helicopter view' of outcomes across regulatory bodies and trend analysis.

***Question 19 - Do you have any other comments about Authority communications or engagement?***

- 6.26 There was a comment about the need for further communication on issues of interest to the ARs to help to justify accreditation to members.
- 6.27 Another proposed a review of tone/style 'as there is sometimes a disconnect between written communication and subsequent follow up in person which is more 'human' in nature'.

**7. Other comments**

***Question 20 - Do you have any specific suggestions for priority areas of work for the Authority that can inform our strategic and business planning in 2022?***

- 7.1 The majority of comments focussed on introducing and embedding the new Performance Review process, holding the regulators to account and work to improve recognition of and highlight the value of the Accredited Registers programme.
- 7.2 Other responses picked up on regulatory reform and the need for the Authority to provide 'coherent thought leadership and stakeholder engagement through the process of regulatory reform'. One in particular focussed on the need for the Authority to consider the impact on both regulated and unregulated roles.
- 7.3 Several respondents suggested that the Authority could do more to draw on its unique position overseeing regulators of multiple professions with some reiterating the potential for the sharing of best practise and another respondent suggesting that the Authority could build insights on the relationship between the regulator and the regulated to support more effective outcomes.
- 7.4 Other respondents suggested look more closely at specific elements of the fitness to practise process with one specifically referencing the EDI impacts, another, ensuring that patients and families are listened to and supported through the process and another highlighting the issue of how regulators share learning with employers to promote a just and open culture.



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7.5 Some respondents touched on the need for the Authority to consider burden on regulators both in terms of costs and requests for information, one suggesting the need for the Authority to keep control of costs and regulatory burden and another highlighting the ongoing impact of the post-pandemic effects/end of Brexit standstill.

7.6 Other suggestions for priority areas of work included:

- Looking at shared decision making/partnership with patients on the development of professional education standards
- Monitoring new roles and assessing the case for regulation
- Contributing to COVID-19 recovery.

***Question 21 - Do you have any other comments you would like to share about the Authority or its work?***

7.7 General support was expressed by several respondents for the Authority's important role including its independence. One respondent particularly highlighted the value that the Accredited Registers programme has brought to their profession, and another picked out the Authority's research as being valuable.

7.8 One respondent suggested that due to the legislative changes proposed via the Health and Care Bill potentially giving more flexibility to regulators to change rules and the Secretary of State having more control, the Authority should 'assert its role'.