



Council
9 February 2022
Professional Standards Authority Performance Review

Classification	Public
Purpose	For discussion
Issue	<p>The Professional Standards Authority (PSA) undertakes performance reviews of the healthcare and social care regulators it oversees. In 2020-21 the GOsC met all 18 PSA Standards of Good Regulation, the 11th year in succession this was achieved.</p> <p>The PSA are in the processing of changing the performance review cycle from an annual cycle to a three-year cycle. This will consist of an in-depth periodic review, with monitoring reviews, in the intervening years.</p> <p>The impact of GOsC in 2021-22 and 2022-23 is set out in the paper.</p>
Recommendation	To discuss the content of the paper and consider any implications for our future activity.
Financial and resourcing implications	None arising.
Equality and diversity implications	The Performance Review process now includes a general standard on Equality and Diversity.
Communications implications	The GOsC 2020-21 Performance Review Report was published on 29 November 2021. We issued a news article announcing the outcome of the performance review to our stakeholders.
Annex	Summary of matters identified within the Performance Review Report which may require a GOsC action.
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Key messages from the paper:

- The General Osteopathic Council (GOsC) passed all of the Professional Standards Authority (PSA) Standards of Good Regulation in 2020-21 for the eleventh year in succession.
- The Executive have identified those areas from the performance review report that the PSA will monitor in the future or where they have suggested possible enhancement – annex refers.
- The PSA are changing the performance review process from an annual cycle to a three-year cycle. A normal three-year cycle will consist of two monitoring review years and one periodic review year. The monitoring review years are expected to be lighter touch compared with a more in-depth periodic review.
- PSA will extend the GOsC performance review year (2021-22) by three months to end on 31 March 2022 and this will be classified as our first monitoring review year.
- Therefore, the periods 2021-22 and 2022-23 will be monitoring review years, with a more in-depth, periodic review, scheduled for 2023-24.

Discussion

Performance Review year 2020-21:

1. The General Osteopathic Council (GOsC) is subject to an annual performance review undertaken by the Professional Standards Authority (PSA). It covered the period from 1 January 2020 to 31 December 2020.
2. The PSA performance review process began in February 2021. Based on published information such as Council papers and from our website, the PSA determined that we had passed 13 out of 18 Standards of Good Regulation and that Targeted Review questions were required for the other five standards.
3. We received 23 Targeted Review questions (many with sub-parts) in April 2021, which we responded to in May. These were spread across the five standards where PSA had not reached a determination about whether we had passed the standards.
4. We received a further 12 Targeted Review questions across two standards. 11 questions focused on advertising cases (Standard 14), with the final question seeking clarity over a statistic we had provided in the response to the first set of Targeted Review questions, (Standard 16).
5. We received notification from PSA that we had passed all Standards of Good Regulation in August 2021 and the [performance review report was published](#) in November 2021.

6. Annexed to the paper is an analysis by the Senior Management Team (SMT) of the matters identified in the performance review report which may require a GOsC action. The main issue identified within the performance review report was around how GOsC handles advertising concerns. We have set out our position in response to the PSA concerns in the Annex.

Performance Review years 2021-22 and beyond:

7. The PSA have recently consulted on changing the performance review process. The change would see PSA move away from the annual cycle towards a new three-year cycle. The new approach is designed at reducing the regulatory burden on regulators and would include a more in-depth periodic review in one-year, with monitoring reviews during the intervening years.
8. This new approach has implications for our current 2021-22 performance review year and beyond.
9. Our 2021-22 year would normally have run from 1 January 2021 to 31 December 2021. The PSA advised us in December 2021 that our 2021-22 year had been extended by three months to end 31 March 2022, effectively a 15-month year. This will be classified as a monitoring review year.
10. Our understanding is that the 2021-22 and 2022-23 performance review years will be monitoring years with a periodic review scheduled for 2023-24.

Recommendations:

To discuss the content of the paper and consider any implications for our future activity.

Annex to 8

General Osteopathic Council Performance Review Report 2020-21: Summary of matters identified within the Performance Review Report which may require a GOsC action

PSA Standard	Page and paragraph reference	Issue	GOsC comment
General Standard 1	Page 5, Paragraph 1.2	PSA believe that there should be a direct link on the registration section of the website to information about registration appeals.	We will consider this as part of our website review to enhance the accessibility of our published information.
General Standard 1	Page 5, Paragraph 1.3	PSA believe there should be more accessible information around fitness to practise appeals.	We will consider this as part of our website review to enhance the accessibility of our published information.
General Standard 3	Page 9, Paragraph 3.9	PSA noted that we are considering how to improve the equality monitoring data we hold on registrants and also how we implement any actions arising from the independent equality, diversity and inclusion audit.	We note the PSA will monitor this activity in future reports. Council approved in November 2021 a pilot of a survey to collect monitoring data, and Council also receives an annual report on EDI at the July meeting which will include an update on the actions from the equality, diversity and inclusion audit.
Standard 8	Page 16, Paragraph 8.7	PSA will continue to monitor guidance on maintaining appropriate boundaries.	We note that PSA will monitor this activity in future reports. We have published a range of resources during the performance review year and an update on this project will be considered by the Policy and Education Committee in March 2022.

Annex A to 8

PSA Standard	Page and paragraph reference	Issue	GOsC comment
Standard 9	Page 17, Paragraph 9.5	PSA noted the approach for developing quality assurance risk profiles for OEIs and that they will consider the implementation of this new approach in future reviews.	We note the PSA will monitor this activity in future reports. Regular reports on this matter are considered by the PEC with papers considered by the PEC in June 2021 and planned for March 2022.
Standard 11	Page 18, Paragraph 11.3	PSA will monitor the reintroduction of Assessments of Clinical Performance which were suspended during the pandemic during the next performance review cycle.	We note the PSA will monitor this activity in future reports. We reintroduced Assessments of Clinical Performance in early 2021. We have commissioned external training to support the ACP assessors and the other registration assessors to keep up to date.
Standard 14	Page 20, Paragraph 14.3	PSA will monitor the implementation of the Screeners Guidance which was approved by Council in May 2021 during the next performance review cycle.	We note the PSA will monitor this activity in future reports.
Standard 14	Page 21, Paragraphs 14.14 and 14.15	PSA say they are concerned we do not have a formal process in place to refer complaints to the Advertising Standards Authority (ASA) where a complainant does not do this for themselves. PSA say they are not assured that the GOsC has a process in place to ensure it is informed about the outcome of cases considered by the ASA.	We are unable to accept the PSA's conclusions on this issue. We have a clear position. Namely, any concern received (advertising or otherwise) is dealt with through our fitness to practise processes and should not be dealt with through other mechanisms. The ASA are the advertising regulator and should be the body that assesses advertising concerns.

Annex A to 8

PSA Standard	Page and paragraph reference	Issue	GOsC comment
		PSA conclude that the Standard is met this year, but will work with the regulators over the coming months to develop guidance and will continue to monitor this area.	We note the PSA wish to work with regulators in developing guidance and we look forward engaging in that process and sharing our substantial experience of managing these concerns. However, our position remains that we consider it would be sensible to first identify what the perceived issues are, before initiating action around potential solutions, such as developing guidance.
Standard 15	Page 23, Paragraph 15.6	PSA will continue to monitor our approach to 'frontloading' investigations which was disrupted this year by the pandemic.	We note the PSA will monitor this activity in future reports.
Standard 15	Page 24, Paragraph 15.11	<p>PSA note that we developed a practice note on questioning witnesses but that the practice note was paused due to the pandemic. An interim practice note on questioning witnesses was approved in May 2021 with remote hearings in mind, with a period of consultation planned on the final version.</p> <p>PSA note they have not seen an indication of when the consultation is likely to commence.</p>	We have launched a consultation in early 2022 with the intention to present the results to Council in May 2022.

Annex A to 8

PSA Standard	Page and paragraph reference	Issue	GOsC comment
Standard 16	Page 25, Paragraph 16.10	PSA note the ongoing Court of Appeal case and will consider the outcome and any subsequent steps taken by GOsC in next year's performance review.	The Court of Appeal case was heard on 14 October 2021 and the judgment was handed down on 17 December 2021. We note that PSA will consider the outcome as part of the performance review for 2021-22.
Standard 16	Page 26, Paragraph 16.15	The PSA will continue to monitor our work around expert witnesses and the guidance we provide.	We note the PSA will monitor this activity in future reports.