Right-touch regulation

Putting regulation in its place

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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

Example 1: Surgical Podiatrists
Recognising a new specialty
Surgical podiatrists

Residual risk

Recognising a new specialty: conclusion
Surgical podiatrists
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*