

## Response ID ANON-XRUJ-QK5N-8

Submitted to **Promoting professionalism, reforming regulation**

Submitted on **2018-01-22 14:00:04**

### Introduction

**What is your name?**

**First name:**

Dan

**Surname:**

Sumners

**Are you responding as an individual or as part of an organisation?**

Organisation

**What is your email address?**

**Email:**

dan.sumners@rcplondon.ac.uk

**Are you happy for the Department of Health to use your email address to contact you to clarify points in your response if necessary?**

Yes

### Organisation

**What is your organisation?**

**Organisation:**

Royal College of Physicians

**Tell us more about your organisation**

**Individual or organisation:**

Royal College of Physicians

**What is the role of your organisation:**

We are the professional membership body for physicians, with 34,000 members and fellows across the globe.

England

**where are you or your organisation based.:**

**Which section of the consultation would you like to answer first?**

**Options for sections of consultation to complete:**

Protecting the public

### Protecting the public

**1 Do you agree that the PSA should take on the role of advising the UK governments on which groups of healthcare professionals should be regulated?**

Agree

**2 What are your views on the criteria suggested by the PSA to assess the appropriate level of regulatory oversight required of various professional groups?**

**Please provide below:**

They are reasonable and comprehensive.

**3 Do you agree that the current statutorily regulated professions should be subject to a reassessment to determine the most appropriate level of statutory oversight? Which groups should be reassessed as a priority? Why?**

Agree

**Which groups should be reassessed as a priority? :**

See further comments.

**Further comments:**

Assessment of statutory regulation of all professions, individually and collectively, should be regular and ongoing to make sure the system is fit for purpose. If the PSA takes on the role of advising the UK governments this should be one of its responsibilities.

**4 What are your views on the use of prohibition orders as an alternative to statutory regulation for some groups of professionals?**

Disagree

**Further comments:**

The point of regulation should be to stop problems arising by supporting professionals to improve their practise.

Prohibition orders should not be used as an alternative to statutory regulation because they do not contribute to professional development. It is a negative approach, focused on cure rather than prevention.

Statutory regulation requires a professional to demonstrate continual development and adherence to evolving good practice. It is a positive approach, focused on prevention rather than cure.

Additionally, prohibition orders should not be used as an alternative to statutory regulation because there is insufficient evidence on which to draw a conclusion about their effectiveness in a health context.

**5 Do you agree that there should be fewer regulatory bodies?**

Not Answered

**6 What do you think would be the advantages and disadvantages of having fewer professional regulators?**

**Advantages:**

Any advantages or disadvantages of having fewer regulators will depend on the details of the regulatory system as a whole. In general, the main advantage could be a system that is easier for the public to understand and navigate. The main disadvantage could be a lack of professional experience to regulate one or other group effectively.

**Disadvantages:**

Any advantages or disadvantages of having fewer regulators will depend on the details of the regulatory system as a whole. The main disadvantage could be a lack of professional experience to regulate one or other group effectively.

**Further comments:**

There should be fewer regulatory bodies if that will contribute to the effectiveness of the system in protecting the public.

**7 Do you have views on how the regulators could be configured if they are reduced in number?**

**Please provide below:**

No.

**Which section of the consultation would you like to go to next?**

**Options for sections of consultation to move to next:**

Responsive regulation

**Responsive regulation**

**8 Do you agree that all regulatory bodies should be given a full range of powers for resolving fitness to practise cases?**

Agree

**Further comments:**

In particular, the regulators must have the powers to resolve fitness to practice cases quickly and efficiently. One of the greatest concerns of doctors under investigation is the length of time the process can take.

**9 What are your views on the role of mediation in the fitness to practise process?**

**Please provide below:**

Mediation should be an integral element of the fitness to practise process. It has the potential to deliver significant and diverse benefits for the public, registrants and regulators. These include resolving cases more quickly and reduced cost.

**10 Do you agree that the PSA's standards should place less emphasis on the fitness to practise performance?**

Agree

**Further comments:**

The PSA's standards should put prevention before cure by emphasising support for registrants' professional development. But it is important to retain performance assessments in the interests of patient safety.

In particular, they should emphasise supporting registrants where errors are the result of systemic failings. Where fitness to practise is required, the burden of proof should be beyond reasonable doubt.

**11 Do you agree that the PSA should retain its powers to appeal regulators' fitness to practise decisions to the relevant court, where it is considered the original decision is not adequate to protect the public?**

Agree

**Further comments:**

**12 Do you think the regulators have a role in supporting professionalism and if so how can regulators better support registrants to meet and retain professional standards?**

Agree

**Further comments:**

Supporting professionalism should be the main way the regulators protect the public. They should do this by

- working closely with registrants, professional membership bodies, representative bodies and each other to regularly review professional standards to make sure they are the right ones
- providing clear, accessible and up-to-date good practice guidance
- regularly reviewing revalidation requirements to make sure they support continual professional development
- developing their understanding of the systems in which registrants act and how those systems can impact on their practice
- taking responsibility for their part in failures to meet standards.

**Which section of the consultation would you like to go to next?**

**Options for sections of consultation to move to next:**

Efficient regulation

**Efficient regulation**

**13 Do you agree that the regulators should work more closely together? Why?**

Agree

**Further comments:**

The regulators should work more closely together identify how they can together increase the effectiveness of the system in protecting the public, particularly by increasing understanding between the professions. The regulatory system should reflect the fact the provision of health and social care is a multidisciplinary team venture.

**14 Do you think the areas suggested below are the right ones to encourage joint working? How would those contribute to improve patient protection? Are there any other areas where joint working would be beneficial?**

Agree

**How would those contribute to improve patient protection?:**

They will contribute to improved patient protection for the reasons given.

**Are there any other areas where joint working would be beneficial?:**

Joint working on the development of the multidisciplinary team will also be beneficial. The regulators should work together to increase understanding among the professions. They should work with each other and the professions to develop good practice guidance on effective multidisciplinary team working and development.

**15 Do you agree that data sharing between healthcare regulators including systems regulators could help identify potential harm earlier?**

Agree

**Further comments:**

**16 Do you agree that the regulatory bodies should be given greater flexibility to set their own operating procedures?**

Agree

**Further comments:**

But the operating procedures must be transparent and the regulators must remain accountable. And there should be minimum standards of support and fairness for registrants.

**17 Do you agree that the regulatory bodies should be more accountable to the Scottish Parliament, the National Assembly for Wales and the Northern Irish Assembly, in addition to the UK Parliament?**

Agree

**Further comments:**

**18 Do you agree that the councils of the regulatory bodies should be changed so that they comprise of both non-executive and executive members?**

Agree

**Further comments:**

**19 Do you think that the views of employers should be better reflected on the councils of the regulatory bodies, and how might this be achieved?**

Agree

**Further comments:**

The regulators and the employers should find a solution together.

**20 Should each regulatory body be asked to set out proposals about how they will ensure they produce and sustain fit to practise and fit for purpose professionals?**

Agree

**Further comments:**

But they should work together to develop their proposals.

**21 Should potential savings generated through the reforms be passed back as fee reductions, be invested upstream to support professionalism, or both? Are there other areas where potential savings should be reinvested?**

Not Answered

**Are there other areas where potential savings should be reinvested?:**

**Further comments:**

The regulators should discuss with the public, registrants and other funders what they should do with any savings.

**Which section of the consultation would you like to go to next?**

**Options for sections of consultation to move to next:**

Impact assessment and Equality analysis

**Impact assessment and Equality analysis**

**22 How will the proposed changes affect the costs or benefits for your organisation or those you represent?- an increase- a decrease- stay the same.Please explain your answer and provide an estimate of impact if possible.**

Not Answered

**Please explain your answer and provide an estimate of impact if possible. :**

Not possible to estimate.

**23 How will the proposed changes contribute to improved public protection and patient safety (health benefits) and how could this be measured?**

**Please provide below:**

A focus on professional development should improve public protection and patient safety by preventing problems before they arise. This could be measured by monitoring the number of complaints made and the number of registrants who are found not to have met the standards.

**24 Do you think that any of the proposals would help achieve any of the following aims:- Eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010 and Section 75(1) and (2) of the Northern Ireland Act 1998?- Advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it?- Fostering good relations between persons who share a relevant protected characteristic and persons who do not share it?If yes, could the proposals be changed so that they are more effective?If not, please explain what effect you think the proposals will have and whether you think the proposals should be changed so that they would help achieve those aims?**

Yes

**If you agree, could the proposals be changed so that they are more effective?:**

Registrants must be supported to understand

- what conduct is prohibited, how to identify prohibited conduct, and what to do about it
- what equality of opportunity is, how to identify conduct and systems that do or do not advance equality of opportunity, and what to do about it
- what protected characteristics are, how to identify conduct and systems that do or do not foster good relations, and what to do about it.

**If you disagree, please explain what effect you think the proposals will have and whether you think the proposals should be changed so that they would help achieve those aims? :**

**Which section of the consultation would you like to go to next?**

**Options for sections of consultation to move to next:**

End of consultation

## **Closing permissions**

**How we will use your response**

Yes

Yes

Your response, Your organisation's name

## **How was the consultation**

**Help us improve how the department runs consultations by answering the following questions:**

Satisfied

**Further comments::**

Very satisfied

**Further comments::**

**Would you like to receive information about other DH consultations?**

Yes