

November Board meeting

Wednesday, 20 November 2024



Executive report

1. Summary

- 1.1 In addition to our statutory duties, the key priorities for the organisation at this point in time are: (1) the website development project; (2) the business plan and fees consultation 2025/26; (3) promoting and supporting legislative reform for the regulators; and (4) closely monitoring the performance of the NMC, including its response to the recommendations in the Independent Culture Report.

2. Recommendations

- 2.1 The Board is asked to note the Executive report and to ask any questions of the Chief Executive and Directors.

3. CEO stakeholder engagement

- 3.1 Between the September 2024 and November 2024 Board meetings, the Chief Executive attended a number of stakeholder engagement events, including the following.
- Recording an Institute of Regulation podcast on right touch regulation and systems regulation.
 - Making presentations at the Westminster Health Forum ('How can regulation support workforce strategies while keeping patients safe?') and the Canadian Regulators' Network ('Assessing regulatory effectiveness' and 'What is good regulation?').
 - Meeting the Chief Executives of all the regulators as part of the business plan and fees consultation.
 - Meeting the Patient Safety Commissioner for England.
 - Attending the quarterly information-sharing meeting with the DHSC and officials from the devolved administrations.
 - Meeting the CEO of HSSIB (Health Services Safety Investigations Branch).
 - Chairing a meeting of the Alemi Oversight Group and two meetings of the NMC Independent Oversight Group.
 - Meeting the National Freedom To Speak Up Guardian for NHS England.
 - Attending a regulation round table event hosted by Dr Penny Dash, as part of the review of the patient safety landscape.

- 3.2 Looking forward, the Chief Executive will attend further stakeholder engagement events before the next Board meeting, including the following.
- Meeting the Interim Ombudsman at the PHSO.
 - Attending an online patient safety conference run by the THIS Institute.
 - A meeting of the Chief Executives of the ten regulators overseen by the PSA (Chief Executives Steering Group).
 - Meeting the Patient Safety Commissioner for England.
 - Attending the quarterly information-sharing meeting with the DHSC and officials from the devolved administrations.

4. **Summary of risks**

- 4.1 We have assessed the top three known risks facing the Authority as: (1) the backlogs of fitness to practise cases in some regulators; (2) the lack of clarity about the use of Disclosure and Barring Service (DBS) and other criminal record checks by regulators and registers; and (3) the implications of the independent reviews of the NMC and the impact on regulatory effectiveness and public protection.

5. **Regulation and Accreditation**

Performance review

Reporting

- 5.1 Recent reviews published:

- We published the monitoring report for the General Chiropractic Council on 17 September 2024. We found it had met 17 out of 18 Standards. Whilst we recognised the challenges faced by the GCC as a small organisation, we concluded that fitness to practise investigations were taking too long this year. We therefore determined Standard 15 was not met. The report can be found [here](#).
- We published the monitoring report for General Pharmaceutical Council on 25 September 2024. We found it had met 17 out of 18 Standards. The GPhC did not meet Standard 15 – our Standard on fitness to practise timeliness. We have written to the Secretary of State for Health and Social Care and the Chair of the Health and Social Care Committee to provide an update on the GPhC's performance, and we will continue to closely monitor the GPhC's performance in this area. The report can be found [here](#).

NMC

Our enhanced monitoring of the NMC to ensure improvements are implemented and sustained is in progress. The Independent Oversight Group which was set up to scrutinise the impact of measures introduced by the NMC to improve its culture and performance, has now met three times: 9 September 2024, 2

October 2024 and 18 October 2024. The initial meetings have focused on the Group’s Terms of Reference for this work, and reviewing the NMC’s Fitness to Practice plan and the wider culture improvement plan. The Group will next meet on 28 November 2024. More detail is provided in paper 04.

Standards of Good Regulation review

We are reviewing our [Standards of Good Regulation](#) that underpin our statutory regulator performance review process. The work of the Independent Oversight Group and the findings of the Independent Culture Report will be reflected in this work as the Standards Review will consider whether our Standards should include matters relating to culture, leadership and/or governance.

Regulator approach to complaints about registrants expressing views on sensitive issues

After reviewing the regulators’ differing positions in handling sensitive issues, the Board agreed that it would be useful for us to contact the regulators providing them with high-level principles for them to follow to provide some consistency.

It was agreed that the performance review and policy teams would work together to issue joint statements on certain areas of professional/ethical practice, and the topic of how the regulators handle sensitive issues such as freedom of expression, could be the first.

We introduced this idea to the regulators at a policy forum on 19 September 2024, who saw the merits in this approach. We plan to send out a joint letter in January 2025 setting out the principles we expect them to adhere to when dealing with these matters.

In the longer term, policy and performance review will be working together to develop our approach on how we will identify and prioritise themes to issue joint statements going forward.

Section 29

- 5.1 The table below sets out the key statistics so far for this financial year, compared to the same period in the previous financial year. We have lodged 15 appeals so far in the 2024/25 financial year.

	1 April 2024 – 31 October 2024	Same period 2023
Decisions received by the PSA	1293	1426
Detailed Case Reviews (DCRs) completed	43	54
Statutory deadline decisions		

• No appeal	6	7
• Appeal	9	9
Case meetings held:		
• Sufficient	2	5
• Insufficient but no appeal	3	0
• Appeal	7 ¹	9 ²
Appeals lodged	14 ³	15
Learning points sent	90	97

5.2 Five appeals have been lodged since the previous Board meeting (GMC/Ray, NMC/Shah, GMC/Gilbert, NMC/Gyalus, GDC/Shanley). Hearings for two appeals took place in which the judge upheld our grounds of appeal where we joined as a party to a GMC appeal in GMC & PSA v Dugboyele, and although the judge upheld one of our grounds of appeal in GDC/Danial, the judge did not consider the overall sanction to be insufficient. We settled six appeals by agreement (HCPC/Loncar, NMC/Carey, NMC/Chauhan, NMC/ Maqsood, NMC/Adams, NMC/ Oluwaleye).

5.3 We are currently recruiting for two permanent lawyers as we have two temporary lawyers in post. One temporary lawyer's contract finished at the end of October 2024.

Appointments

5.4 Since the last update to the Board, we have provided the Privy Council with advice concerning a single appointments process. This was the process run by the GOC to consider the reappointment of its Chair of Council. We were able to advise the Privy Council that it could have confidence in this process

5.5 We have also considered three advance notices of recommendation. The NMC shared its plans with us to seek a candidate to recommend as its new Chair. These plans have led to it temporarily suspending its process to find a new registrant member to ensure that its Chair vacancy is open to both lay and registrant candidates. We also considered advance notices from the GOC, which is seeking two council members and the HCPC which is seeking four. In all three instances we concluded that the regulators had drawn up plans for a process consistent with our four principles for council appointments processes.

¹ Including one decision at a s40b meeting to join as a party to a GMC appeal





² Including two decisions made at statutory deadline meetings to confirm the appeal, and one decision to join as a party to a GMC appeal

³ This includes one decision to join as a party to a GMC appeal.

Accredited Registers

Operational delivery

5.6 At the end of September, our performance against KPIs is as follows:

KPI	Met / Not Met	Performance	Direction of change since Sept Board
90% of full reassessments within three years	Met	93% (26 out of 28)	
90% of annual checks within one year	Met	100% (28 out of 28)	
95% of conditions are reviewed within two months of due date:	Not Met	73% (69 out of 95)	
100% of targeted reviews completed within four months:	No active targeted reviews since KPI introduced	N/A	Amended in April 2024 – not reported previously
90% of decisions on new Standard One applications made within four months	Not met	50% (2 out of 4)	
90% of decisions on full accreditation (standards 2-9) made in eight months of receipt	No active full applications since KPI introduced	N/A	Introduced in April 2024 – not reported previously

5.7 As anticipated in the report to the Board in September, pressures on performance are reducing. All existing Registers have been assessed against Standard Nine (25 Accredited Registers) and only three assessments for recently accredited Registers are bolstering the routine workload of the team. As team members are settling into their roles, activities are taking less time to complete. Two applications (Standard One) have reached completion and the remaining two have been considered by an Accreditation or Appeal Panel.

5.8 While the KPI is met, the direction of travel on full assessment within three years has tilted in the wrong direction because it was not possible to arrange an

Accreditation Panel prior to deadline owing to Panel member availability. The Accreditation Team is introducing a forward plan for full renewal assessments to reduce the likelihood of re-occurrence.

- 5.9 The direction of travel for the KPI on reviewing conditions is showing signs of the forecasted improvement. This KPI remains unmet mostly owing to 24 conditions that were submitted late by four Accredited Registers, and in some cases, were determined not met and therefore required an Accreditation Panel. It is anticipated that there will be a more significant improvement to adherence to the KPI before the Board's next report in January 2025 as a group of conditions that contribute to the 24 outside of KPI are removed from the rolling average and team capacity increases further.
- 5.10 Two conditions of the 24 outside of KPI were caused by an administrative error in recording deadlines for submission. These conditions are now being taken forward to an Accreditation Panel because it is apparent that they are not yet met.
- 5.11 Two complex cases in the small number of applications (four) continue to have a significant effect on the Standard One application KPI. There remains significant potential for new applications to materialise which, while unpredictable, are likely to rapidly change the picture of team performance if received. We are currently engaging with prospective registers to improve our ability to forecast submission dates and manage the resources in the team.

Accreditation decisions

- 5.12 An Accreditation Panel adjourned its consideration of the National Association of Care and Support (NACAS) Workers Standard One application. We anticipate an Accreditation Panel decision in early 2025 after the applicant submits more information.
- 5.13 An Appeal Panel has considered an appeal from the International Foundation for Therapeutic and Counselling Choice (IFTCC). The appeal was part upheld and the matter has been referred to an Accreditation Panel for consideration.

6. Standards and Policy

Policy and research

Consultation responses

- 6.1 Since the last Board meeting we have responded to the following consultations and calls for views:
- Scottish Parliament, National Care (Scotland) Bill - Stage 2
 - GCC, Code of Professional Practice
 - GPhC, Proposed changes to the guidance on providing pharmacy services at a distance

Commissioned research

- 6.2 At the time of writing, we have a live tender for a piece of research on the barriers and enablers to making a complaint to a health or social care professional regulator or accredited register.
- 6.3 The research will add to the evidence base around the challenges of making a complaint about a health or care professional, with the aim of supporting regulators and registers to make tangible improvements to their processes. It will explore the views and experiences of a diverse range of people who both have, and have not, raised a concern. As well as exploring the barriers faced in raising a concern, the final research report should include recommendations for improvements to the process and accessibility of raising a concern with a regulator or register. We will consider implications for our requirements in this area through our Standards Review project.
- 6.4 We have received a high number of queries from interested agencies. We hope to notify the successful bidder by the end of November. We are expecting the research to start before Christmas, and to be completed by the end of the financial year.

Legislative reform

The Government's legislative reform programme

- 6.5 Anaesthesia Associates (AAs) and Physician Associates (PAs) are due to become regulated by the GMC as of 13 December, under the Anaesthesia Associates and Physician Associates Order (AAPAO). We expect the results of the GMC's consultation on its Rules for regulating AAs and PAs to be published shortly before this.
- 6.6 The AAPAO was intended to provide a template for subsequent regulatory legislative reform planned by the previous Government. At the time of writing, we await confirmation of whether the current Government will take this forward.

PSA reform guidance – Accepted Outcomes and Rulemaking

- 6.7 Publication of these guidance documents, previously planned for September, was put on hold while we await news of the Government's plans for legislative reform, as above. However, we intend to publish the guidance before the GMC's regulation of AAs and PAs begins.

Common Code research

- 6.8 We are planning to publish our commissioned qualitative research into attitudes to a common code of conduct across regulated and registered health and care workers in the week commencing 12 November. The research findings were mixed – participants could see the benefits but highlighted challenges in developing a code that could meaningfully span a range of professions.
- 6.9 Alongside the research, we will publish a position statement explaining that the research findings do not provide the evidence to support a push for a common code across the professions. We will however seek to coordinate joint statements between regulators and registers where there is value in encouraging consistent standards of conduct or behaviour.

Communications

Stakeholder engagement

Our second parliamentary bulletin was issued on 1 November. Topics included sexual misconduct in the health sector, updates on our establishment of the Nursing & Midwifery Council Independent Oversight Group, and safer care in mental health services. We have written follow up emails to a select few parliamentarians who had initially expressed interest in our manifesto. We have also written introductory letters to the new Chair of the Westminster Health Select Committee, Layla Moran and to Welsh First Minister Eluned Morgan.

We will be taking up membership of cross-party think-tank Policy Connect in the coming weeks. This brings with it participation in the activities of the All-Party Parliamentary Health Group (APHG) in Westminster. Participation in the activities of the APHG will provide us with direct access to parliamentary members, stakeholders, and influencers involved in shaping health and social care legislation. Policy Connect works with devolved administrations and we are additionally exploring how we can achieve more meaningful engagement with the health committees in the other nations.

As part of the pre-engagement phase of the Standards Review, we partnered with the Patients Association to conduct two focus groups with patients and service-users to gain their views on the standards for regulators and accredited registers. The findings are being used to inform the development of the consultation questions. As part of this partnership, Patients Association will also be promoting our consultation to their network once it is live. This will involve encouraging responses to the consultation from the over 4,000 people who receive their weekly newsletter as well as publishing a blog with a link to our consultation.

Website

The build of our new website is well underway as we approach launch. Since the last meeting of the Board, we completed the 'discovery phase' of the website development which included approval of the sitemap and design. The design incorporates elements from our recent brand review recommendations. We are currently working through the technical and design fixes needed at the back end of the website whilst migrating and uploading content ahead of final testing. We have taken on temporary resource to assist with this, within agreed budget. We also making use of a copywriter to achieve consistency of language and search engine optimisation. The Project Board continues to meet regularly to oversee things as we are moving towards the later stages of the project.

7. Intelligence and Insight

Research

We held our research conference on 17 October at the Abbey Centre Westminster, working the team who led the NIHR-funded Witness to Harm (WtH) research project. The programme included presenting findings from the WtH project, as well as parallel strands on sexual misconduct and other

research focussed on improving fitness to practise. The event was well attended, with 143 in attendance (includes speakers, those who registered through Eventbrite, PSA staff and PSA Board members) which represents 91% of those expected. We will make as many presentations as possible available including to those who were not able to attend. Informally, feedback on the day has been very positive. We also requested feedback more formally the results of which will be brought back to the Board in January, together with final costs and a proposed approach for an event in 2025.

On 18 October the AD (I&I) gave a presentation on professional regulation and accreditation in health and care to students on a Master's in Healthcare Law run by the Institute of Continuing Education at Cambridge University.

Commissions and projects

Sexual misconduct

The first two presentations in the sexual misconduct series (6 and 24 September) were well-attended by a broad range of stakeholders. As above, sexual misconduct was also a parallel strand throughout the research conference which included the keynote address and ten presentations. Three further online discussions are currently being planned into 2025.

The AD (I&I) attended in part a conference at Royal College of Surgeons on 16 October, organised by the Working Party on Sexual Misconduct in Surgery: 'Reporting and Supporting: One Year on from Breaking the Silence'.

GTCS review

Work continues on our commissioned review of the GTCS Fitness to Teach (conduct) process. We will provide headline findings to the GTCS in mid-December across the elements of the review: performance review including case file audit, efficiency, legislation and rules review. Our findings will take into account responses received from those stakeholders who responded to a call for contributions. We have agreed a further overall extension to the timescale of this work of two weeks, at GTCS' request, to include more time for GTCS to review both the headline findings at the conclusion of Phase 2 and our draft report in Phase 3. The work is expected to complete in March 2025.

Right-touch regulation

Following discussion with staff and Board we have agreed a project plan to produce a third edition of Right-touch regulation by September 2025. The project will begin with discussions with some key stakeholders by the end of 2024.

8. Corporate Services

IT

- 8.1 The annual network penetration testing by a security specialist was performed in October. Results were positive with only 3 high risks identified which includes the PSA network infrastructure and web portals such as the website and HR/Finance system. All risks are being investigated and remediated where possible.
- 8.2 For the first time, we also had a comprehensive Microsoft system security review performed by the security specialist. It evaluated our compliance with the internationally recognised Centre for Internet Security (CIS) benchmarks, which set the standard for protecting IT systems and data from cyberattacks. The number of improvements identified were found to be average for the builds reviewed, but the ICT team are in the process of applying as many of the remaining recommendations where possible to further improve the security.

Board Evaluation 2024

- 8.3 The Board evaluation in May 2024 identified three actions to be completed and reported back to the Board in November 2024. The first was for stakeholder feedback discussions relating to the DHSC and devolved administrations to be covered by the CEO in the standing agenda item of the private Board meeting. This is being done on an ongoing basis. The second was for Corporate Services to ensure comprehensive induction for all new Board members in 2024/25. This has been done for Ruth Ajayi, Candace Imison and, in moving to the role of Chair of the Audit and Risk Committee, Nick Simkins. It will also be in place for incoming Board members for Scotland and Northern Ireland in January 2025. The third and final action was to complete the work on risk appetite, which was done in May 2024.

Finance

- 8.4 The Finance Report is on the agenda.

People

- 8.5 Imogen Peroni left her role as the HR & Governance Administrator on 22 October 2024. Interviews for the new HR and Governance Administrator were held on 4 November.
- 8.6 Kelsey O'Dea left her role as our Communications Assistant on 1 November 2024 and interviews for the new Communications Assistant will be held on either 21 or 26 November.
- 8.7 Interviews for the two vacant substantive Lawyer positions were held on 28 October and 5 November.
- 8.8 Interviews for the Non-Executive Directors for Northern Ireland and Scotland were held on 12 and 13 November respectively.

Governance

- 8.9 The s29 (EDI focused) internal audit is due to start on 4 November 2024.

EDI

- 8.10 Work continues on delivering the 2024/25 EDI action plan. The plan remains monitored by SMT.
- 8.11 Planning work has started on an internal assessment of the culture at PSA. This is a commitment included in the EDI action plan.

KPIs up to 31 September 2024

Our performance against our KPIs is set out below:

Area of work	Key performance indicators	Performance to date in 2024/25
Section 29 decisions	Number of cases received [compared with same period last year]	1293 [1426]
	Number of Cases considered at a case meeting or statutory deadline meeting [compared with same period last year]	27 [30]
	Appeals lodged [compared with same period last year]	14 [15]
	100% of relevant decisions considered within statutory deadline [compared with last year]	100% [100%]
Performance Reviews	100% of 2024 performance reviews published within three months of end of review period	66.67% [4/6]
Public concerns about Regulatory bodies	100% of concerns acknowledged within five working days since 1 April 2024	99% [197/199]
Accredited Registers – current processes	90% of Registers have a full assessment within three years of the previous assessment.	93% (26 out of 28)
	90% of decisions about the annual check within one year of the previous assessment.	100% (28 out of 28)
	95% of Conditions are reviewed within two months of when they were due.	73% (69 out of 95)

	<p>100% of targeted reviews are completed within four months of the date initiated.</p> <p>90% of decisions about new Standard 1 applications are made within four months of receipt.</p> <p>90% of decisions about full accreditation (Standards 2-9) are made within eight months of receipt.</p>	<p>No active targeted reviews since KPI introduced</p> <p>50% (2 out of 4)</p> <p>No active full applications since KPI introduced</p>
Finance	Budgeted income / expenditure variance less than 5%	5.38% [2,468/2,608]
ICT	<p>85% of helpdesk calls to be closed within 1 day</p> <p>System unavailability below 10 hours</p>	<p>100% [185/185]</p> <p>0 hours</p>
Information security	No incidents reported to the Information Commissioner's Office	0
Information requests (FOI / SAR / EIR)	<p>All (100%) Subject Access Requests dealt with within statutory deadlines</p> <p>All (100%) Freedom of Information Act requests dealt with within statutory deadlines</p>	100% [8/8]
Complaints	<p>100% of complaints acknowledged in five days</p> <p>Response to all complaints to be completed within 28 days</p>	<p>100% [3/3]</p> <p>100% [3/3]</p>
Social media	<p>Total number of followers across our social media channels (compared with same period last year in brackets)</p> <p>Number of new followers across our social media channels (compared with same period last year in brackets)</p> <p>Number of engagements with our social media posts (compared with same period</p>	<p>7498 (6075)</p> <p>793 (276)</p> <p>2066 (1716)</p>

	last year in brackets). <i>Engagements include likes, reactions, comments, replies and shares.</i>	
Website usage	<p>Year-to-date data on website usage from April 2024 to date with same period last year in brackets</p> <ul style="list-style-type: none"> • Total page views across the website • Check a Practitioner landing page and practitioner specific pages • Accredited Registers home page and related Accredited Registers pages 	<p>326,516 (289,562)</p> <p>98,385 (96,918)</p> <p>56,404 (48,802)</p>