

Professional Standards Authority for Health and Social Care Business Plan 2023/24



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1. Business Plan 2023/24

Standards and Policy

- 1.1 Our focus in 2023/24 will be on providing advice in relation to regulatory reform and implementing the commitments in our *Safer care for all* report. This will include working with stakeholders on equality, diversity and inclusion (EDI), the development of regulatory strategies by UK governments, regulating for new risks and the implementation of a 'safe spaces' approach that is consistent with individual accountability and the duty of candour.
- 1.2 We will support any necessary changes to Authority processes that underpin the implementation of the reforms, publish guidance on the implementation of reform and seek opportunities to use reform to further improve regulation and registration.
- 1.3 We will continue to monitor and respond to inquiries and consultations, and to monitor the impact of regulatory policy.

Communications and engagement

- 1.4 We will implement our revised stakeholder engagement strategy and plans. We will carry out any communications and engagement arising from regulatory reform and associated work.
- 1.5 We will hold our annual events, both online and in-person, including a symposium, research conference and seminars in Scotland, Wales and Northern Ireland. We will update our website which has been operating in its current format for a few years now to optimise its performance and improve our accessibility for diverse audiences.
- 1.6 We will conduct our annual stakeholder survey. We will continue to provide communication and engagement support for regulation and registration improvement activities.

Regulation and Accreditation

- 1.7 The work of the Regulation and Accreditation Directorate covers three of the Authority's statutory functions: reporting to Parliament on the work of the regulators (performance review); reviewing regulators' final fitness to practise decisions (section 29); and advising the Privy Council about regulators' appointments to their Councils. In addition, it deals with concerns raised generally about regulators. This Directorate also oversees the Accredited Registers programme.

Performance review

- 1.8 The performance review team will continue to review all 10 regulators and report to Parliament on their performance.
- 1.9 We completed the implementation of our new approach to performance reviews at the end of the 2022/23 business year and will evaluate its success in 2023/24. We are also reviewing our approach to the EDI Standard of Good Regulation. During 2023/24, we will continue that work and further develop our engagement with stakeholders to seek feedback on the performance of the regulators.

- 1.10 The team will be monitoring the changes that will be implemented as part of the Government's work on regulatory reform and be considering whether our processes need to be amended.

Section 29

- 1.11 The section 29 team reviews the decisions of the regulators' fitness to practise panels to consider whether these are sufficient to protect the public. If it considers that they are insufficient, then the Authority can refer the case to the relevant court.
- 1.12 The Authority receives all decisions which fall within our jurisdiction. We have a risk-based and proportionate approach to looking at decisions, the efficiency of which has been endorsed by an internal audit into our section 29 work. We do not review cases where the registrant has been removed from the register or some others (for example, further suspension) where in our view the decision is likely to be sufficient to protect the public. In practice, this means that around 30% of cases are closed without review.
- 1.13 For the remainder, we undertake a short initial review to establish whether there are concerns about the decision. If there are, we seek further information so that we can assess whether those concerns suggest that the decision may be insufficient to protect the public. This represents about 100-120 decisions each year across all regulators; around 5% of the caseload. If the concerns remain, then we hold a case meeting with advice from external lawyers before we decide whether to refer the case. Over 90% of the cases we bring are upheld by the courts and settled, with the relevant regulator agreeing that the decision was insufficient to protect the public. We also share learning points from our reviews with the regulators to support improvements in fitness to practise processes.
- 1.14 In 2022/23, the Authority received 2,335 cases. This was the second year of increases following a significant decrease in 2020/21 due to the reduced number of hearings undertaken during the pandemic. We are currently doing work to understand how the regulators expect their recovery plans to affect the volume of our work in 2023/24, but our initial expectation is that the number of cases will be in the region of 2,500. Our existing resources will be able to accommodate the expected number of cases.
- 1.15 The team will also be supporting colleagues in assessing the Government's proposals for regulatory reform and their impact.
- 1.16 We are currently working with the regulators to obtain information about how our processes impact on individuals with different protected characteristics and whether this can provide learning for our own processes and decision-making. We will continue this work in 2023/24.

Appointments to the regulators' governing bodies

- 1.17 The Authority reviewed 15 appointments processes in 2022/23. We expect that number to be similar in 2023/24.
- 1.18 We will be reviewing our processes and guidance for appointments as set out in our EDI Action Plan.

Concerns

- 1.19 The Authority continues to receive concerns about the regulators. In 2022/23 there were 355, which represented a similar number to the previous year. There is no

obvious trend in the number we receive, but we have no reason to believe that there needs to be any change to the resources devoted to this work.

Accredited registers (AR)

- 1.20 During the year we will continue to assess new applications and applications for renewal, including carrying out in-year monitoring and any targeted reviews. We will introduce a new EDI Standard from June 2023. We will continue to work with the NHS and the Government to raise awareness of the Accredited Registers programme and align to areas of workforce need.
- 1.21 We will work with the Government to explore implications of the Independent review of the Disclosure and Barring Regime on safeguarding arrangements for the Accredited Registers and regulators. This follows our successful Accredited Registers pilot of higher-level Disclosure and Barring Service (DBS) checks for a sample of self-employed registrants in 2022/23, and public consultation on whether these should be used more widely in the future.
- 1.22 The Accredited Registers work is not funded by fees from the regulators. It is funded in full by the registers. The Accredited Registers business plan for 2023/24 can be found in Annex A.

Corporate Services

- 1.23 The team provides the following services: finance, human resources (HR), information and communications technology (ICT), information security, governance, risk management, audit, facilities, health and safety, business continuity, procurement and office administration.
- 1.24 The team works to ensure that the Authority is an independent, effective, value for money organisation. It supports the Board and executive in delivering the functionality and smooth operation of the organisation.

Work for 2023/24

- 1.25 In the coming year, the team will continue to support the general operation of the Authority while embedding the improvements and efficiencies introduced in 2022/23.
- 1.26 Projects for 2023/24 will include implementing a cloud based self-service HR system, reviewing the design of our website, and managing the introduction of a new defined contribution pension scheme.
- 1.27 HR and Governance continue to provide day-to-day support, overseeing all recruitment and responding to all staffing and HR matters. They have also developed a new three-year People Strategy for implementation from the beginning of 2023/24.
- 1.28 Finance will continue to provide effective day-to-day running of the finance function, overseeing all financial transactions, procurement, and payroll. They will develop a new three-year Finance Strategy building on the improvements to financial reporting and budget management delivered in 2022/23. This will include continuing their proactive oversight of all procurement.
- 1.29 ICT will continue to provide effective day-to-day helpdesk support, contract management and cyber security. Their focus will be embedding the new cloud

IT strategy that was rolled out in 2022/23.

Equality Diversity and Inclusion (EDI)

- 1.30 In 2022/23, the Authority continued its work on its approach to EDI, delivering its action plan and undertaking considerable training for its staff with the help of its EDI adviser. We appointed a new EDI Manager in late 2022/23 who is overseeing the development of our 2023/24 action plan.
- 1.31 We will issue guidance to the regulators in 2023/24 on our expectations in relation to the EDI standard for performance reviews. We will also implement a similar standard for Accredited Registers from June 2023.

2. Finance and Resources

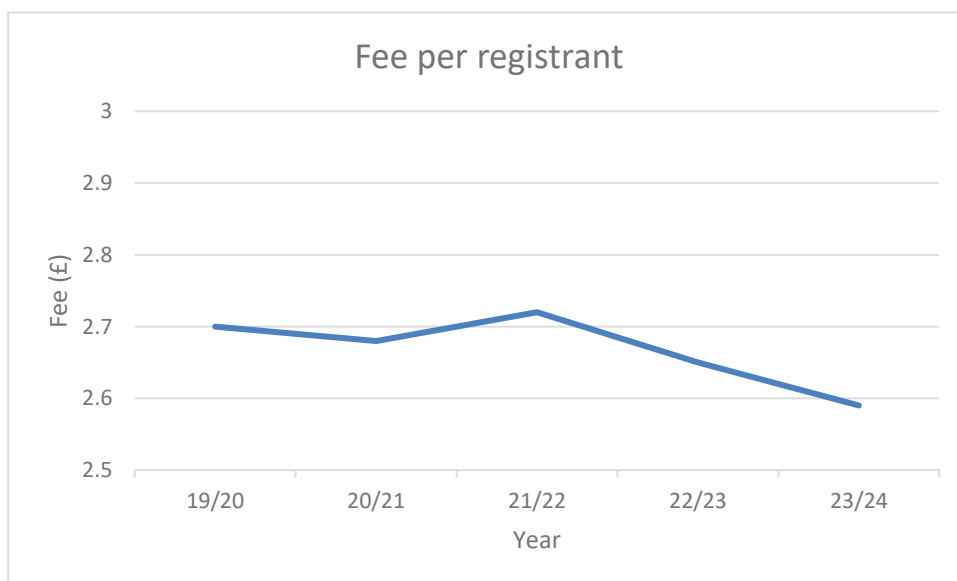
- 2.1 The Authority operates as an independent body with statutory duties. It is accountable to Parliament.
- 2.2 The Authority is funded through:
- Fees collected from the regulatory bodies that it oversees, which fund the costs of its regulatory and standards functions
 - Income arising from the accreditation of voluntary registers.
 - Income for advice and investigations that are specifically commissioned by the Secretary of State and/or the Devolved Administrations.
 - Income from other activities, for example, fees from the provision of advice and advisory services to governments, regulatory bodies and other similar organisations in the UK and abroad.
- 2.3 The Authority is required by the Health and Social Care Act 2012 to consult with the regulatory bodies advising them of its proposed budget requirement. This consultation is found in the annexe to this document.

Value for Money

- 2.4 The Authority is committed to delivering value for money. It aims to do so in three ways: carefully reviewing expenditure and controlling costs; systematically evaluating core processes to identify improvements in effectiveness and efficiency; and maximising the benefits of our work in the interests of better regulation and registration. We continue to monitor benefits realisation across our work and to allocate resources to maximise value for money.
- 2.5 In 2020/21 and 2021/22 the Authority completed work to review its core processes relating to our Accredited Registers function and performance reviews. The Accredited Registers function is now based on a self-funding model and has a revised set of standards and operational processes, further improving the effectiveness of the programme. Our work in changing the performance review processes concluded in early 2022 and has delivered a more proportionate approach that more effectively promotes and supports improvements in the regulators.
- 2.6 The Authority's strategic plan for 2023-26 makes clear our plans to maximise the benefits of our work, with a particular focus on contributing to improvements in regulation through research, policy advice, and the sharing of good practice.
- 2.7 In 2022/23 we carried out a review of our pensions arrangements to consider if there was a more suitable, cost efficient, alternative to the existing NHS defined benefit scheme. As a result, we made the decision to close the NHS Scheme to new starters from April 2023 and introduce a Defined Contribution scheme in its place. We expect to see long term savings from this major change although these will not materialise immediately.
- 2.8 We continue to have virtual meetings for our Scrutiny and Nominations Committees, and Board workshops, which delivers savings in travel and subsistence costs for Board members.
- 2.9 The relocation of the Authority office to new premises in March 2023 will deliver significant savings. Although the accommodation costs in the Victoria office were

relatively low, we will reduce our annual spend in this area by around £100,000 by significantly reducing the space we need as a result of our pilot hybrid working patterns. Throughout the relocation project we kept costs to a minimum by securing free legal support from the Government Legal Department Property Law Hub, courtesy of the Department of Health and Social Care. We will be investing these savings in enhancing our stakeholder engagement and communications functions in 2023/24 and beyond.

- 2.10 We reduced our procurement threshold significantly in 2022/23, and as a result are now required to seek three quotes for any expenditure over £3,000. This more robust approach ensures that we are achieving competitive pricing by comparing the market more regularly. Throughout the 2022/23 year we reviewed our approach to renewing long-term contracts with suppliers. As a result, we ran several procurement exercises and awarded new supplier contracts in various areas. We are also more actively managing those contracts, ensuring that suppliers are being held to account on all levels of service delivery.
- 2.11 By implementing our IT Cloud Transformation Roadmap in 2022/23, we will reduce annual capital expenditure by £50K compared to previous years and deliver long term savings in IT costs. In addition, we have secured commercial/procurement support services from the Department of Health and Social Care at no cost.
- 2.12 We have managed staff costs by having no pay increase for staff in 2021 and only a 1% increase in 2022. In recognition of the current cost of living pressures we implemented a 4% pay increase for staff and Board members in April 2023.
- 2.13 The Authority is conscious of the financial pressures faced by many registrants working in health and social care. The average cost per registrant of the Authority's regulation and standard-setting work in 2022/23 was £2.65. This compares with £2.72 in 2021/22, £2.68 in 2020/21 and £2.70 in 2019/20, as shown below. The average cost per registrant in 2023/24 will be £2.59.



Assumptions

2.14 The assumptions for business as usual in 2023/24 that we built our budget on are as follows:

- An ongoing 5% vacancy rate.
- A pay increase for staff and Board members of 4% from April 2023.
- That based on the recovery costs averaged over the last three years, the Authority will recover 25% of its total expenditure on legal advice related to Section 29 cases.
- That the total cost of legal action will remain at the same level as in previous years
- That staffing numbers increase by one compared to the beginning of 2022/23
- That no legislative changes that amend the duties of the Authority to an extent that will impact on our costs, will be introduced during the year
- That the number of fitness to practise cases will be approximately 2,500.
- An inflationary increase for non-staff costs of 4%.
- That DHSC will progress regulatory reform as planned.

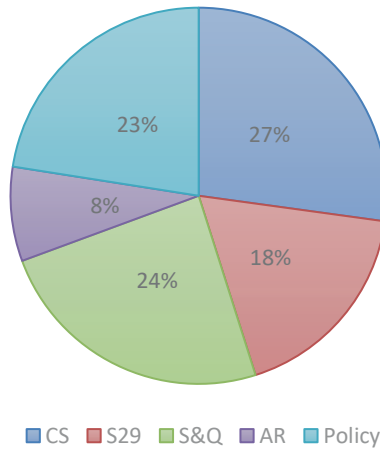
2.15 In comparison to the budget for 2022/23, costs have increased in relation to: staffing (a pay increase and an additional Head of Stakeholder Engagement and Communications); increased audit costs; and inflation on some non-staff costs. We have decreased costs in relation to: office rent; recruitment; staff travel; and publications/communications.

2.16 The staffing establishment as budgeted for 2023/24 is:

| Posts | 2023/24 | 2022/23 |
|-----------------------|----------------|----------------|
| Chief executive | 1 | 1 |
| Directors | 3 | 3 |
| Assistant directors | 1 | 2 |
| Heads of functions | 5 | 4 |
| Managers | 7 | 6 |
| Technical specialists | 4 | 4 |
| Officers and advisers | 17 | 17 |
| Administrators | 3 | 3 |
| Total | 41 | 40 |

2.17 These 41 posts equate to 39.5 full-time equivalents.

Proportion of staff costs allocated to key functions



2.18 The overall increase in the fees required from the regulators in 2023/24 is £177K (3.9%).

Indicative Budgets

| Regulation and standards | 2023/24 £'000 | 2022/23 £'000 |
|---|--------------------------|--------------------------|
| Net operating expenditure (excluding depreciation for assets purchased during the year and database amortisation) | 4,687 | 4,725 |
| Capital expenditure | 50 | 50 |
| Subtotal | | 4,775 |
| Reserves refunded | (100) | (216) |
| Total funding requirement | 4,637 | 4,559 |

Expenditure breakdown

| | 2023/24 £'000 | 2022/23 £'000 |
|----------------------------------|--------------------------|--------------------------|
| <i>Expenditure</i> | | |
| Staff costs | 3,295 | 3,112 |
| Other administrative costs | 1,540 | 1,724 |
| <i>Income</i> | | |
| Operating income | (148) | (111) |
| Net operating expenditure | 4,687 | 4,725 |

| Capital expenditure | 2023/24 £'000 | 2022/23 £'000 |
|----------------------------|--------------------------|--------------------------|
| Information technology | 40 | 40 |
| Fixtures and fittings | 10 | 10 |
| Capital expenditure | 50 | 50 |

Administrative costs

| | 2023/24 £'000 | 2022/23 £'000 |
|-----------------------------------|------------------|------------------|
| Members' remuneration | 102 | 95 |
| Legal and professional fees | 461 | 582 |
| Premises and fixed plant | 515 | 602 |
| Training and recruitment | 110 | 130 |
| Communications and conferences | 151 | 132 |
| Establishment expenses | 77 | 75 |
| External audit fee | 29 | 29 |
| Other costs | 95 | 79 |
| Depreciation | 0 | 0 |
| Total administrative costs | 1,540 | 1,724 |

Operating Income

| | 2023/24 £'000 | 2022/23 £'000 |
|-------------------------------|------------------|------------------|
| Section 29 cost recoveries | 143 | 99 |
| Sub-tenancy income | 0 | 0 |
| Other operating income | 5 | 12 |
| Total operating income | 148 | 111 |

Accredited registers

| | 2023/24 Budget £'000 | 2022/23 Budget £'000 |
|--------------------------------|----------------------------|----------------------------|
| Income | | |
| Previous fee model | 0 | 157 |
| New fee model | 583 | 429 |
| Other Income | | |
| Total | 583 | 586 |
| Expenditure | | |
| Pay costs | 404 | 321 |
| Non pay costs | 197 | 220 |
| Total | 601 | 541 |
| Total surplus/(deficit) | (18) | 45 |
| DHSC funding | | - |
| Net surplus/(deficit) | (18) | 45 |

3. KPIs

| Area of work | Key performance indicators |
|--|---|
| Finance | <ul style="list-style-type: none"> • To pay undisputed invoices:100% in 10 days • Budgeted income / expenditure variance less than 5% (excluding Section 29 that is outside our control) • Payment error rate less than 3% • Late purchase order rate less than 10% |
| HR | <ul style="list-style-type: none"> • Staff sickness no more than 2% • Staff turnover to be less than 15% • Average recruitment process less than12 weeks |
| ICT | <ul style="list-style-type: none"> • Respond to 85% of helpdesk tickets within 4 hours • Resolve 85% of tickets within one day • System unavailability in business hours does not exceed 10 hours in any month |
| Information security | No incidents reported to the Information Commissioner's Office |
| Information requests (FOI / SAR / EIR) | <ul style="list-style-type: none"> • 100% Subject Access Requests dealt with within statutory deadlines • 100% Freedom of Information Act requests dealt with within statutory deadlines |
| Audit – external | Unqualified opinion received for accounts |
| Complaints | <ul style="list-style-type: none"> • 100% of complaints acknowledged in five days • Response to all complaints to be completed within 28 days |
| Section 29 decisions | 100% of relevant decisions considered within statutory deadline |
| Performance Reviews | 100% of performance reviews published within three months of end of review period |

| | |
|---|--|
| Public concerns about Regulatory bodies | 100% of concerns acknowledged within five working days |
| Accredited Registers | <ul style="list-style-type: none">• 90% of registers have a full assessment within three years of previous assessment.• 90% of decisions are made on the annual check within one year of the previous assessment.• 90% of full assessments are undertaken within one year of a Condition being issued.• 95% of targeted reviews are completed within three months of the date initiated |

Annex A

Accredited Registers Business Plan 2023/24

Introduction

The Accredited Registers programme provides oversight for health and care roles that are not required to be registered by law.

Our mission is to help keep people safe when they are getting help from unregulated health and care practitioners. We do this by only awarding our Quality Mark to registers that meet our standards, so that anyone can choose a practitioner with confidence.

The Accredited Registers programme is run by the Professional Standards Authority. The legislation underpinning our powers to accredit registers is set out within the National Health Service Reform and Health Care Professions Act 2002¹.

This document sets out the key aims for the Accredited Registers programme in 2023/24, and how we will use our resources.



Our plans for 2023/24

2023/24 will be the second full year of implementing the revised assessment approach and fees model which were introduced in July 2021, following a strategic review² of the programme.

The strategic review also identified some longer-term strategic objectives. These form the basis of our business plan for 2023/24, and are:

Objective One: Apply the streamlined assessment approach and 'public interest test' to the Accredited Registers.

Objective Two: Ensure that Accredited Registers access appropriate criminal records checks for self-employed registrants.

Objective Three: Raise recognition and use of Accredited Registers.

Our new processes involve a full assessment against our Standards once every three years for most Registers, with an annual check in the intervening years. In 2022/23, we began assessing current Accredited Registers against the new 'Standard 1' public interest test, which enables us to consider whether the benefits of the activities offered by registrants outweighed the risks.

Objective One: Apply the streamlined assessment approach and 'public interest test'

We expect to complete twelve full renewal assessments of Accredited Registers in 2023/24. This is an increase from 2022/23, when we were also focusing on developing internal processes to support new processes.

¹ <https://www.legislation.gov.uk/ukpga/2002/17/contents>

² Report of the public consultation undertaken as part of the strategic review: <https://www.professionalstandards.org.uk/publications/detail/the-future-shape-of-the-accredited-registers-programme---consultation-report>

Full renewal assessments will involve an audit of their published register and a sample of complaints received. We will also review information received through our 'Share Your Experience' invitation. We will check whether our minimum requirements³ against all Standards are met. Decisions are made by an internal Panel, which can issue Recommendations for good practice or Conditions if there are areas that need to be addressed to meet our Standards.

All Accredited Registers that do not have a full assessment in 2023/24 will have an annual check instead, to see if there have been any changes that could affect their performance against our Standards.

In June 2023, we will introduce our new Standard on Equality, Diversity and Inclusion (EDI). This follows public consultation in October 2022 to gather views on how we should assess the Registers in this area. We will introduce the EDI Standard into all assessments from October 2023, and work with Accredited Registers to identify opportunities to collaborate on issues relating to EDI and to share best practice.

In 2022/23, we announced the accreditation of two new Registers: the British Psychological Society's Wider Psychological Wellbeing Register, and the UK-Society for Behaviour Analysis. We continue to receive further new applications for accreditation from organisations registering a range of roles, some of which align to NHS priority areas. We hope to announce further new Accredited Registers in 2023/24.

Objective Two: Ensure that Accredited Registers access appropriate criminal records checks for self-employed registrants

In June 2022, we completed a pilot of enhanced Disclosure and Barring Service (DBS) checks for self-employed registrants, with the Association of Child Psychotherapists. This demonstrated that being a Register, rather than a direct employer, was not a barrier in itself to Accredited Registers accessing enhanced criminal records checks.

In November 2022, we consulted on whether in future, we should extend this approach. In 2023/24, we will review the findings of this consultation and consider whether to revise our Standards to have a clear requirement for Accredited Registers to access appropriate levels of enhanced criminal records checks.

We will also consider implications from the Government's Independent Review of the Disclosure and Barring Regime before we make a decision. You can read more about our work to strengthen safeguarding on our webpage.⁴

Objective Three: Raise recognition and use of Accredited Registers.

To be effective in protecting patients and raising standards it is key that there is recognition, use and awareness of Accredited Registers by the public and employers. It also needs to be used by those making decisions about how care is delivered to make sure there are appropriate levels of assurance for those receiving care from unregulated roles.

We will continue work initiated with a range of bodies in 2023/24 to align the programme with areas of greatest need. This includes work with NHS Professionals, the UK Government, the systems regulators and NHS bodies across the UK.

We will work with our current Registers to encourage collaboration on areas of cross-cutting

³ https://www.professionalstandards.org.uk/docs/default-source/accredited-registers/standards-for-accredited-registers/accredited-registers-evidence-framework-for-standards.pdf?sfvrsn=55f4920_6

⁴ <https://www.professionalstandards.org.uk/what-we-do/accredited-registers/accredited-registers-safeguarding-pilot>

risks, and to develop a better understanding of the diversity of registrants and service-users to better understand barriers to registration and to accessing care. We will use the information we collect about risks of roles through the ‘public interest test’ to inform our understanding of the overall risk profile for regulated roles. 0

We will continue to engage with the Government about proposals to introduce a scheme of licensing for non-surgical cosmetic practitioners in England.

We will continue to support prospective applicants and expect to receive further new applications for accreditation in 2023/24. Encouraging growth of the programme will allow the public and employers to choose from a larger pool of practitioners bearing our Quality Mark, meaning they have demonstrated their safety and competence.

How we will use our resources in 2023/24

Maintaining financial sustainability, having achieved self-funding status following the introduction of a new fees model in July 2021, will remain key. We are mindful of the need to constrain costs, at a time when the cost of living is increasing; whilst continuing to invest in the development of accreditation.

The fees model for 2023/24 will consist of two components: a minimum base fee, and a per-registrant fee. For 2023/24 the base fee will be £10,920 and the per-registrant fee will be £5.93. In line with the approach taken for the statutory regulators, both components were subject to an increase of approximately 4%.

We expanded the Accreditation Team in 2022/23 by an additional Accreditation Officer role to support the programme’s continued growth and new applications. We will maintain these resourcing levels for 2023/24. We will undertake a more fundamental review of resourcing requirements, and the fees model, for 2024/25. In the meantime, the creation of a new role to support Accreditation and the wider organisation (Head of Stakeholder Engagement and Communications) will help us to achieve our goals in 2023/24.

Any surplus at the end of the financial year from additional income, such as from new applications, is set aside in the Authority’s unrestricted reserves. Any additional reserves may be reinvested back into the programme, for example through additional resource or by investment in specific areas such as communications or research.

Income and expenditure

The Accredited Registers programme is financially separate from the rest of the Authority’s regulatory functions. The overriding principle is that all costs incurred by the programme must be met by the fees incurred. The table below sets out our budget from 2021/22, and forecasts for the following two years. The assumptions underpinning future operating income are based on the numbers of current Accredited Registers, and new applications received.

| | 2020/21 | 2021/22 | 2022/23 | 2023/24 | 2024/25 |
|------------------|--------------------|---------|---------|---------|---------|
| Operating costs | 441 | 462 | 519 | 664 | TBD |
| Operating income | (258) ⁵ | (519) | (578) | (671) | 750,000 |

⁵ In 2020/21, the programme received additional income through a subsidy of £162,000 from the Department of Health and Social Care. A revised fees model was introduced in July 2021 which enabled the programme to become fully self-funding in 2021/22 onwards.

| | | | | | |
|------------------------------|-----|------|------|-----|-----|
| Net operating costs/(income) | 183 | (57) | (59) | (7) | TBD |
|------------------------------|-----|------|------|-----|-----|

How we will measure our performance

We will monitor performance against the key performance indicators (KPIs) below. KPIs will be reported to the Authority's Board at its regular meetings through the Chief Executive's Report.

90% of Registers have a full assessment within three years of the previous assessment.

90% of decisions about the annual check within one year of the previous assessment.

95% of Conditions are reviewed within two months of when they were due.

95% of targeted reviews are completed within three months of the date initiated.

90% of decisions are made on new applications for accreditation within two months of all information received.

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