

## Strengthening our approach to Equality, Diversity and Inclusion with Accredited Registers

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## Section one – Background Information-

### 1. Introduction

#### Purpose of the consultation

- 1.1 This consultation seeks views on the Professional Standards Authority's proposals to add new Standard on Equality, Diversity and Inclusion (EDI) to its [Standards for Accredited Registers](#).
- 1.2 There are two ways to provide your responses to this consultation. You can respond by completing the [Word document](#) and submitting it by email to [arconsultation@professionalstandards.org.uk](mailto:arconsultation@professionalstandards.org.uk), or you can respond using [SurveyMonkey](#).
- 1.3 The survey will close on **17 January 2023**.

#### Our role and about Accredited Registers

- 1.4 The Professional Standards Authority helps to protect the public through our work with organisations that register and regulate people working in health and social care. We are an independent UK body. Our role and duties are set out in the Health and Social Care Act 2002 (as amended).
- 1.5 There are three main areas to our work:
  - We oversee the work of the ten statutory bodies that regulate health and social care professionals in the UK
  - We accredit registers held by non-statutory registering bodies of health and care professionals
  - We aim to improve regulation by providing advice to UK government and others, conducting/commissioning research and promoting the principles of right-touch regulation.
- 1.6 The Accredited Register programme was developed following the publication of the Government's Command Paper *Enabling Excellence*<sup>1</sup> in 2011. This paper sets out the rationale for a proportionate system of assured voluntary registration for professionals and occupational groups which are not subject to statutory professional regulation.
- 1.7 The Health and Social Care Act<sup>2</sup> 2012, sets out our functions and duties to accredited voluntary registers, these are:
  1. to promote the interests of users of health care, users of social care in England, users of social work services in England and other members of the public in relation to the performance of voluntary registration functions,
  2. to promote best practice in the performance of voluntary registration functions, and

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<sup>1</sup> <https://www.gov.uk/government/publications/enabling-excellence-autonomy-and-accountability-forhealth-and-social-care-staff> <sup>2</sup> [Health and Social Care Act 2012 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2012/12)

<sup>2</sup> [Health and Social Care Act 2012 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2012/12)

3. to formulate principles of good governance in the performance of voluntary registration functions and to encourage persons who maintain or operate accredited voluntary registers to conform to those principles.
- 1.8 Section 25G of the Act sets out that in order to accredit a voluntary register, the Authority may assess it against criteria that it sets and publishes (the *Standards for Accredited Registers*). A voluntary register under this definition is a register of people working in health care roles in the UK, and social care in England, who do not have to be regulated in order to work.

### Changes in 2021 following a strategic review

- 1.9 In July 2021, we introduced a new assessment approach, with a full assessment against the Standards once every three years, and an annual check in intervening years. We introduced a revised fees model that better reflects the varying sizes of registrant bases. We also introduced a new 'public interest test' (Standard 1b), that allows us to weigh up whether the risks of the main activities offered by registrants outweigh the benefits.
- 1.10 We introduced our revised Standards in July 2021<sup>3</sup> with an evidence framework detailing the minimum requirements for each Standard<sup>4</sup>. The revised Standards included a more explicit reference to Equality, Diversity and Inclusion in the minimum requirements however, it has not been an explicit focus of the Standards.

### Our approach to EDI to date

- 1.11 As a public body the Professional Standards Authority is required to consider its Public Sector Equality Duty (PSED) when carrying out its functions. Public bodies are to consider the following objectives as set out in s149 of the Equality Act 2010:
- 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.
- 1.12 A recent example of how we carry out our PSED in practice and in alignment with our overall organisational approach to EDI is the published statement supporting the Memorandum of Understanding on conversion therapy.<sup>5</sup> This confirms that we will not accredit any Register that permits conversion therapy, of either sexual orientation or gender identity. This aligns with our wider

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<sup>3</sup> [Standards for Accredited Registers \(professionalstandards.org.uk\)](https://www.professionalstandards.org.uk)

<sup>4</sup> [Accredited Registers Evidence framework \(professionalstandards.org.uk\)](https://www.professionalstandards.org.uk)

<sup>5</sup> <https://www.professionalstandards.org.uk/news-and-blog/latest-news/detail/2022/09/27/psa-supports-mou-on-conversion-therapy-and-welcomes-the-inclusion-of-gender-identity> [Accessed 3 October 2022]

organisational response to the Cabinet Office's recent consultation on conversion therapy.<sup>6</sup>

- 1.13 One of the ways we carry out our PSED within the Accredited Registers programme is through the Impact Assessment (IA) we carry out for individual assessment decisions. We updated this process following the strategic review in July 2021. This resulted in changes to the assessment approach to provide more of a focus on EDI and to ensure that impacts are considered throughout the assessment process. The IA, however, does not focus on the work the register is doing on EDI but on the impacts of the Authority's accreditation decision, including on groups with different protected characteristics.
- 1.14 We take account of EDI as part of our new 'public interest test' (Standard 1b) when deciding if it is in the public interest to accredit a register. EDI is also considered through the assessment of the broader Standards. We strengthened this following the strategic review by including the following minimum requirements:
- 'Ensure that governance arrangements and membership include diverse range of perspectives and expertise not limited to those practising in the role (e.g. lay members) (Standard 6 – Governance)
  - Organisational statement on EDI setting out commitment and how it is promoted within the Register (Standard 6 – Governance)
  - Organisation's website and other materials provide clear and accessible information about the limitations and benefits of treatments offered by roles registered (Standard 7 – management of risks arising from the activities of registrants)
  - Clear and accessible organisational website (Standard 8 – Communications and Engagement)'.<sup>7</sup>
- 1.15 Despite this, we think there is more that could be done in our assessments to consider EDI and raise standards amongst the Accredited Registers. Accredited Registers need to understand the issues that affect the roles they register, and the service users seeking the services of their registrants. Introducing a specific standard will ensure that we have a clear mechanism for checking that Accredited Registers focus on improving access and removing barriers to their register for different groups of people. Focusing on EDI and improving the diversity of the workforce should lead to better patient outcomes.<sup>7</sup>
- 1.16 The evidence submitted by ARs against the EDI Standard will also help inform the IAs we carry out for each accreditation decision.

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<sup>6</sup> Professional Standards Authority (December 2021) *Response to Government Equalities Office consultation on banning conversion therapy*. Available at [https://www.professionalstandards.org.uk/docs/default-source/publications/consultation-response/others-consultations/2021/professional-standards-authority-resonse-to-geo-consultation-on-banning-conversion-therapy.pdf?sfvrsn=421d4820\\_2](https://www.professionalstandards.org.uk/docs/default-source/publications/consultation-response/others-consultations/2021/professional-standards-authority-resonse-to-geo-consultation-on-banning-conversion-therapy.pdf?sfvrsn=421d4820_2) [Accessed 3 October 2022]

<sup>7</sup> Gomez L.E. and Bernet P (2019). *Diversity improves performance and outcomes*. Journal of the National Medical Association Vol 111 Issue 4 Pg 383-392. Available at <https://www.sciencedirect.com/science/article/abs/pii/S0027968418303584?via%3Dihub> [Accessed 9 August 2022]

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1.17 There is growing awareness of the importance of EDI for patients and the public, and registrants. We have an opportunity to drive up standards and promote best practice and think the best way to do this is by an additional Standard focused on EDI. Enhancing our approach to EDI will help us ensure the programme best protects the diverse UK population.

## Section Two – Consultation on Proposed changes to the Standards

### 2. Proposed changes to the Standards

2.1 We propose to introduce a specific EDI Standard with associated minimum requirements:

*Proposed 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.*

- 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<sup>8</sup>.*
- c) The register works to promote and enhance EDI by seeking to understand and act on issues affecting the roles registered and service users.*

**Question 1:** Do you think the addition of the above Standard will lead to a greater focus on EDI in the programme? If not, how can we improve our EDI focus?

**Question 2:** Do you think the addition of the above Standard will lead to a greater focus on EDI by Accredited Registers? If not, please explain why.

2.2 The following are the proposed minimum requirements:

Number	Standard	Examples of Evidence Considered	Minimum Standard
9a	EDI	<p>Consideration of EDI when appointing decision makers and in the composition of Boards, Committees, and Panels.</p> <p>Relevant processes for staff and others involved in the activities of the register e.g., whistleblowing, antibullying, recruitment, complaints handling etc.</p>	<p>Register has relevant internal policies in place such as whistleblowing, antibullying, recruitment.</p> <p>Register considers EDI when appointing decision makers and creating panels to hear complaints.</p> <p>The register should provide accessible information aimed at service users on its website about its role, the occupations covered on</p>

<sup>8</sup> As defined by the Equality Act or groups listed under Section 75 of the Northern Ireland Act.

		<p>Relevant policies and procedures.</p> <p>Examples of Impact Assessments carried out.</p> <p>Accessibility of information on the website aimed at registrants.</p> <p>Complaints handling processes for handling complaints against registrants.</p> <p>Reasonable adjustment policies.</p>	<p>the register and key functions such as complaints handling.</p> <p>The register should provide support to complainants where needed, this should include enabling complainants to make a complaint and supporting them through the process.</p> <p>The register should remove any unnecessary barriers to participating in the complaints handling process for all involved.</p> <p>When introducing changes to key functions and policies, consideration should be given to whether these will adversely affect any groups and if so, how this will be mitigated.</p>
<b>9b</b>	EDI	<p>Policies and procedures for the collection and analysis of EDI data of registrants.</p> <p>Reports on registration/complaints data that consider demographic information</p>	<p>The register should collect demographic data about its registrants so that it can understand the diversity of its registrant base.</p> <p>The register should use the demographic data it collects to identify if there any areas of potential unfairness in its complaints processes, and to act on these.</p> <p>Processes in place to identify likely impacts to service users with protected characteristics, and for identifying and monitoring mitigations.</p> <p>Register has processes in place for identifying and mitigating potential barriers to registration.</p>

			Where relevant the register has processes in place for identifying and mitigating potential barriers to education and training.
<b>9c</b>	EDI	<p>EDI strategies and plans. Published Statements.</p> <p>Board discussions of EDI issues.</p> <p>Information about work it is doing with other organisations to promote EDI.</p> <p>Research into EDI where relevant to the Register's work and roles registered.</p> <p>Information provided on the website.</p>	<p>The register has published EDI policies including an EDI Statement. Register reports progress against its plans to its Board (or equivalent).</p> <p>The register should work with other organisations where necessary to promote EDI and remove any unnecessary barriers for its registrants and their service users.</p>

**Question 3:** Are the minimum requirements set at the right level? Would you include anything different?

**Question 4:** Do the examples of evidence suggested, allow us to assess this Standard? If not, what would you include?

### Changes to other Standards

2.3 We have identified the following minimum requirements which we will add to the current Standards:

- Registers ensure that its registrants are equipped to care for a diverse population through their education and training (Standard 4 – Education and Training)
- Registers who approve other training organisations should consider EDI when assessing the suitability of courses for its register (Standard 4 – Education and Training)
- Registers ensure they have taken account of the Welsh Language Standard where appropriate (Standard 8 – Communications)
- Registers have fair processes in place for the recruitment, training, including relevant EDI training, and ongoing monitoring of Board and Committee members. (Standard 6 – Governance)



2.4 We have also identified the following changes:

- Standard 5 (complaints handling) one of the minimum requirements reads ‘the register has process for recruitment, training, and ongoing monitoring of those key decision makers in disciplinary processes.’ We propose changing this to ‘the register has process for recruitment, training, including relevant EDI training, and ongoing monitoring of those key decision makers in disciplinary processes
- Standard 6 (Governance) – one of the minimum requirement states: ‘the register should have processes in place to ensure appropriate data handling.’ We propose changing this to ‘the register should have relevant data processing policies in place, including for holding and processing EDI data.’
- Standard 6 (Governance) – removal of minimum requirement to hold an EDI Statement, as this will be included in new minimum Standard for Standard 9.

**Question 5:** Do you think we need to make any additional changes to the current minimum requirements?

### Supplementary guidance and sharing good practice

2.5 We will continue to highlight good practice as positive findings in published assessment reports and in the ‘good practice’ section of the Accredited Register newsletter to allow registers to learn from each other.

**Question 6:** Would additional guidance on any aspect of this Standard be useful? If so, please provide details.

**Question 7:** Is there anything else that we could do to share good practice between the Accredited Registers?

## 3. Implementation of the revised Standards

3.1 We plan to introduce the new Standard in April 2023. All new applications received after this point will be assessed against it. Current Accredited Registers will be assessed against it as part of their annual checks or full assessments between April 2023 and March 2024. Organisations that are going through their first assessment at this point will be assessed against the new Standard at their first review following accreditation.

3.2 Accredited Registers will be at different stages in their consideration of EDI, so the assessment of this Standard needs to be proportionate to give existing Accredited Registers time to put the minimum requirements in place. The assessment of current Accredited Registers will consider the work the register is doing to build EDI into their work. Conditions will only be issued where a public protection issue is highlighted during the initial year of introduction as long as current Accredited Registers are working to adopt the minimum requirements.

**Question 8:** Does our approach to the assessment of the new Standard seem reasonable and proportionate? If not, please explain why.

**Question 9:** Do the suggested timeframes for the implementation of this Standard seem reasonable? If not, please explain why.

#### **4. Impact Assessment**

- 4.1 Overall, we think that the introduction of an EDI Standard will have a positive impact. Having a more diverse workforce results in better patient outcomes.<sup>9</sup> A report published by the Nuffield Trust in 2021 highlighted some of the differences in access and career potential for psychologists. The report noted that people with Black or Asian ethnicity while equally likely to choose to study psychology at university, were less likely to be in senior roles; men were less likely to pursue a career in psychology and disabled undergraduates were more likely to drop out of their psychology courses.<sup>10</sup> We know there are barriers for some entering the counselling profession, which often requires people to get experience through volunteer work, meaning only those who can afford it can become counsellors which immediately reduces the diversity of the workforce. A focus on EDI and working to understand and reduce barriers to joining a profession will create a more diverse workforce. This means that people seeking therapy will be more likely to be able to get therapy from someone whose culture or heritage they can relate to.
- 4.2 There is a possibility that the introduction of a new Standard will result in Accredited Registers needing to amend their processes and procedures which may result in increased costs. This could be passed onto the service user through increased registrant fees. If the Accredited Register increases fees this could result in registrants choosing to resign their registration, particularly given the current cost of living crisis. Accredited Registers may also choose to opt out of the programme if they see the requirements as being too demanding. Taking a proportionate approach to the assessment of current Accredited Registers and giving them time to put the minimum requirements in place should mitigate this.
- 4.3 We are keen to ensure that the programme provides assurance to the diverse populations of the UK. We will use the information gathered through this consultation to identify ways we could do this in future, for example raising awareness of the benefits of accreditation with Registers with relevance to communities with specific needs or relevance to groups at risk of poorer health outcomes.
- 4.4 We consider that the impact of any changes can be more accurately assessed once any revised operational processes have been developed but remain mindful of the potential impact of any changes we explore. We seek initial views from those affected, and particularly Accredited Registers, registrants and

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<sup>9</sup> Gomez L.E. and Bernet P (2019). Diversity improves performance and outcomes. Journal of the national Medical Association Vol 111 Issue 4 Pg 383-392. Available at <https://www.sciencedirect.com/science/article/abs/pii/S0027968418303584?via%3Dihub> [Accessed 9 August 2022]

<sup>10</sup> The Nuffield Trust (2021) The right track: Participation and progression in psychology career paths. Available at: <https://www.nuffieldtrust.org.uk/research/the-right-track-participation-and-progression-in-psychology-career-paths> [Accessed 9 August 2022]

patients and service users, of the likely impact of the changes that we have outlined here. We would welcome any feedback to ensure we consider all relevant issues. We would welcome any comments about the impact that these proposals will have.

**Question 10:** Are there any aspects of these proposals that you feel could result in differential treatment of, or impact on, groups or individuals based on the following characteristics as defined under the Equality Act 2010:

- • Age
- • Disability
- • Gender reassignment
- • Marriage and civil partnership
- • Pregnancy and maternity
- • Race
- • Religion or belief
- • Sex
- • Sexual orientation
- • Other (please specify)

If yes to any of the above, please explain why and what could be done to change this.

**Question 11:** Are there any additional impacts that you think we should consider before making any changes? (these could be for example, social, financial, environmental etc)

**Question 12:** To help us understand who is interested in the programme and is responding to our consultation, it would be helpful to find out more about you. If you would prefer not to add your name, you could tell us, for example, your area of work or interest or the type of organisation you work for (for example 'I work for an accredited register' or 'I am registered with an accredited register'):

Question: Your name and/or the name of your organisation.

Question: How would you describe your organisation (or your own role if more relevant)

Question: Would you be happy for us to use your response in our published consultation report?

## 5. Summary of questions and how to respond

### 5.1 Summary of questions

1. Do you think the addition of the above Standard will lead to a greater focus on EDI in the programme? If not, how can we improve our EDI focus?

2. Do you think the addition of the above Standard will lead to a greater focus on EDI by Accredited Registers? If not, please explain why.
3. Are the minimum requirements set at the right level? Would you include anything different?
4. Do the examples of evidence suggested allow us to assess this Standard? If not, what would you include?
5. Does our approach to the assessment of the new Standard seem reasonable and proportionate? If not, please explain why.
6. Would additional guidance on any aspect of this Standard be useful? If so, please provide details.
7. Is there anything else that we could do to share good practice between the Accredited Registers?
8. Do the suggested timeframes for the implementation of this Standard seem reasonable? If not, please explain why.
9. Are there any aspects of these proposals that you feel could result in differential treatment of, or impact on, groups or individuals based on the following characteristics as defined under the Equality Act 2010:
  - Age
  - Disability
  - Gender reassignment
  - Marriage and civil partnership
  - Pregnancy and maternity
  - Race
  - Religion or belief
  - Sex
  - Sexual orientation
  - Other (please specify)

If yes to any of the above, please explain why and what could be done to change this.

10. Are there any additional impacts that you think we should consider before making any changes? (these could be for example, social, financial, environmental etc)
11. The Accredited Registers programme was set up to protect the public in the UK. How can we best ensure that the programme covers areas of practice relevant to the diverse UK population?
12. To help us understand who is interested in the programme and is responding to our consultation, it would be helpful to find out more about you. If you would prefer not to add your name, you could tell us, for example, your area of work or interest or the type of organisation you

work for (for example 'I work for an accredited register' or 'I am registered with an accredited register'):

Question: Your name and/or the name of your organisation.

Question: How would you describe your organisation (or your own role if more relevant)

Question: Would you be happy for us to publish your response in our final report?

## **6. How to respond**

- 6.1 There are two ways to provide your responses to this consultation. You can respond by completing the Word document and submitting it by email to [arconsultation@professionalstandards.org.uk](mailto:arconsultation@professionalstandards.org.uk), or you can respond using [SurveyMonkey](#).
- 6.2 The survey will close on **17 January 2023**.
- 6.3 We strongly urge responses by email. If this is not possible, our postal address is:
- Professional Standards Authority  
157-197 Buckingham Palace Road  
London  
SW1W 9SP
- 6.4 If you have any queries, or require an accessible version of this document, please contact us on 020 7389 8030 or by email at [accreditationteam@professionalstandards.org.uk](mailto:accreditationteam@professionalstandards.org.uk).

## **7. Confidentiality**

- 7.1 We will manage the information you provide in response to this discussion paper in accordance with our information security policies which can be found on our website ([www.professionalstandards.org.uk](http://www.professionalstandards.org.uk)).
- 7.2 Any information we receive, including personal information, may be published or disclosed in accordance with the access to information regimes (primarily the Freedom of Information Act 2000 (FOIA) the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).
- 7.3 If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential.
- 7.4 If we receive a request for disclosure of the information, we will take full account of your explanation, but we cannot give an assurance that confidentiality will be maintained in all circumstances. An automatic confidentiality disclaimer

generated by your IT system will not, of itself, be regarded as binding on the Authority.

- 7.5 We will process your personal data in accordance with the DPA and in most circumstances this will mean that your personal data will not be disclosed to third parties.

## **8. Our Consultation Process**

- 8.1 Our consultation process is based on the current Cabinet Office principles on public consultation, 'Consultation principles: guidance'.<sup>11</sup> When conducting public consultations on aspects of the Authority's work we aim to:

- Be clear about both the consultation process and what is being proposed. This gives respondents the opportunity to influence our thinking and consider the advantages and disadvantages of our proposals.
- Consult formally at a stage where there is scope to influence the policy in order that consultations have a purpose.
- Give enough information to ensure that those being consulted understand the issues and can provide informed responses. We include assessments of costs and benefits of the options considered.
- Seek collective agreement before publishing a written consultation particularly when consulting on the new proposals.
- Consult for a proportionate amount of time, taking a judgement based on the nature and impact of the proposals. Consulting for too long will unnecessarily delay policy development and consulting too quickly will not give enough time for consideration and will reduce the quality of responses.
- Ensure our consultation is targeted to consider the full range of stakeholders, bodies and individuals affected by the policy and include relevant representative groups. Consider targeting specific groups if necessary.
- Consider consultation as an ongoing process, not just about formal documents and responses.
- Analyse responses carefully and explain the responses received and how they have informed the policy. Give clear feedback to participants following the consultation. Publish responses to the consultation within 12 weeks or explain why that it is not possible.
- Allow appropriate time between closing the consultation and implementing the policy.

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<sup>11</sup> Cabinet Office. 2016 *Consultation principles guidance*. Available at: [Consultation principles 2016 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk) [Accessed on 20 July 2022].

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8.2 If you have concerns or comments which you would like to make relating specifically to the consultation process itself, please contact us:

Christine Braithwaite

Director of Standards and Policy

Professional Standards Authority 157-197

Buckingham Palace Road

London

SW1W 9SP

Tel: 020 7389 8030

Email: [christine.braithwaite@professionalstandards.org.uk](mailto:christine.braithwaite@professionalstandards.org.uk)