

Professional Liaison Group for the review of the standards of conduct, performance and ethics – 28 July 2014

Thematic review: Leadership and management

Executive summary and recommendations

Introduction

The first stage of the review of the standards of conduct, performance and ethics included a number of research and consultancy activities engaging a range of stakeholders about the standards.

Leadership and management has been identified as a key theme from the research findings given the prevalence of discussion by stakeholders about the responsibilities of registrants working in senior roles with managerial or leadership responsibilities.

This paper sets out the background, research findings, our current approach and approaches of other regulators to these issues. The paper also provides a number of considerations for the discussion of the professional liaison group.

Decision

The professional liaison group is invited to discuss the attached paper, with reference to section six of this paper.

Background information

None

Resource implications

None

Financial implications

None

Appendices

None

Date of paper

11 July 2014

Review of the standards of conduct, performance and ethics

Leadership and management

1. Introduction

- 1.1 The findings from the research activities undertaken during the first stage of the review of the standards of conduct, performance and ethics have been synthesised into a number of key themes.
- 1.2 These themes are to be considered by the Professional Liaison Group for the review of the standards of conduct, performance and ethics at its meetings between June and December 2014.
- 1.3 The theme identified in this paper relates to leadership and management responsibilities for those registrants practising in senior roles. The theme also briefly covers supervision and delegation and the related management skills required of all registrants.
- 1.4 This paper sets out the research findings, our current approach and the approaches of other regulators to leadership and management requirements. The final section of this paper sets out a number of key points for the professional liaison group to consider as part of its discussion on this issue.

2. Research findings

- 2.1 A number of activities throughout the research project identified this theme as appropriate for further consideration in the standards, though in relation to other themes considered by the PLG, the number of participants commenting on managerial responsibilities, leadership skills and the requirements around supervision and delegation was small.
- 2.2 Some registrant participants in research carried out by The Focus Group identified a tension between individual practitioners and the organisation in which they work. They considered that lack of supportive management results in individual registrants struggling to meet some of the standards. They considered this particularly the case in relation to standards requiring registrants to keep their knowledge and skills up to date and those relating to supervision, both of which they considered to be underpinned by support, cooperation and resources from managers. As such, these registrants considered that the standards should include a statement which requires managers to provide staff with appropriate support.
- 2.3 Similarly, a few Fitness to Practise colleagues surveyed as part of an internal research piece considered that the standard on supervision and delegation should be expanded to include reference to registrants in managerial

positions. They considered a number of points in relation to such a requirement, including ensuring that appropriate support and resources are available to staff, and that they have a wide appreciation of the context of care within the service.

- 2.4 A number of representatives from professional bodies drew upon recent examples of failures in health and care environments, in which managers failed to support and enable those they managed to report and escalate concerns, to support their recommendation of a sub-standard about the requirements of registrants with extra responsibilities. They considered that a general statement about supporting and managing staff appropriately would further public protection. This recommendation was also made by Employers attending events on the standards in London, York and Glasgow.
- 2.5 A few participants across stakeholder groups commented on the standard requiring registrants to effectively supervise tasks they have asked other people to carry out. Professional body representatives and employers in particular, commented on this standard in relation to leadership skills that should be demonstrated by any registrant, regardless of their employed role. They considered that the current standard which covers issues of delegation and supervision and should be expanded to include more detail but did not comment on the areas this should incorporate.

3. Current approach

- 3.1 The standards of conduct, performance and ethics do not currently include statements relating to the responsibilities of registrants in management and leadership roles. This is because the standards are designed to apply across professions to registrants at different stages of their career, working in a variety of environments with a range of different service users. Our current approach to the standards is to ensure that the standards apply to this range, and standards dedicated to registrants with extra responsibilities seemed contrary to this position.
- 3.2 This is not to say that the standards will be met by registrants in the same way. Registrants are required to meet the standards in a way that is relevant to their scope of practice, and will therefore meet the standards in different ways. This means that registrants with extra responsibilities, such as managerial responsibilities, should apply the standards to the scope of their practice. For example, alongside reporting concerns about other health and care professionals, as currently expected of all registrants, those with managerial responsibilities may also be required to ensure that they escalate any concerns that come to them in their capacity of manager as necessary, and support staff that raise concerns appropriately.
- 3.3 When considering complaints about registrants, a fitness to practise panel would consider the individual circumstances of the case, including the scope of practice and role within which the registrant was working to inform any decisions they make.

- 3.4 In relation to supervision and delegation, our standards of conduct, performance and ethics currently require registrants to supervise tasks they have asked other people to carry out. This includes being responsible for the decision to delegate and ensuring that those they ask to carry out task have the required knowledge, skills and experience to undertake them safely and effectively. The standard also references the need to address disciplinary or training issues where necessary.

'8. You must effectively supervise tasks you have asked other people to carry out.'

'People who consult you or receive treatment or services from you are entitled to assume that a person with appropriate knowledge and skills will carry out their treatment or provide services. Whenever you give tasks to another person to carry out on your behalf, you must be sure that they have the knowledge, skills and experience to carry out the tasks safely and effectively. You must not ask them to do work which is outside their scope of practice.'

'You must always continue to give appropriate supervision to whoever you ask to carry out a task. You will still be responsible for the appropriateness of the decision to delegate. If someone tells you that they are unwilling to carry out a task because they do not think they are capable of doing so safely and effectively, you must not force them to carry out the task anyway. If their refusal raises a disciplinary or training issues, you must deal with that separately, but you must not put the safety of the service user in danger.'

- 3.5 We recognise that the standards do not exist in a vacuum and that employers are likely to have policies or mechanisms for providing supervision and keeping skills up to date. While we would expect registrants to work within the policies and procedures of employers as far as possible, the requirements made in the standards are broad enough to ensure that the ability of registrants meeting these standards is not dependent on their line managers or employers.

4. Other relevant considerations

- 4.1 The standards of proficiency, which outline the profession-specific threshold level of entry to the Register, include standards relating to mentoring and a standard requiring registrants to 'understand the concept of leadership and its application to practice.'

5. Other standards and guidance

- 5.1 Other health and care regulators in the UK adopt different approaches to standards particular to registrants with managerial or leadership responsibilities. The table below outlines the approach of each of these regulators to this theme.

Regulator	Current approach
General Medical Council (GMC)	<p>Good Medical Practice contains a section on 'teaching, training, supporting and assessing' which includes a number of standards about leadership skills for doctors at all levels including supporting colleagues. A few standards refer only to doctors in a managerial role including providing appropriate supervision and writing references, assessments and appraisals. On supervision and delegation all doctors are required to be satisfied that the person they delegate to has the appropriate qualifications and skills to provide safe care. The GMC also produce Leadership and Management for all Doctors which provides guidance around these issues. It works on the principle that all doctors should display basic leadership skills in their practice, but includes further requirements for doctors with extra responsibilities in relation to performance review, information governance, recruitment and supervision and planning and using resources, among others.</p>
Nursing and Midwifery Council (NMC)	<p>The current Code includes one general standard related to registrants with managerial responsibilities. This is currently included under their section on effective delegation: 'you must make sure that everyone you are responsible for is supervised and supported'. In relation to delegation, the Code requires that all registrants ensure that those delegated to have the necessary skills and confirm that the outcome of a delegated task meets the required standards. The draft revise code also contains a section on providing leadership, managing time, resources and risk aimed at all registrants. It requires registrants to provide leadership through driving quality improvement, identifying priorities and managing time and resources effectively to ensure quality of care.</p>
General Dental Council (GDC)	<p>The Standards for the Dental Team include a sub-standard requiring registrants who manage a team to demonstrate effective management and leadership skills. Further guidance on this requirement provided in the document includes detailed requirements to communicate with staff regularly, support and facilitate professional development and develop shared aims and understanding, among others. The standards require all registrants to delegate and defer appropriately and effectively, and provides guidance on ensuring colleagues have appropriate skills and providing clear handover.</p>

<p>General Osteopathic Council (GOsC)</p>	<p>The Osteopathic standards contain a number of references in relation to practitioners with managerial responsibilities throughout their standards, including in relation to raising and escalating concerns to ensure that systems for reporting concerns are in place. This also includes guidance in relation to supporting staff to understand requirements around record keeping, confidentiality, appropriate relationships, complains and health and safety. Guidance under the standards also refer to specific areas of practice in terms of training junior colleagues, teaching responsibilities and supporting and mentoring students, associates, assistance and support staff.</p>
<p>General Chiropractic Council (GCC)</p>	<p>The GCC produces no specific standards for those managing staff but includes a number of statements in relation to other standards, including a legal duty of equality to staff and ensuring that proper procedures are in place in relation to service user confidentiality. On delegation, all registrants are required to ensure that they do not require anyone to take on responsibilities beyond their knowledge, skills and experience.</p>
<p>General Optical Council (GOC)</p>	<p>The Code of practice produced by the GOC does not currently include any standards relating specifically to practitioners with managerial responsibilities nor do they refer explicitly to delegation requirements.</p>
<p>General Pharmaceutical Council (GPhC)</p>	<p>The Standards of Conduct, Ethics and Performance do not include any standards that relate specifically to registrants in managerial positions. In relation to delegation and supervision, the GPhC requires all registrants to make sure that tasks are only delegated to those who are appropriately trained and that they are responsible for the work they supervise.</p>
<p>Pharmaceutical Society of Northern Ireland (NISCC)</p>	<p>The PSNI adopts a very similar approach to the GPhC, outlined above. The PSNI's Code of Ethics and Standards also refers to registrants providing supervision, ensuring a high standard of professional services and ensuring that staff have an appropriate level of language competency.</p>
<p>Care Council for Wales (CCW)</p> <p>Northern Ireland Social Care Council (NISCC)</p> <p>Scottish Social Services Council (SSSC)</p>	<p>The code of practice for social workers in Northern Ireland, Scotland and Wales is currently the same across all three care councils and was previously in place for social workers in England under the General Social Care Council.</p> <p>This code of practice does not include any standards relating specifically to registrants with managerial responsibilities, but requires all social workers to recognise that they remain responsible for the work they have delegated.</p>

	<p>It is important to note that all three care councils have a code of practice for employers of social workers which are taken into consideration by the respective care inspectorate when undertaking inspections of service providers. These standards cover requirements on recruitment, policies and procedures to allow registrants to meet the standards, training and development and complaints and fitness to practise.</p> <p>The CCW also produces practice guidance for managers which includes a section on leading, managing and developing others, incorporating guidance on workplace culture, recruitment, staff development, ongoing support and learning, delegation and performance review.</p>
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5.2 The codes of practice produced by a number of professional bodies also include standards relating to extra responsibilities. Registrants with these responsibilities will also be required to act in accordance with the policies and procedures that employers produce for staff they employ in managerial positions.

6. PLG considerations

6.1 Analysis of the research findings and other regulatory standards pertaining to this theme identifies two main areas relevant to this review. These include whether the standards should;

- expand on the topics of supervision and delegation to contain more prescriptive detail; and
- include a principle aimed at registrants with managerial responsibilities relating to supporting staff.

6.2 Few research participants commented on expanding the current standard on supervision and delegation which applies to all registrants to include more prescriptive detail, and those that did not elaborate on their expectations. The current standard is sufficiently broad to ensure it applies to all professionals on our Register across a range of professions, scope of practice, settings and workplace environments. The majority of other regulatory standards do not include any more information about supervision and delegation requirements of all registrants than the standards of conduct, performance and ethics do currently. Any approach we take to revising the standards must, as far as possible, ensure that the standards remain applicable and meaningful to the range of registrants who work at different levels in a range of environments and it is likely that further prescriptive detail would limit the scope of this standard.

6.3 More participants suggested the standards include a principle specific to registrants with managerial or leadership responsibilities, though the overall number was still relatively small compared to other themes discussed by the PLG. While there is some precedent in the standards to include principles which may not apply to all registrants, any such inclusion should be specific about what it is trying to achieve. It should also remain broad enough to cover registrants from different professions working in a similar capacity. For example, the current standards include a reference to those registrants who are involved in providing care and indicates that they must work in partnership with service users to involve them in care. Based on these considerations, the PLG may wish to consider whether the standards would benefit from including a principle about the need for registrants with extra responsibilities to support and supervise staff appropriately.