

Professional Standard Authority (PSA) Performance Review 2018/19

Meeting: 13 May 2020

Status: For noting

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Council Lead(s): There is no Council lead for this work.

Purpose

1. To enable Council to discuss the outcome of the Professional Standard Authority's (PSA) review of our performance for the period 1 January to 30 September 2019 (referred to by the PSA as our 2018/19 performance report).

Recommendations

2. Council is asked to note the PSA's assessment of our performance and our work in engaging with the review process.

Strategic objective

3. The PSA's review of our performance helps us to assess whether we are achieving our strategic objectives and fulfilling our overarching duty to protect the public.

Background

4. The PSA oversees our work and that of the other UK health and social care professional regulators. Every year the PSA conducts a performance review of the regulators it oversees against its 24 Standards of Good Regulation ('standards'). The PSA published its report on our 2018/19 performance on 1 May 2020.

Analysis

5. We have met 22 of the PSA's 24 standards. This is the same as the PSA's last three reviews of our performance (2015/16, 2016/17 and 2017/18), although the standards we did not pass were not always the same. As part of this year's review, the PSA carried out a targeted review of seven of the standards, which included a series of questions requesting further information to assist them in their decision-making process. This year we met:
 - all of the standards for Guidance and Standards;
 - all of the standards for Education and Training;
 - all of the standards for Registration; and
 - eight of the ten standards for Fitness to Practise (FTP).

6. This year we did not pass:
 - the sixth FTP standard: 'FTP cases are dealt with as quickly as possible taking into account the complexity and type of case and the conduct of both sides. Delays do not result in harm or potential harm to patients and service users. Where necessary the regulator protects the public by means of interim orders': and
 - the ninth FTP standard: 'All FTP decisions, apart from matters relating to the health of a professional, are published and communicated to relevant stakeholders.'
7. We did not pass the sixth FTP standard regarding dealing with FTP cases as quickly as possible, due to the PSA's concerns that they had not seen any evidence of significant improvement in timeliness since the last performance review. They recognised that we had put a number of measures in place to improve timeliness but that these were going to take some time to have the desired impact. These measures include:
 - improving the process for obtaining Police National Computer checks by implementing a formal agreement;
 - improving communication with NHS regional contacts and optical businesses to obtain records quicker;
 - introducing case management hearings;
 - revisiting our approach to allegation drafting;
 - upgrading our case management system; and
 - exploring whether health assessments could be directed at an earlier stage.
8. We are pleased to note the PSA recognises that we remain committed to improving timeliness. We have committed in our [Strategic Plan 2020-25](#) to completing FTP cases more quickly and have a full programme of work to address this multi-faceted challenge. We also believe that the other measures that have been introduced in the last nine months will begin to have an impact on our timeliness e.g. the removal of the cap on our FTP hearings panel (which will allow us to hold more FTP hearings simultaneously).
9. We did not pass the ninth FTP standard regarding FTP decisions being published and communicated to relevant stakeholders because we did not notify the PSA of two FTP outcomes within a reasonable timeframe, which could have impacted on their ability to submit an appeal within a strict time period. We have made changes to our standard operating procedure to help prompt staff to send outcomes to the PSA in a timely manner and are also looking to upgrade our case management system to assist in post-hearing tasks.
10. We were pleased to note that we passed the third Registration standard (easily accessing information on our register) that we had previously not passed in the last performance review, particularly given that a targeted review of this area was carried out. The PSA decided that we had passed this standard because it did not find any

errors in register entries following its check of all 32 final FTP decisions that were notified during this period. Following discussion with the PSA regarding one particular case where impairment was found but no sanction was imposed, we have updated our standard operating procedure and are in the process of updating our disclosure policy to make our policy clear in this area.

Finance

11. As part of our new Strategic Plan we have adequately budgeted to address the PSA's concerns raised in the report as part of our ongoing FTP improvement programme.

Risks

12. The performance review process can help to highlight areas where we need to improve to better protect the public. However, failing standards does carry a reputational risk and can undermine stakeholders' confidence in us. We mitigate this risk by clearly explaining how we plan to improve in these areas. On the other hand, a positive review creates an opportunity to boost confidence in our work.

Equality Impacts

13. We do not consider there to be any impacts related to equality related to this area of work.

Devolved nations

14. The PSA's remit is UK-wide and we have shared with them the good work we are doing to engage with stakeholders in, and take account of issues specific to, the devolved nations.

Other Impacts

15. We have repeatedly made the point that in certain areas, especially FTP, legislative change would help us meet certain standards and to achieve some of the points in our improvement plan. We are engaging with the DHSC through our legislative reform project so that we can input into the Government's plans for reforms to our FTP process.

Communications

External communications

16. We sent a press release about the review to our stakeholders and the trade press welcoming the review, setting out our improvement plans against the two standards we failed and reiterating our call for legislative reform.

Internal communications

17. We have drawn the attention of our staff to the report in an SMT bulletin on our intranet. Directors have had discussions with their individual teams about how they can continue to meet the standards and/or improve performance in areas that we did not pass.

Next steps

18. We understand that the next PSA performance review will cover the 12-month period 1 October 2019 to 30 September 2020. We have already provided the PSA with some initial information, which we provide on a quarterly basis. During this period we will be assessed against the [new Standards of Good Regulation](#), which includes a set of five general standards, as well as a rationalisation of the existing standards we are currently assessed against in the four regulatory areas. We will now be assessed against 18 standards rather than 24.

Attachments

- Annex one: PSA Annual review of performance 2018/19: General Optical Council
Annex two: PSA Snapshot: Annual review of performance 2018/19