

CLEAR Conference, July 7 2011

Right-touch regulation

Putting regulation in its place



Harry Cayton
Chief Executive



Right touch regulation

'Right touch regulation is based on a proper evaluation of risk, is proportionate and outcome focussed; it creates a framework in which professionalism can flourish and organisations can be excellent. Excellence is the consistent performance of good practice combined with continuous improvement.'


Harry Cayton CHRE Review 2009

Elements of the right-touch approach

- Identify the problem before the solution
- Quantify the risks
- Get as close to the problem as possible
- Focus on the outcome
- Use regulation only when necessary
- Keep it simple
- Check for unintended consequences
- Review and respond to change


1. The agencies creating quality

The shared responsibility for high-quality healthcare

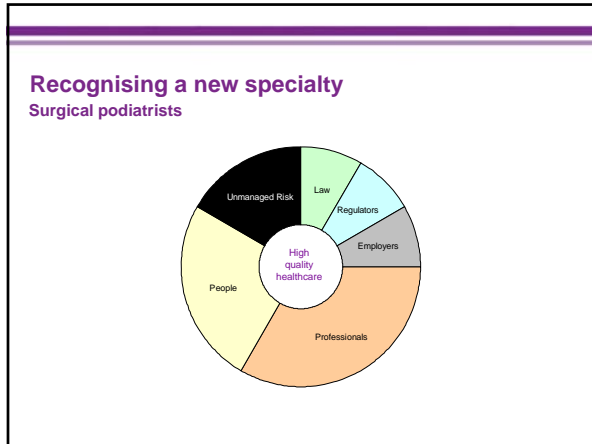


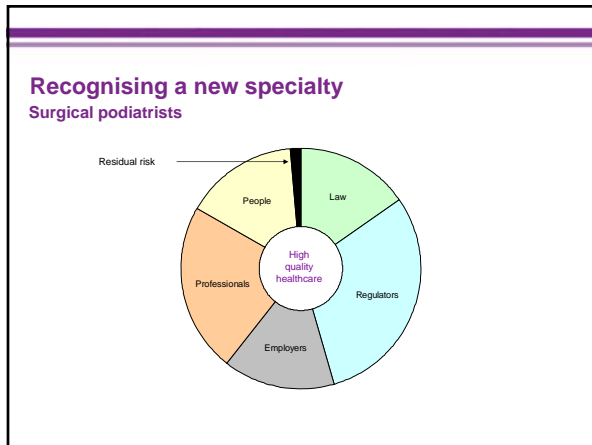
The diagram is a circle divided into five colored segments surrounding a central white circle. The central circle contains the text "High-quality healthcare". The segments are: "People" (yellow, top-left), "Law" (green, top-right), "Regulators" (cyan, right), "Employers" (grey, bottom), and "Professionals" (orange, bottom-left).

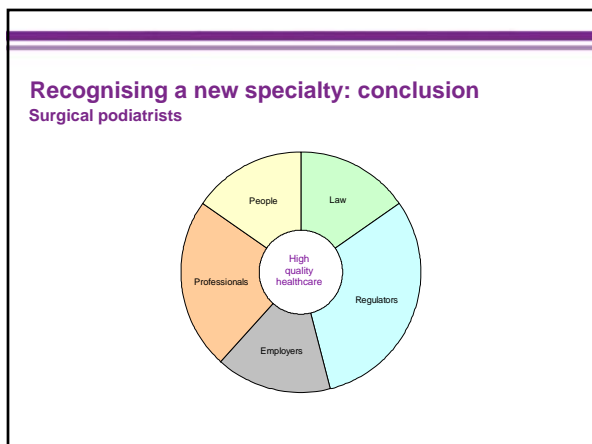
Example 1: Surgical Podiatrists



The photograph shows a person in green surgical scrubs and a blue cap, wearing white gloves, performing a surgical procedure on a patient's foot. The patient is lying on a table. The background shows an operating room environment. A small copyright notice "© CASCO 2011" is visible in the bottom left corner of the image.







Example 2: Healthcare support workers




Regulating a new group
Healthcare support workers




Regulating a new group
Healthcare support workers




Regulating a new group: conclusion
Healthcare support workers



Applying the principles to other areas of life
Organising school trips – Current situation



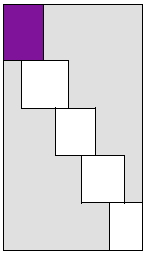
Applying the principles to other areas of life
Organising school trips – New situation



2. Right-touch regulation decision steps

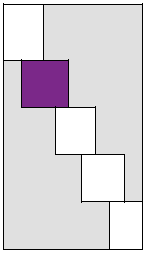
Right-touch questions: step one

1. What is the problem?
2. Is the problem about risk?
 - No – Stop, don't regulate. If the problem is not about risk there's no need to regulate
 - Yes – go to 3



Right-touch questions: step two

3. What are the risks?
4. How great are the risks?
5. Are the risks currently managed?
 - Yes – Stop, don't regulate, use the existing solution to manage the problem
 - No – go to 6

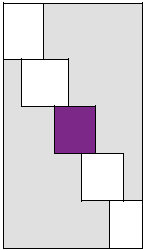


Right-touch questions: step three

6. Where and why is the problem occurring?

7. Can the problem be solved locally?

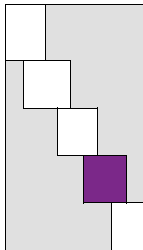
- Yes – Stop, don't regulate, use targeted local approaches
- No – go to 8



Right-touch questions: step four

8. Is there a regulatory solution in line with the principles of good regulation?

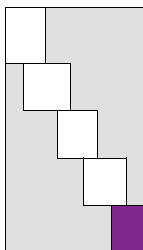
- No – consider other regulatory options - go back to 8
- Yes – go to 9



Right-touch questions: step five

9. Are there any new risks or unintended consequences?

- Yes – Stop, consider other regulatory options - go back to 8
- No – regulate. Review regularly and respond to change



Principles of good regulation

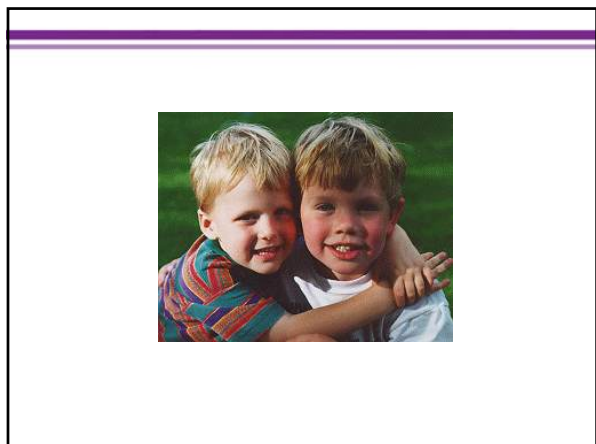
- Proportionate
- Targeted
- Transparent
- Accountable
- Fair
- Agile

The first law of right-touch regulation:
Apply the minimum regulatory force needed to achieve the outcome.

The second law of right-touch regulation:
Use regulation as a last resort.

The third law of right-touch regulation:
A list is not a solution





A horizontal collage of images showing diverse people of various ages and ethnicities. From left to right: a woman in a blue headscarf, an elderly man, a young girl, a woman, a young boy, an elderly woman, a young girl, a woman, and a man holding a baby. The images are set against a light background with a purple border at the top and bottom.

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