

Healthcare regulation: deciding when statutory regulation is appropriate

Royal Pharmaceutical Society response

1. Do you agree or disagree that a qualitative and quantitative analysis of the risk of harm to patients is the most important factor to consider when deciding whether to regulate a health or care profession?

- Agree
- Disagree
- I don't know

Please provide reasons for your answer

It is important that the regulation of professionals is assessed in a consistent manner, and we believe that criteria covering both qualitative and quantitative risk of harm to patients and the public is the best way to do this. The role of the regulator is to assure patient safety but it must also provide a good experience for registrants.

2. Do you agree or disagree that proportionality, targeted regulation and consistency should also be considered in deciding whether to regulate a health or care profession?

- Agree
- Disagree
- I don't know

Please provide reasons for your answer.

The regulation process can be costly to the individual being regulated and also in the setting up of a regulator. Therefore, the risks and benefits (proportionality) of establishing regulation for a profession needs to be taken into account and other proportionate options to manage risk must have been considered. Targeted regulation is necessary as once a risk to patients is identified steps must be taken to minimise this risk and regulation may be one way of doing this. Regulation should be introduced if it will bring about consistency in services which will reduce the risk of patients coming to harm. Similarly, the assessment to decide whether or not to regulate a profession needs to be consistent and applied fairly with all unintended consequences considered. The impact of regulating a profession on the ability of patients to access their services in an uninterrupted manner is vital.

3. Do you agree or disagree that the currently regulated professions continue to satisfy the criteria for regulation and should remain subject to statutory regulation?

- Agree
- Disagree
- I don't know

Please provide reasons for your answer. If you disagree, please provide any evidence in relation to the criteria outlined above that supports a proposal to remove a currently regulated profession from statutory regulation

As far as we are aware, there have been no changes to the services offered by any regulated profession significant enough to mean regulation was not required to manage the risk to patients. The roles of individual professionals change and evolve over time. Being regulated

allows the public, other professions and the system as a whole to be confident that this is happening to a consistent standard.

4. Do you agree or disagree that currently unregulated professions should remain unregulated and not subject to statutory regulation?

- Agree
- Disagree
- I don't know

Please provide reasons for your answer. If you disagree, please provide any evidence in relation to the criteria outlined above that supports a proposal to include a currently unregulated profession within statutory regulation.

Using consistent criteria to evaluate professions and assess risk is key to making a decision on whether or not a profession needs to be regulated.

Across England, Scotland and Wales pharmacy technicians are a regulated profession and are regulated by the General Pharmaceutical Council. This is not the case for pharmacy technicians in Northern Ireland and we would like to see this anomaly resolved so that pharmacy technicians in Northern Ireland become healthcare regulated professionals.

We believe that practitioners who are aesthetic practitioners should be assessed in terms of becoming a regulated profession. The reasons being that this practice is becoming more common, and there is huge variability in the training practitioners undertake before they undertake practice which could lead to significant patient safety issues. It is vital that harms are recognised and regulating the professional providing the service is more appropriate than regulating the settings in which the service is delivered.