

November 2014

MPS's response to consultation on 'Professional Standards Authority for Health and Social Care - Draft Fees Regulations'

General Comments

MPS welcomes the opportunity to respond to this consultation on the future funding arrangements for the Professional Standards Authority for Health and Social Care (PSA).

We have not provided detailed responses to the questions posed in this consultation. Rather we would like to highlight a broader concern we have about the principle behind the proposals and the impact we feel they may have on the independence of the PSA as well as the cost implications for registrants.

Independence of the PSA

The PSA should continue to be funded directly by the Department of Health and the Devolved Administrations to maintain its clear independence.

Healthcare professionals already pay for the costs associated with the bodies that oversee their professions. This is appropriate and in line with how regulation in other sectors is funded. However, it is government policy that in addition to those regulators, there should be further oversight of healthcare professionals provided by a another body (the PSA) to provide scrutiny and quality assurance of their regulators. We think that in order to provide this further oversight function effectively, there needs to be a clear separation between the PSA and the regulators it oversees. An important part of demonstrating the independence of the PSA is to ensure that its funding arrangements are distinct from those organisations it regulates. The most appropriate way to do this would be for the PSA to continue to be directly funded by the Department of Health and the Devolved Administrations as is currently the case.

Purpose of the PSA

The PSA states on its website that it aims to be 'a strong, independent voice for service users and the public in the regulation of health and care professionals.'¹ If the function of the PSA is to act as champion on behalf of the public in the regulatory framework then it should be directly funded by the public not by the professionals it ultimately oversees who already pay for their own regulator.

¹ <http://www.professionalstandards.org.uk/about-us>

Cost Implications for Registrants

The PSA should continue to be funded directly by the Department of Health and the Devolved Administrations to prevent further financial burden for regulation being placed on registrants of the healthcare professional regulators.

The cost of fees paid by the regulators to the PSA will ultimately be borne by their registrants. In the current climate of financial constraint it is unfair and disproportionate for registrants to bear this further financial burden in addition to existing fees. This will be particularly the case for Dentists who are already having a substantial increase to their Annual Retention Fee to the General Dental Council.

If these proposals are implemented, robust audit and accountability processes must be put in place to ensure that PSA is using registrant's money effectively and only for the purposes required to fulfil its functions. Under these proposals, neither the regulator nor the Department will be able to control the way the PSA uses its resources and there is a potential risk that costs may be inappropriately escalated, placing even more financial pressure on registrants.

Concluding remarks

We acknowledge that the consultation presumes that the new funding model should be adopted. However, we continue to believe that the existing model should be maintained to demonstrate the PSA's independence and because this is more appropriate to the PSA's stated aims.

About MPS

MPS is the world's leading protection organisation for doctors, dentists and healthcare professionals. We protect and support the professional interests of more than 290,000 members around the world. Our benefits include access to indemnity, expert advice and peace of mind. Highly qualified advisers are on hand to talk through a question or concern at any time.

Our in-house experts assist with the wide range of legal and ethical problems that arise from professional practice. This includes clinical negligence claims, complaints, medical and dental council inquiries, legal and ethical dilemmas, disciplinary procedures, inquests and fatal accident inquiries.

Our philosophy is to support safe practice in medicine and dentistry by helping to avert problems in the first place. We do this by promoting risk management through our workshops, E-learning, clinical risk assessments, publications, conferences, lectures and presentations.

MPS is not an insurance company. All the benefits of membership of MPS are discretionary as set out in the Memorandum and Articles of Association.

CONTACT

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