

Reviewing *Right-touch* regulation

Right-touch regulation (RTR) is a principles-based framework that can underpin good regulation in all sectors and jurisdictions. RTR involves assessing the level of risk of harm to the public and deciding on the most proportionate and effective response. In October 2025, we will be publishing an updated version – RTR3 – to ensure it reflects current regulatory risks and opportunities, and to enable us to get the best out of regulation. The purpose of this discussion paper is to invite stakeholder input to our review of Right-touch regulation.

1. Why do we need RTR3?

1.1. Since our last publication of *Right-touch regulation*¹ in 2015 significant global changes have impacted regulatory approaches and the role of government in ensuring safety.

1.2. These changes include:

- The Covid-19 pandemic, which introduced new regulatory challenges as well as innovations
- Increasing demands on public services
- The heightened awareness and understanding at a global level of issues relating to equality, diversity and inclusion
- Increasing understanding of other harms in society highlighted by movements like #MeToo
- Technological advances, including artificial intelligence.

1.3. Within regulation we have seen:

- Questioning of the value of regulation where there have been failures in health, financial services and other regulated sectors, and of the burden placed on those regulated
- Challenges to regulation to realise benefits and add value, as well as to prevent and respond to harm
- Increasing complexity in regulatory models including across sectors and jurisdictions
- Greater understanding of ethical cultures, and of unethical behaviour in organisations
- Increased regulatory focus on prevention, with greater emphasis on horizon scanning to identify and address emerging risks
- More proactive supervision to prevent regulatory failures
- Regulators increasingly having to make difficult prioritisation decisions across different and complex sets of risk, in response in part to the drive to promote growth.

1.4. Given these developments, we believe it's time to update our publication *Right-touch regulation*. RTR3, set for release in October 2025, will address these changes and help regulation keep pace with societal shifts, enhance public safety, support growth, and build trust. This new version will encompass a broad range of regulatory approaches, as outlined in our 2016 paper, *Right-touch assurance*.²

1.5. We are open to making changes to all aspects of RTR. This paper sets out some initial ideas for the changes needed, looking at regulation from a number of different angles. [Please feel free to comment on these ideas and to propose any other changes you would like to see discussed in RTR3 that would make regulation more effective. We will welcome any comments to \[RTR3@professionalstandards.org.uk\]\(mailto:RTR3@professionalstandards.org.uk\) by 2 May 2025.](#)

¹ [Right-touch regulation 2015 | PSA](#)

² [Right-touch assurance | PSA](#)

2. What is regulation?

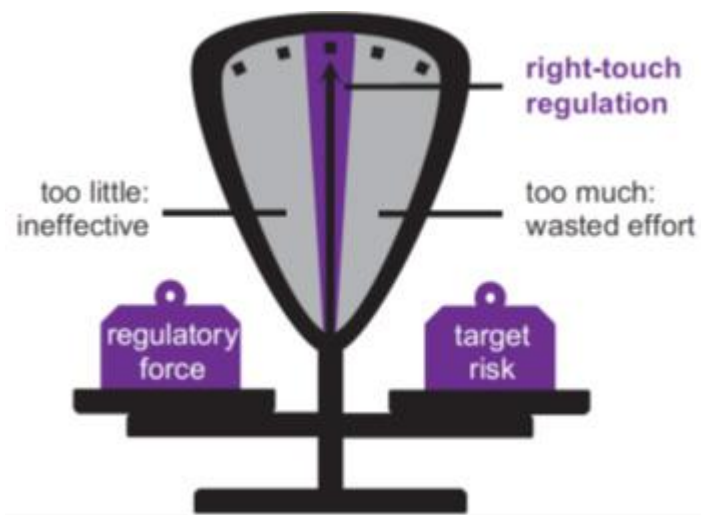
- 2.1. In this section we set out the basic principles of how we see the purpose of regulation, the principles and scope of the concept of Right-touch regulation, how we illustrate the application of Right-touch regulation, and a proposal for previous content that can be removed when we produce RTR3.

Regulation through the lens of Right-touch regulation

“Right-touch regulation is based on a proper evaluation of risk, is proportionate and outcome focused; it creates a framework in which professionalism can flourish and organisations can be excellent” Right-touch regulation (2015)

- 2.2. Regulation, seen through the right-touch approach, is a tool to manage risks. According to *Right-touch regulation* decisions about whether to regulate and how to regulate should be based on the best quality evidence regarding the nature and extent of those risks. Regulation should only be used when other, less expensive, more timely, or less burdensome approaches are shown to be ineffective. Among regulatory approaches, the Right-touch approach is the least burdensome yet achieves the desired level of risk management. This approach acknowledges that zero risk is unattainable and that all regulatory decisions involve trade-offs between different risks and benefits. Regulation should focus on the benefits that can be achieved.

- 2.3. In practice this means working to identify the regulatory force needed to achieve a desired effect. Our analogy is finding the right balance on a set of scales. When weighing something on balancing scales, nothing happens until you reach the desired weight, at which point the scales tip over. Once they have tipped any further weight added to the other side is ineffectual. So the right amount of regulation is exactly that which is needed for the desired effect. Too little is ineffective; too much is a waste of effort (an excessive burden).



Principles of good regulation

- 2.4. The concept of Right-touch regulation emerged from the principles of good regulation identified by the Better Regulation Executive in 2000. In 2008, the PSA added agility as a sixth principle.³ The principles of Right-touch regulation, as of the 2015 version, are:

- **Proportionate:** Regulators should intervene only when necessary. Remedies should be appropriate to the risk posed, with costs identified and minimised.
- **Consistent:** Rules and standards should be coherent and fairly implemented.
- **Targeted:** Regulation should focus on the problem and minimise side effects.
- **Transparent:** Regulators should be open and keep regulations simple and user-friendly
- **Accountable:** Regulators must justify their decisions and be subject to public scrutiny, taking responsibility for regulatory outcomes.
- **Agile:** Regulation should anticipate and adapt to changes.

³ [Establishing the General Pharmaceutical Council | PSA](#)

2.5. We are mindful of the potential for new smarter regulation principles⁴ to be developed by the BRE as part of the focus on the need for regulation to support economic growth that was initiated by the previous UK Government. We think the existing six RTR principles are complementary to these aims, and for RTR3 we do not propose any fundamental change to these six principles. However, we are considering the addition of two further principles to reflect the current, and future expectations of regulators in today's world:

- **Collaborative:** Regulators must increasingly work together and with other stakeholders to effectively identify and address emerging risks and prevent harm.
- **Fair:** Regulatory decisions can significantly impact those involved. Regulators must use their powers fairly and justly. They should also seek to address societal inequalities within their scope of influence. We will consider the relationship between fairness, equity and equality for our revised version and would welcome views on how regulatory expectations in this area should be determined.

While mindful of the need to keep the RTR framework as simple as possible, we welcome comments from stakeholders on these or other potential additional principles.

The Right-touch regulation decision-making tree

Right-touch regulation decision-making tree

Identify the problem before the solution

Quantify and qualify the risk

Get as close to the problem as possible

Focus on the outcome

Use regulation only when necessary

Keep it simple

Check for unintended consequences

Review and respond to change

⁴ [Smarter regulation: delivering a regulatory environment for innovation, investment and growth](#)

- 2.6. In the last version of *Right-touch regulation*, we provided this decision-making tree based on eight elements or statements of guidance in sequence. This structured approach helps in making reasoned, risk-based decisions on the appropriate approach to risk management in any given situation. We do not plan to make significant changes to these eight elements in RTR3 or the accompanying discussion, but [we welcome stakeholder comments on any improvements](#).

Illustrating RTR3 with examples: use of case studies

- 2.7. In the last version of *Right-touch regulation* we included case studies of specific situations in health and care. For RTR3, we propose to instead outline a Right-touch approach to a number of contemporary challenges faced by regulators across different sectors and countries. Three possible examples for this approach are described below:
- **Guidance on actions at the limits of jurisdiction:** How to proceed when regulators are considering actions or interventions at the limits of their jurisdiction or not typically seen as part of their role.
 - **Guidance on taking a lighter touch:** Assessing the appropriateness of stepping back and taking a lighter touch when risks are receding, either intrinsically or due to more effective ongoing management or regulatory intervention.
 - **Guidance on collaborative working:** Assessing the benefits and risks of collaborative working with other regulators and stakeholders.
- 2.8. We will also use our new website to support ongoing discussion and engagement on Right-touch regulation after the publication of RTR3. For example, we plan to compile an online repository of examples showing how right-touch ideas have been applied in different settings.
- 2.9. Both in RTR3 and in supporting communications including our new website we will set out how Right-touch regulation is different but complementary to other work that has been done on identifying how to make regulation effective, consistent, evidence-based and principles-led, including the smarter regulation principles as discussed above and the WHO's work on design, reform and implementation of health practitioner regulation.⁵

What can we now remove from *Right-touch regulation*?

- 2.10. Right-touch regulation has been widely applied in various settings, and its central principles are now broadly accepted. Given this, we propose that in RTR3, we should remove elements that were initially included to justify or explain the approach being set out. We no longer need to show our working. Instead, we should focus on how RTR3 can be applied to enhance effective regulation, ultimately benefiting the public. [We welcome any comments on this approach](#).

⁵ <https://iris.who.int/bitstream/handle/10665/378775/9789240095014-eng.pdf?sequence=1>

3. Who is RTR3 for?

- 3.1. In this section we set who we see using RTR3, and therefore the potential range of its application in different settings and for different purposes. **We would be interested to hear from stakeholders whether they think there are additional applications that we have not included.**
- 3.2. RTR3 will be designed to be a flexible and broadly applicable framework that adds value to regulation in any sector and in any country. We know that previous versions of this guidance have been influential in many settings, such as when we collaborated on *Right-touch regulation in practice: international perspectives*⁶ in 2018. In the UK, RTR3 will support decision-making in regulating people, places, premises, and products.
- 3.3. We foresee RTR3 having broad applications, attracting different audiences. Besides those directly involved in or consulted on decision-making, we anticipate that it will interest those involved in policymaking for public protection.

Setting out the principles that govern all regulation

- 3.4. RTR3 will emphasise the importance of the principles of better regulation, possibly augmenting them as discussed above. These principles should guide all regulation aspects, including:
- The design of regulatory organisations
 - Their governance
 - Their functions
 - Their processes
 - Their decision-making
 - Their stakeholder engagement.
- These principles are the foundation of decision-making.
- 3.5. We will also reflect on the relationship between these principles and other sets of principles and objectives, discussing potential learning transfers from different approaches. For instance, the inclusion of an objective to prevent crime in the Legal Services Act 2007 within the broader context of harm prevention by regulators.

⁶ [Right-touch regulation in practice: international perspectives | PSA](#)

To regulate or not to regulate?

- 3.6. A continuing key application of RTR3 will be deciding whether regulation is the appropriate solution to a problem where risks have been identified but are not believed to be well-managed by existing arrangements. This was the intent of Right-touch regulation when introduced in 2010, covering scenarios like introducing regulation for new groups or risks.
- 3.7. RTR3 will also discuss deregulation – assessing whether risks will be managed adequately if regulatory measures are removed, using the lines of defence model (where regulation is the third line of defence). Guidance will be provided for situations where a regulator may safely lighten its touch following intensive activity or scrutiny, as risks have receded or become better managed, or where the burdens of regulation are commonly agreed to be excessive.
- 3.8. The question of whether regulatory arrangements that are in place are the right ones should be supported by ongoing monitoring, based on assessment of the impacts and benefits achieved. We recognise that measuring regulatory impact can be challenging to do meaningfully and support work to improve how this can be done.

How to regulate well

- 3.9. RTR3 will frequently apply to questions of effective regulation, particularly for new, emerging, and existing risks. Effective Right-touch regulation requires horizon scanning and insight into the regulated sector to quickly identify and monitor risks and determine the appropriate intervention. RTR3 will also serve as a framework for regulators' self-assessment, evaluation, and improvement of regulatory performance.
- 3.10. Where regulation fails, the Right-touch approach is to ask whether the failure is because it was the wrong regulatory arrangement in the first place – is the solution the problem? In determining the successor arrangements to regulatory failure, the best approach is first to go back to the Right-touch regulation principles.

Regulatory leadership and culture

- 3.11. In early stakeholder discussions about our plans, we learnt that Right-touch regulation has been adopted as a framework for daily decision-making, governance, culture, and leadership in some regulatory settings. [We would be interested to learn of more examples of this application to include in RTR3.](#)
- 3.12. We also heard about the conscious adoption of Right-touch regulation language to support a culture embodying better regulation principles in daily work, such as making decisions based on the best available evidence of risk. [We are interested in learning more about how Right-touch regulation has influenced regulatory workplace culture for possible inclusion in RTR3.](#)

Decision-making within regulatory processes

- 3.13. We are aware that some regulators have adopted ideas from Right-touch regulation within decision-making processes including fitness to practise decision-making. Although this was not the original intention of Right-touch regulation, [we are interested in learning more about its effectiveness and efficiency for potential inclusion in RTR3.](#)

4. Who is regulated?

4.1. In this section we discuss the application of these ideas to the specific issue in professional regulation of who is regulated. We set out an initial approach to accountability, which we intend to emphasise in RTR3.

New or different regulatory arrangements

4.2. One key application of Right-touch regulation that we have discussed with stakeholders is regulating new groups and determining the appropriate form of regulation. This can apply in several scenarios:

- When a new role, such as the Psychological Wellbeing Practitioner, is developed in the workforce
- When there is discussion about regulating an existing role that has not previously been regulated, such as senior managers in the NHS
- When changes to an existing profession's scope of practice or context create new risks that require a different form of regulation, as the PSA highlighted for sonographers
- When a profession's risk profile matures, allowing for a lighter regulatory approach as the first and second lines of defence become more effective and risks are better managed.

4.3. In the past, decisions about regulating professions were too heavily influenced by factors not directly relevant to public protection, such as the profession's readiness for regulation or its lobbying effectiveness. This led to the 2016 paper *Right-touch assurance*, referenced above, which outlines a methodology for making evidence-based decisions about appropriate forms of regulation.

4.4. Given that these decisions are often contested and triggered by crises, it remains crucial to have an evidence-based methodology. Therefore, we propose to continue developing the Right-touch assurance methodology in RTR3, including discussions on validating local lines of defence and guarding against regulatory creep.

Who regulates the regulators?

4.5. Accountability, as one of the better regulation principles, is central to Right-touch regulation. Statutory regulators are accountable to the people they serve through formal reporting to Parliaments, transparency measures like publishing Board papers and minutes online, and maintaining independence from the government, and in some instances to an oversight body such as PSA. Non-statutory organisations, such as UK accredited registers, have different accountability arrangements, including to the PSA. These are sometimes split between a dual function as a membership organisation representing the professional and regulatory functions.

4.6. RTR3 will emphasise the importance of accountability, particularly the need for regulatory decision-making to be guided by the best available evidence rather than political influence, while recognising the validity of considering the extent to which regulatory objectives align to Government objectives for maximum benefit. [We welcome comments on this approach.](#)

5. What is regulated?

- 5.1. In this section we discuss the application of these ideas to the broader question of what is regulated, across professions, premises and products, different approaches to doing so, and how we intend to use RTR3 to stress the importance of effective collaboration across organisational and statutory boundaries.
- 5.2. We intend for RTR3 to apply widely across different branches of regulation, such as markets, professions, premises, and products.
- 5.3. These all have the potential to generate the hazards that can lead to harm, singly or in combination. The integrity of markets can be undermined by fraudulent participants; professionals can become isolated and lose sight of the standards that should guide their daily work; premises that are poorly managed, or under-staffed, can lead to a demoralised workforce; products and systems developed without appropriate quality assurance controls can cause harm and loss, despite the best intentions and practices of those using them. Despite the profound inter-relatedness of these different elements of service provision and the organisation of work, they are typically regulated by separate organisations.
- 5.4. A challenge that has been identified through early stakeholder engagement is how these different areas of regulation can work better together. Currently the demonstration of collective consistency and transparency, for example, is challenged even by the different terminologies regulatory organisations use when referring to their activities and how they approach them. This is a potential barrier to public understanding of how they are working together to keep people safe.
- 5.5. We must acknowledge that over the next decade, Artificial Intelligence (AI) and other new technologies are likely to have a profound effect on regulation. While we believe the core principles of Right-touch regulation will remain important, the use of AI raises new ethical questions and challenges for regulators. They must balance supporting innovation and the benefits it brings for public protection with ensuring public safety.
- 5.6. These technologies also offer new opportunities for regulators to enhance public protection. Regulators will need to redefine principles such as transparency in this new context. [We are keen to hear more about the challenges regulators currently face in this area and what tools or guidance might be needed to help translate Right-touch regulation principles into this context. For example, do we need more tools to help regulators assess their readiness for using AI?](#)

Regulatory approaches and challenges

- 5.7. Different regulatory approaches within the same space can cause ambiguity and uncertainty. For example:
 - In some countries, regulators set out a profession's scope of practice, with a 'master list' of regulated acts

- In the UK, regulation generally does not determine scope of practice, except in specific cases like reserved legal activities in the Legal Services Act 2007.

5.8. A further challenge to effective regulation in the UK is the divergence of the arrangements for the delivery of services across the four countries, with a combination of regulatory organisations which are UK-wide and country-specific. How can regulation demonstrate transparency and consistency while being appropriately sensitive to local differences? Internationally, regulatory models differ widely and so generate further challenge in an increasingly mobile world, including:

- Different approaches to the separation of regulation from professional representation
- Different approaches to the appropriate geographical scope of regulatory bodies within the same country for different professions and systems
- Different scopes of practice for the same profession across different states/territories or equivalent within a country.

5.9. Within RTR3 we intend to discuss achieving the right balance between consistency and difference, perhaps building on the idea of justifiable and unjustifiable disparity as discussed in earlier work in the context of fitness to practise outcomes.⁷ [We would welcome any comments from stakeholders on a Right-touch approach to striking these balances.](#)

Enabling effective collaboration

5.10. RTR3 will discuss how applying Right-touch principles can enhance collaboration and consistency among different regulatory agencies and approaches across geographical and institutional boundaries. This could involve:

- Developing and adopting shared language, codes, values, and purpose
- Timely information and data sharing.

5.11. These approaches are crucial for addressing and managing risks that span different regulatory jurisdictions and remits. For example, a systemic issue involving people, places, and products requires a multi-agency approach with broader stakeholders.

5.12. We will continue to develop our ideas on differing regulatory approaches within our parallel work on refocusing regulation, particularly around boundaries between errors and mistakes versus recklessness and violations.

[We welcome any comments on this approach.](#)

⁷ [Developing a methodology to assess the consistency of fitness to practise outcomes](#)

6. Regulation in the real world

- 6.1. In this section we discuss our approach to regulatory prevention, based on an understanding of the complexity of influencing work as it is actually done rather than how it is conceived of in abstract rules and standards. We propose how we intend to use RTR3 to advance this discussion.
- 6.2. One of the frequent criticisms of regulation is its perceived remoteness—the regulator is seldom present in the ward, the bank, the school, the street, or the living room when things go wrong. How can a regulator be influential from a distance? How can static standards influence behaviour in the chaos of daily work life? How can we bridge the gap between 'work as imagined' and 'work as done'?
- 6.3. A concept that is often considered complementary to Right-touch regulation is relational regulation. Ruthanne Huisling and Susan Silbey introduced this idea in 2011, describing an approach to bridge the gap between rules and real life. Their four stages or 'categories of action' for specific problems and standards are:
1. **Narrating the Gap:** Communicating and explaining the gap
 2. **Inquiring Without Constraint:** Seeking to understand the nature of the gap
 3. **Integrating Pluralistic Accounts:** Collating different perspectives on the gap
 4. **Crafting Pragmatic Accommodations:** Identifying a shared approach that everyone can live with.
- 6.4. We built on this approach to regulatory standards in the PSA's 2017 report *Right-touch reform*,⁸ influenced by Professor Malcolm Sparrow's work on harm prevention.

Harm prevention and local discussion

- 6.5. In the PSA's context, we emphasise the importance of local discussion to interpret regulatory standards and achieve a shared understanding among colleagues. They understand the hazards in their environment and know how to prevent them from becoming harms while achieving their outcomes. They can act as the regulators' eyes and ears—spotting when colleagues are in trouble and intervening early to prevent harmful situations from developing (acting as a second line of defence). In a sense, then, the regulator can be in the room.

Right-touch approach to compliance

- 6.6. This approach to compliance aligns with the Right-touch principle of being targeted and as close to the problem as possible. It focuses on early intervention, which is inherently efficient because it requires the least regulatory force and seeks to prevent harm and the much greater cost of action after the event.

⁸ [Right-touch reform - a new framework for assurance of professions | PSA](#)

Developing ideas on prevention

- 6.7. In our parallel work on refocusing regulation, we will further develop our ideas on prevention and the appropriate balance for a regulator between preventive activities and addressing harm after it occurs. In RTR3, we propose discussing the pursuit of prevention as inherent to a Right-touch approach and looking for opportunities to promote different approaches to prevention, such as including crime prevention as a general objective within the Legal Services Act 2007. [We welcome stakeholder comments on the approach set out in this section.](#)

7. Getting more out of regulation

- 7.1. In this section we identify a number of different ways in which regulation can respond to the ongoing challenge of demonstrating the value it achieves relative to the resources it consumes. In RTR₃, we will reflect on how this might be better achieved.

- 7.2. We intend to address this challenge across several areas in RTR3:

- **Focus on outcomes:** To prove its value, regulation must demonstrate its focus on achieving better outcomes. It must seek to understand its impacts better and how these constitute good value.
- **Sharing good practice:** Regulation can improve by learning from others – studying what has worked well, where good outcomes have been achieved, and where safety has been sustained. There is too much focus on learning from where things have gone wrong rather than learning from success and promoting good practices.
- **Deregulation:** As discussed above, regulation should be prepared to withdraw where other safety systems are adequate and should be vigilant in knowing when that has been achieved.
- **Innovation:** Regulation is often seen as a barrier to innovation. Instead, it should position itself as an enabler and part of the solution to the complex problems in its sector, as discussed in our 2022 publication *Safer care for all*. Regulation should align its strategic direction with that of the sector in which it operates.
- **Regulating for new risks:** Regulation must remain forward-looking, seeking to identify and mitigate future risks rather than focusing solely on past errors.
- **Continuous improvement:** Regulators should foster a culture of continuous improvement. While legislative change and reform can accelerate progress, it is slow, complex, and beyond the regulator's control. Other improvement strategies based on Right-touch principles should also be pursued.
- **Recognising its limits:** Regulation can be impactful but must recognise its own limits in scope, remit, and role. It can never wholly eliminate risks, either alone or in collaboration, and should avoid giving the impression that it can.
- **Refocusing regulation:** as we discussed above, this parallel work by PSA will address the use of the positive and preventative regulatory tools of information, advice and guidance, supporting regulated entities to meet standards and prevent harm.

[We welcome any stakeholder comments on other ways in which regulators can add value.](#)

8. Next steps

8.1. Our initial stakeholder discussions have confirmed that *Right-touch regulation* remains a crucial publication for effective regulation, but an update is now timely. We have distilled these early discussions into the proposals outlined above to provide a wider group of stakeholders with a sense of our direction. However, we do not intend this to be too prescriptive and welcome any and all comments. Your feedback might include:

- Areas where you agree with the approach outlined
- Areas where you feel we are going in the wrong direction and why
- Areas that you think RTR₃ should address but are not mentioned.

8.2. Our intention is to produce a new version of *Right-touch regulation* that helps regulators and others create regulation that truly embodies the principles they profess – to be the change they want to see.

We also welcome comments, thoughts, or proposals on ongoing engagement with us about Right-touch regulation ideas. As the pace of change accelerates, we are interested in hearing your ideas on how we can maintain a dialogue into the future, beyond the publication of RTR3, on what makes regulation effective and valuable - and how regulators working together can add value that is greater than the sum of their parts.

Please send any comments that you would like to make to **RTR3@professionalstandards.org.uk** by **2 May 2025**. Please send any questions or other requests about this discussion document or process to the same address.

8.3. From May to September we intend to review the responses we receive, and discuss them further as necessary with their authors and other stakeholders. We will also review any other sources of evidence that we have identified as relevant, or that have been brought to our attention in the responses to this document. We will then do the work to draft and finalise RTR3.

8.4. We plan to issue RTR3 in October 2025.

7 March 2025