

Response to Action on Medical Accidents (AvMA) strategy consultation

January 2024

1. Introduction

- 1.1 The Professional Standards Authority for Health and Social Care promotes the health, safety and wellbeing of patients, service users and the public by raising standards of regulation and registration of people working in health and care. We are an independent body, accountable to the UK Parliament. More information about our work and the approach we take is available at www.professionalstandards.org.uk
- 1.2 As part of our work we:
- Oversee the ten health and care professional regulators and report annually to Parliament on their performance
 - Accredit registers of healthcare practitioners working in occupations not regulated by law through the Accredited Registers programme
 - Conduct research and advise the four UK governments on improvements in regulation
 - Promote right-touch regulation and publish papers on regulatory policy and practice.

2. General comments

- 2.1 We welcome the opportunity to comment on the draft Action on Medical Accidents (AvMA) strategy to commence in April 2024.
- 2.2 We have enjoyed a positive and productive relationship with AvMA in recent years and have valued their input to our work. We recognise that AvMA is a small organisation and therefore has to prioritise its activities, however, would welcome continued engagement and collaboration with the organisation going forward both in our policy work and where possible into our statutory oversight and review of the ten health and care professional regulators.
- 2.3 We recognise the important role that AvMA plays in providing medico-legal support and services to patients and families harmed by medical negligence and we have also seen the valuable role that the organisation has played in influencing key aspects of health policy. This includes campaign work leading to the introduction of the duty of candour which we supported, on access to justice and to raise patient safety objectives higher up the political agenda.
- 2.4 We have also welcomed AvMA's input over a long period into discussions relating to reform of health professional regulation. Whilst we recognise that as a small organisation it is important to prioritise efforts in order to make best use of resources, we believe AvMA's voice on these issues has been an

important one and we would not wish to see this lost. As we have noted in our responses under the relevant areas of the survey, it may be beneficial for this aspect of AvMA's work to be more clearly drawn out in the priorities listed within the strategy.

3. Answers to consultation questions

Vision

Those affected by medical harm people achieve the remedies and healing they need.

Mission

AvMA champions the needs of people adversely impacted by medical harm. We support them in securing a remedy and healing from the accident and its causes. We do this by supporting and empowering those people to secure the remedy they need. We also seek improvements to healthcare and legal practices that underpin safe patient care and medico-legal practices.

4. Do you agree with these statements? If not, please say why.

- 3.1 We agree with the proposed vision and mission statements. In the final sentence of the mission statement, it may be beneficial to refer to: 'improvements to healthcare and legal practices **and policy** that underpin safe patient care and medico-legal practices' (addition in bold).
- 3.2 We note that AvMA have frequently been an effective force campaigning to change the policy underpinning the practices that may lead to harm and we would like to see them continue to play this important role.

Priority One

To expand the range of communities we serve and so enabling more people experiencing avoidable harm to access services from us that meet their needs

We will:

o Develop an outreach programme and work with those communities and groups who experience patient harm and who, at present, are under-represented as users of our services. Through closer collaboration we

will improve our understanding of, and ability to respond to, all of our beneficiaries, including those we do not reach currently.

o Tailor and adjust our service offerings where possible to meet the needs of people where they do not already do so.

o Develop our website and related resources to ensure that we are as accessible as possible.

o Identify signposting arrangements with other advice agencies and bodies that can act as a referral point to AvMA to ensure that all those people in need of our service are correctly referred to us.

o Partner with other groups, advice agencies, organisation and charities that work with disadvantaged communities to facilitate delivery of our services to their communities and use our campaigning resources to support the elimination of health care inequalities, recognising the wider link to patient safety issues.

o Develop our ability to collect and analyse data about users of our services so that we can secure better insights about the impact and reach of our work and tailor services accordingly.

5. Do you have comments on this priority and proposed plan of action?

- 3.3 We support this priority and the plan of action outlined. At the PSA, we ourselves recognise the need to do more reach under-represented groups, address inequalities in access to and experience of care and to tackle barriers to complaints. We touched on these issues in our 2022 report [Safer care for all](#)

6. Could you or your organisation support us in any way in delivering this priority? If yes, please say how you might support us.

- 3.4 We would be happy to work with AvMA in delivering this priority, particularly in working to address healthcare inequalities and to better understand the needs and issues of under-represented groups. We are taking forward a range of actions arising from *Safer care for all* in our policy work as well as actively reviewing our own approach to patient and service user engagement. We would welcome the opportunity to work with AvMA on achieving our mutual objectives in this area.

Priority Two

To empower more people to secure the outcomes they seek following an incident of medical harm, whilst providing caring and compassionate support

We will:

- o Help people secure the outcome they seek following an incident of harm.*
- o Actively engage in campaigns to achieve positive systems change for people who have been harmed in healthcare.*
- o Continue to campaign with others for independent advocates to be employed by healthcare providers to support and advocate for people who have been harmed.*
- o Work to use informal dispute resolution processes, such as complaints processes of healthcare providers, to advocate for people to secure redress and outcomes that meet their needs.*
- o Continue to work with other bodies in securing a National Oversight Mechanism for Coroners Prevention of Future Death reports.*

7. Do you have comments on this priority and proposed plan of action?

- 3.5 We welcome the commitment to: ‘*Actively engage in campaigns to achieve positive systems change for people who have been harmed in healthcare*’ under the actions listed under this priority area.
- 3.6 AvMA have been an important voice and leader in campaigns including those on the duty of candour, access to justice and to in raising patient safety objectives higher up the political agenda. We have also welcomed AvMA’s input and expertise over a long period into discussions relating to reform of health professional regulation, including campaigning to scrap the five-year rule on complaints to professional regulators.
- 3.7 It may be beneficial for this aspect of AvMA’s work to be more clearly drawn out in the wording of this priority within the strategy.

8. Could you or your organisation support us in any way in delivering this priority? If yes, please say how you might support us.

- 3.8 We would be keen to work with and support AvMA in continuing to engage in campaigns to bring about positive system change, in particular to help ensure that the new model of professional regulation due to be rolled out, starting with bringing Anaesthesia Associates and Physician Associates into regulation under the GMC, leads to a system which brings about genuine improvements for public protection as well as improved efficiency.
- 3.9 As highlighted in our comments under the previous priority, we would also be keen to continue to engage with AvMA on areas of mutual interest arising from

our *Safer care for all* report. Of relevance to this priority and some of the actions are our proposals for a single function (a Health and Social Care Safety Commissioner or equivalent) responsible for overseeing the safety system with responsibility for identifying and responding to patient safety risks and improving the system learning from incidents of harm, including public inquiries and reviews and potentially also from coroner's reports.

Priority Three

To eliminate compounded harm, following avoidable medical harm.

We will:

o Continue to develop with others guidance on restorative practices designed to assist healthcare providers in adopting best practices for people (and staff).

o Support the roll-out of such guidance into healthcare providers and encourage its take-up as good practice by regulators of healthcare systems.

o Work with NHS Resolution and legal professional bodies to drive approaches and tactics that compound harm out of the litigation process.

9. Do you have comments on this priority and proposed plan of action?

- 3.10 We support this priority and its ambition and welcome the work AvMA and partners have carried out to date in drawing attention to the impact of compounded harm following avoidable medical harm.
- 3.11 Although a relatively small number of patients have experience of professional regulation and the fitness to practise process, we are aware there remains frustration from some patients and families with their experiences of raising concerns with professional regulators and a view that this can be an area which contributes to compounded or secondary harm.
- 3.12 AvMA may wish to consider referencing work with professional regulators within their plan of action. This is particularly relevant as there will be a unique opportunity with the roll out of a new regulatory model over the next few years including a less adversarial fitness to practise process, to improve the experience of patients engaging with professional regulators and reduce the secondary harm arising from this part of the system.

10. Could you or your organisation support us in any way in delivering this priority? If yes, please say how you might support us.

- 3.13 The PSA would be very happy to work with AvMA towards achieving this priority, particularly if the work underneath it extends to the regulators we oversee where we may be able to influence approach.
- 3.14 We would be happy to discuss directly if there is feedback that AvMA can share to support improvements in the way the regulators currently operate

which could feed into our annual performance reviews of the regulators. Alternatively, or in addition it would be useful to discuss with AvMA and regulators how to maximise the opportunities presented by the reforms to create a less adversarial professional regulatory system which minimises harm to patients as well as registrants.

Priority Four

Ensure that we have the necessary diversity of sustainable resources and capacities to deliver this plan

We will:

- o Invest in a plan to ensure we have diverse streams of income to support our work.***
- o We will review our staff structure, reward and remuneration arrangements to ensure they are fit for the future and that staff have the necessary capacity to meet their objectives.***
- o We will develop a digital strategy and invest in a new and effective website.***
- o We will ensure our fundraising and corporate giving programmes meet the needs of our donors.***
- o We continue to support, engage and develop our volunteers programme and they in turn continue to support and complement the work we do.***
- o We have office arrangements that meet the needs of our staff.***

11. Do you have comments on this priority and proposed plan of action?

3.15 No specific comments to make.

12. Could you or your organisation support us in any way in delivering this priority? If yes, please say how you might support us.

3.16 No specific comments to make.

13. Do you have any other comments about our strategy and priorities not otherwise covered in the above questions and answers that you have provided?

3.17 No further comments.

4. Further information

4.1 Please get in touch if you would like to discuss any aspect of this response in further detail. You can contact us at:

Professional Standards Authority for Health and Social Care
157-197 Buckingham Palace Road
London SW1W 9SP

Email: policy@professionalstandards.org.uk
Website: www.professionalstandards.org.uk
Telephone: 020 7389 8030