

NMC response to the Professional Standards Authority's draft strategic plan 2023-26 public consultation

Consultation questions

About you

Question 1: How would you describe your organisation (or your own role if more relevant)?

- 1 Health and care statutory regulator. The NMC is the independent statutory regulator of nursing and midwifery professionals in the UK. We regulate over [771,000 nursing and midwifery professionals](#). Our purpose is to promote and uphold the highest professional standards to protect the public and inspire confidence in the professions.

Question 2: Please provide the name of your organisation (and it would also be helpful to know where it is based).

- 2 Nursing and Midwifery Council (NMC). We have an office at 23 Portland Place London, W1B 1PZ, and any enquiries regarding our response should be sent to this address. We also have offices at 17th Floor, 1 Westfield Avenue, London, E20 1HZ, and at 2nd Floor, 10 George Street, Edinburgh, EH2 2PF.

Question 3: Are you content for us to use your comments in any published reports? If so, are you happy for us to include your name and, if relevant, your organisation?

- 3 Yes both.

The context for our strategy

Question 4: Are there any factors we should consider in addition to those we have identified in the strategic plan that will affect the regulatory landscape in the next three years? You can read these in our [draft Strategic plan](#).

- 4 We welcome the opportunity to comment on your draft strategic plan for 2023-26. Its overarching strategic aims align with our [strategic themes](#), including *Improvement and innovation* and *Insight and influence*. We look forward to continuing our work with you as a key partner and understanding more detail about your strategy as it develops.
- 5 We think there are additional factors that could affect the regulatory landscape that you may want to consider:
 - 5.1 Climate emergency and sustainability - how you will act sustainably and support others to do so.

- 5.2 Learning from the professional regulation response to the Covid-19 pandemic - how these lessons will improve regulation in the future.
- 5.3 Rapid technological changes - how you anticipate regulators to respond.
- 5.4 Different systems and structures across health and care in the devolved nations - potential convergence and divergence in regulatory strategies which will affect the regulatory landscape.
- 5.5 The connectivity between local and national decision making with changing local and national decision-making structures - including Integrated Care Systems in England and the new National Care Service in Scotland.
- 5.6 Changing population demographics - the increased complexity of health and care that our professionals are required to deliver.

Question 5: Which of the four themes in *Safer care for all* do you think are most important for us to focus on? (1) Tackling inequalities, (2) Regulating for new risks, (3) Facing up to the workforce crisis, (4) Accountability, fear, and public safety.

Please rank in order of priority with '1' as the most important (we realise that all these themes are important so it may be difficult to prioritise).

- 6 All four themes in your *Safer care for all* report are important to us, and we have not ranked them. We are already actively working on several related areas. For example:
 - 6.1 Our Ambitious for Change programme is enabling us to identify and address inequalities within our regulatory processes.
 - 6.2 Regulatory reform will provide us with a good foundation to adapt our regulatory approach to address new risks in the future without the need for the government to introduce new legislation.
 - 6.3 We have made changes to our English language requirements and our education programme standards which are intended to help with workforce supply while maintaining public safety.
 - 6.4 We are exploring whether there is a case for advanced practice to be regulated and have committed to exploring whether further changes to our education programme standards may also be warranted.
 - 6.5 Our approach to fitness to practise is geared to move away from a culture of fear and to encourage openness and learning in the interests of public safety, so that we can address serious issues that give rise to a safety risk or undermine confidence in the professions.

Question 6: Can you tell us more about how you answered question 5. This will give us more details and help us identify any themes and priorities.

7 We agree with the overarching aims of the four themes in *Safer care for all*. We think they are all equally important as they impact one another. For example, the workforce crisis is exacerbated by inequalities in the health and social care sector. We know that diversity affects outcomes. Health inequalities experienced by people with different protected characteristics are a public safety issue. New risks, including due to changing models of care, may impact on the accountability of professionals and regulators. The potential fear of regulators may impact on the workforce crisis as it can contribute to a stressful environment and impact motivation.

Question 7: Are there any recommendations and commitments in [Safer care for all](#) that you think we should prioritise for action? Please indicate which you think are the top three priorities for us and others to work on in the immediate term. You can find these [here](#) or indicate from the menu below. Please tick only three, but you have the opportunity to explain more about your choices in the comment box.

✓ **Recommendation 8:** Governments, regulators and registers review how they will determine the lines of accountability for new technologies used in health and care.

✓ **Recommendation 9:** Regulators and registers work collaboratively to identify opportunities to speed up workforce supply, equip practitioners to deal with future challenges in how care is delivered, close safety gaps and protect patients and service users.

✓ **Recommendation 19 (PSA commitment):** The Authority will use its oversight role to encourage co-operation, collaboration, and coherence on EDI issues across the system, noting the inherent challenges in trying to address safety concerns when it is so fragmented.

Please explain more about why you have chosen these three recommendations/commitments?

8 As there are twenty-one wide-ranging recommendations in the report, we have chosen three recommendations that are of particular interest and relevance to our regulatory role.

Recommendation 8: Governments, regulators and registers review how they will determine the lines of accountability for new technologies used in health and care.

9 We recognise this is a complex area. There is a tension between the potential opportunities to increase public safety and quality of care, and the risks around accountability, bias, and errors. We would welcome you using your convening powers for sharing regulatory good practice in this area. It is a subject we have started to explore ahead of the review of our Code, which we expect to take place in 2025.

Recommendation 9: Regulators and registers work collaboratively to identify opportunities to speed up workforce supply, equip practitioners to deal with future challenges in how care is delivered, close safety gaps and protect patients and service users.

- 10 This is an area we have put a great deal of energy and thought into in recent years. In collaboration with our partners, we have:
 - 10.1 Introduced new standards for nurses and for midwives to equip practitioners for the future and address learning from safety issues.
 - 10.2 Introduced regulation of nursing associates in England.
 - 10.3 Changed our education programme standards to provide greater flexibility in the way nurses and midwives are educated, without compromising standards.
 - 10.4 Significantly improved our registration processes to reduce the time taken to register internationally educated professionals and provide fair and robust assurance they meet our standards.
 - 10.5 Changed our English language requirements, allowing alternative forms of evidence in certain circumstances so there is greater flexibility for applicants without compromising standards.
- 11 Looking ahead, we have started work looking at whether it is in the public interest for us to regulate advanced practice. We have also committed to exploring whether further changes to our education programme standards would be appropriate to support the workforce strategies in each of the UK nations. Given the continued focus on workforce supply, we would welcome you bringing together different partners and perspectives to explore alternatives for the future.

Recommendation 19 (PSA commitment): The Authority will use its oversight role to encourage co-operation, collaboration, and coherence on EDI issues across the system, noting the inherent challenges in trying to address safety concerns when it is so fragmented.

- 12 As you have highlighted in the *Safer care for all* report, health inequalities are growing. The Covid-19 pandemic, has increased and shown how existing health inequalities disproportionately impact people with protected characteristics, leading to different outcomes and experiences. We think that it is important that you encourage collaboration to tackle inequalities across the health and care system, to help ensure that health and care services deliver equitable outcomes.

Question 8: Are there other activities not included in the draft Strategic Plan that you think the Authority should prioritise in the period 2023-26?

- 13 You may wish to consider:
 - 13.1 A clearer connection between your strategy and the recommendations of the *Safer Care for all* report.

- 13.2 A greater emphasis on sharing good practice among the regulators you oversee and in encouraging learning in a multi-professional environment.
 - 13.3 More detail on how you will champion effective regulatory reform and an articulation of how you see your role changing after reform.
 - 13.4 More focus on developing insight into the opportunities and challenges ahead for regulation and regulated professionals.
- 14 We are pleased that you make a commitment to providing value for money. We are concerned that your new strategy may entail additional costs. At a time of significant cost pressures, we urge you to avoid increasing your fees unless it is essential to do so. We have committed to keeping the fees we charge nursing and midwifery professionals at the same level for as long as possible. Any increase you make in your fee will mean that we have to choose between increasing our fees to registrants or not undertaking activities we have committed to.
- 15 We remain very concerned about the way in which PSA fees are apportioned between different regulators. The effect of the methodology is that we bear greater costs than all other regulators, when a significant component of your work applies equally to regulators, irrespective of the number of registrants they have. We strongly urge you to work with the Department of Health and Social Care to devise a fairer method.

Vision and Mission

Question 9: Do you agree that our vision (safer care for all through high standards of competence and conduct in health and social care professionals) is appropriate for the work of the Authority?

✓ No

Please explain your response.

- 16 Regulators, rather than the PSA, are responsible for standards of competence and conduct in the health and social care professions they regulate. We therefore consider this vision to be an over-reach.

Question 10: Do you agree that our mission (to protect patients, service users and the public by improving the regulation and registration of health and social care professionals) is appropriate for the work of the Authority?

✓ Yes

Please explain your response.

- 17 We prefer to refer 'to people who use services', rather than service users, as this gives an emphasis on people.

Our Strategic Aims

Question 11: Do you agree with our proposed Strategic Aim 1: To protect the public by delivering highly effective oversight of regulation and registration; and how we plan to deliver this aim and monitor progress?

✓ Yes

Please explain your response.

- 18 We look forward to receiving clarity on what you envisage and how you will work with us on these objectives going forward. We think that these are important activities to focus on:
- 18.1 Evaluate changes to your performance reviews and accreditation processes introduced in 2021/22 to identify opportunities for further improvements.
 - 18.2 Review the impact of regulatory reform on your processes, although we need to be clear on the legislative amendments that you propose for you to make changes to how you work to protect the public.
 - 18.3 Review your Standards of Good Regulation and your standards for accredited registers, consulting with regulators, accredited registers, and wider stakeholders to identify where changes are needed.
- 19 We value the increased dialogue on performance reviews and would like to see you act in a proportionate way as you review and introduce changes.
- 20 We would like to see you being supportive of regulators' work, particularly adding your voice to the value of regulatory reform.
- 21 We want to see you encouraging regulatory best practice and using your input to add value to the work that regulators already do.
- 22 We look forward to working with you on the detail of these proposals and playing our part as a key partner.

Question 12: Do you agree with our proposed Strategic Aim 2: To make regulation and registration better and fairer; and how we plan to deliver this aim and monitor progress?

✓ Yes

Please explain your response.

- 23 We have focused here on activities that we think are important to regulation:
- 23.1 Promote continued regulatory reform that is focused on public protection.
 - 23.2 Evaluate the impact of the changes to your EDI standards for regulators and accredited registers.

- 24 As highlighted above, we would welcome your role in making the case for regulatory reform and its effective implementation. Consideration needs to be given to timescales to allow time for changes to embed. Specifically, with your review of the initial impact of changes of regulatory reform and making recommendations for any further changes in 2025/26.
- 25 We are developing a separate response to your proposed review of Standard 3 of the Standards of Good Regulation and look forward to continuing engagement.

Question 13: Do you agree with our proposed Strategic Aim 3: To promote and support safer care for all; and how we plan to deliver this aim and monitor progress?

✓ Yes

Please explain your response.

- 26 We have no specific comment here.

Our future role

Question 14: How do you think the role of the Authority should evolve in the future, particularly in the context of the reform of professional regulation in health and social care?

- 27 We believe that you have a central role in advocating for regulatory reform. Regulatory reform is a once in a generation opportunity to transform the regulatory landscape to be fit for the future. It will give us greater flexibility to act quickly and bring about change to keep people safe in an ever-changing landscape.
- 28 Your support for reform can help to deliver work on some of the wider issues that you have highlighted, including enabling more effective regulation, contributing to solving workforce challenges and ensuring fairness for all people, including groups with protected characteristics.
- 29 We think that the same new duties of cooperation, transparency and proportionality should apply to you and all regulators, as part of regulatory reform. We previously set this out in [our response](#) to the DHSC consultation.

Impact

Question 15: Please set out any impacts that the proposals set out in the draft Strategic Plan would be likely to have on you and/or your organisation, or considerations that we should take into account when assessing the impact of the proposals.

- 30 We look forward to receiving further details behind the strategic plan proposals to identify its full impact on our organisation. We would like to understand where you plan to focus your activity on to demonstrate value, as the *Safer care for all report*

recommendations are wide-ranging, the associated costs involved with this and how we may be involved.

- 31 From the *Safer care for all* recommendations there seems to be significant new programmes that are yet to begin, in addition to ongoing work. We would welcome some further consideration of how the work can be phased to manage the impact on regulators and frontline professionals, including how you can build upon joint approaches of existing activities of regulators.
- 32 We would welcome opportunities to engage in joint planning at the outset where collaboration with regulators is expected, to be completely clear about what is expected and the resources that would be required from each regulator.
- 33 We would recommend you review the equality impact of your current cost model, to be considered within its equality impact assessment of your strategic plan. In our view, it imposes a proportionately greater burden on professionals who typically earn lower salaries. We consider that this is potentially discriminatory, since [89 per cent of professionals on our register identified as female](#).

Question 16: 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. If you have responded 'yes,' please explain why and what could be done to change this.

- 34 A focus on equality, diversity, and inclusion, including via Strategic Aim 2, should have a positive impact on people with protected characteristics.
- 35 We would be keen to see the equality impact analysis that has informed this draft strategic plan, including how exactly the strategy will deliver for groups with protected characteristics and how you intend to monitor this going forward.
- 36 We would value more engagement with you, as you finalise your plans.