

Council member and chair appointments to professional regulatory bodies

Role of Professional Standards Authority in advising the Privy Council: consultation questionnaire

May 2012

1. How to respond

- 1.1 You can respond to this paper by email to policy@chre.org.uk, or by post to:
Policy Team
CHRE
157-197 Buckingham Palace Road
London
SW1W 9SP
- 1.2 If you have any queries, or require an accessible version of this document, please contact CHRE on 020 7389 8030 or by email at policy@chre.org.uk.
- 1.3 Please return your response by Wednesday 8 August 2012.

Confidentiality of information

- 1.4 We will manage the information you provide in response to this consultation in accordance with our information security policies.
- 1.5 Any information we receive, including personal information, may be published or disclosed in accordance with the access to information regimes (primarily the Freedom of Information Act 2000 (FOIA) the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).
- 1.6 If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential.
- 1.7 If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality will be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on CHRE.
- 1.8 CHRE will process your personal data in accordance with the DPA and in most circumstances this will mean that your personal data will not be disclosed to third parties.

2. Consultation questionnaire

We welcome your views and comments on this paper. In your responses to the questions below, please use the paragraph numbers when referring to specific parts of the document.

The Principles

1. Will these four principles for an appointments process support good governance, protect the public and promote confidence in regulation of health professionals?

Yes No

If **not**, please explain.

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2. Do you agree that these four principles allow the regulators to demonstrate that the requirements of the Equality Act 2010 are being followed?

Yes No

If **not**, please explain

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3. Are there any aspects of these four principles 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?¹:

	Yes
Age	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>
Ethnicity	<input type="checkbox"/>
Disability	<input type="checkbox"/>
Pregnancy and maternity	<input type="checkbox"/>

¹ These are the "protected characteristics" as defined under the Equality Act 2010.

Race	<input type="checkbox"/>
Religion or belief	<input type="checkbox"/>
Sex	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>
Other (please specify below)	<input type="checkbox"/>

If yes to any of the above, please explain why and what could be done to change this.

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The Good Practice Guidance

4. Will the good practice guidance help regulatory bodies make good appointments to their councils that will clearly demonstrate our principles and help meet our aim?
 Yes No

If yes, please explain.

The good practice guidance is explicit that all appointments must be transparent, fair and open and follow robust and justifiable processes throughout. This will help ensure that the appointments process to the governing body of regulators is credible and therefore be more likely to inspire public confidence.

The College welcomes the reference to consultation with devolved administrations in the good practice guidance.

5. Are there any aspects of the guidance 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 2010²:

	Yes
Age	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>
Ethnicity	<input type="checkbox"/>
Disability	<input type="checkbox"/>

² These are the "protected characteristics" as defined under the Equality Act 2010.

Pregnancy and maternity	<input type="checkbox"/>
Race	<input type="checkbox"/>
Religion or belief	<input type="checkbox"/>
Sex	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>
Other (please specify below)	<input type="checkbox"/>

If yes to any of the above, please explain why and what could be done to change this.

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Scrutiny and advisory process

6. Do you have any comments on this proposal to establishing an overview of the regulators' processes?

Yes No

If yes, please explain.

The College agrees that it is vital that there is external scrutiny of regulators' processes and, in the absence of direct Privy Council scrutiny, CHRE/the Professional Standards Authority should fulfil this role. An annual report to Parliament is also important in this regard.

7. Does this approach allow us to fulfil our role in advising the Privy Council in an effective and efficient way?

Yes No

If not, please explain how you think this could be improved.

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8. Does our approach help to support good governance, protect the public and promote confidence in regulation of health professionals in the UK and social care professionals in England?

Yes No

If not, please explain

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9. Are there other situations where you think the Authority would be asked to provide advice to the Privy Council?

Yes No

If yes, please explain.

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10. Do you have any comments on the proposed timeframes for the overview, and the scrutiny of individual appointment campaigns?

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11. Are there any aspects of these processes 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?³:

³ These are the "protected characteristics" as defined under the Equality Act 2010.

	Yes
Age	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>
Ethnicity	<input type="checkbox"/>
Disability	<input type="checkbox"/>
Pregnancy and maternity	<input type="checkbox"/>
Race	<input type="checkbox"/>
Religion or belief	<input type="checkbox"/>
Sex	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>
Other (please specify below)	<input type="checkbox"/>

If yes to any of the above, please explain why and what could be done to change this.

12. Do you agree we should review our approach in 2014 to help us remain effective and efficient?

Yes No

If no, what changes should we make?

13. Do you have any comments on this proposed approach to complaints about a regulator's appointments processes?

This approach seems logical and sensible.

About you:

Name:	
Contact address including postcode:	
Organisation representing (if appropriate):	
Email:	

Are you responding as:

A regulatory body:	<input type="checkbox"/> Yes <input type="checkbox"/> No
A patient or member of the public	<input type="checkbox"/> Yes <input type="checkbox"/> No
A registered health professional	<input type="checkbox"/> Yes <input type="checkbox"/> No
An organisation with an interest in health or social care:	<input type="checkbox"/> Yes <input type="checkbox"/> No
An employer working in health or social care:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Other (<i>please specify below</i>):	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Medical Royal College.	

Would you like the information you provide to be treated as confidential?

Yes No

If yes, please give your reasons for this? (*this may help us keep your information confidential in the event of a Freedom of Information request*):

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