

# A Culture of Care

# The Role of Regulation

Ian Kennedy

Edinburgh

Oct 30, 2017

# Paterson



# Paterson

- NHS
- Ask what could/should regulators have done?
- Paterson exposed:
  - failings in systems of care
  - failings in conduct
- Patients harmed
- Concerned with Safe Care – “Patient Safety”
- Notice Importance of Language - Perspective

# Paterson

## Failings in Systems of care

- Poor governance – role of Board
- Dysfunctional organisation
- Poor leadership
- No training for leadership
- Poor communication - Lack of openness
- Wrong response – HR, NCAS, Confidentiality
- Patients harmed

# Paterson

## Failings in Conduct

- Unknown operation: “slapdash” “rushed” surgery
- Professionals not knowing where to turn
- Professionals not speaking out
- Remoteness of regulatory bodies and management
- No/little training in leadership
- Patients harmed

# Regulation

## Why? Purpose?

- Public sector
- Risk – identify, monitor, manage
- Re System and People – NHS and Social Care
- Protect, Prevent, Improve cf faith, hope and charity

# Regulating the System - How?

## Data-driven regulation

- Norms of performance - expressed as standards
- set by whom - bottom up
- re what - safety, quality, experience of user, leadership, integration of health/social care
- Collect data to measure compliance
- Challenge of social care re indicators/data
- Visits –triggered by data plus random unannounced
- Work in public – communicate
- Respond – help, share good practice, sanction

# Regulating People

## Background

- Professionals and non-professionals
- Different cultures and no culture
- Some licensed, some registered, some neither
- Inward-looking, self-protective, distrust of others
- Reactive when things go wrong – rely on complaints – user polices system
- Apparent emphasis on disciplining
- Sanctions vary



# Regulating People

## Road Map for the Future

- Protect, Prevent, Improve for patient and user
- Is there an appetite to create a different culture?

# Regulating People

- Single independent body to operate overall regulatory system
- System to bring together all groups – NB risk
  - common Code of Conduct – drawn up by single body
  - single register
  - specific licence where licence called for – terms of licence set by relevant group
- Categories of people
  - unregistered but signed up to Code
  - signed up to Code, registered, not licensed
  - signed up to Code, registered and licensed

# Regulating People

- Single body will actively explain itself and what it does
- Single body will actively monitor – regular audit and publication of results - promote good practice
- Reactive complaints system re breaches
- Single adjudicative body – will establish and monitor procedure - group-specific panels to hear cases
- Sanctions to include
  - reporting re non-registered
  - suspension/removal re registered and licensed

**Won't Work!**

**OR.....**