



BCS' Response to Leading the NHS – Proposals to Regulate NHS Managers – Consultation

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Introduction

Leading members of the BCS Faculty of Health and Care responded to the Department of Health and Social Care consultation on proposals to regulate NHS managers. The government's manifesto committed to introducing professional standards for NHS managers, and regulation. The objective is to further strengthen the accountability of NHS managers, with the overarching aim of ensuring patient safety. The consultation sought partners' views on the type of regulation that may be most appropriate for leaders and managers, such as:

- which managers should be in scope for a future regulatory system
- what kind of body should exercise such a regulatory function
- consideration of the types of standards that managers should be required to demonstrate as part of a future system of regulation.

Research Methods

BCS, as the professional body for the tech sector, responded to the questions using evidence from its senior members of the Faculty of Health and Care.

Consultation questions:

1. Do you agree or disagree that NHS managers should be regulated?

- Strongly agree

Please explain your answer.

Rational: All those working in digital, data and technology management roles at all levels in health and care services should be professionally regulated. They work with digital systems which hold patient data and are used to deliver patient care. Their actions could have adverse consequences for patient safety if they are not working competently or to an ethical code of conduct.

2. Do you agree or disagree that there should be a process to ensure that managers who have committed serious misconduct can never hold a management role in the NHS in the future?

- Strongly agree

Rational: Where managers have responsibility for patient information systems, serious misconduct could have catastrophic effects on patients and their care. For example, serious information breaches or system failure resulting in serious clinical incidents. The regulation should allow for different sanctions depending on the seriousness in a similar way to the system in place for doctors and nurses.

3. If there was a disbarring process, do you agree or disagree that the organisation responsible should also have these sanctions available to use against managers who do not meet the required standards?

- Strongly agree

See response to previous question.

4. Do you agree or disagree that there should be a professional register of NHS managers (either statutory or voluntary)?

- Strongly agree

Rational: There should be a professional register of NHS managers working in digital data and technology roles in the NHS. Voluntary registration already exists through various organisations, including BCS, the Chartered Institute for IT, FEDIP, IET and IPeM. These organisations already have registrations appropriate to different stages in an individual's career and competency levels.

5. If you agreed, do you agree or disagree that joining a register of NHS managers should be a mandatory requirement?

This could be either a statutory requirement or made mandatory through NHS organisations choosing only to appoint individuals to management positions who are members of a voluntary register.

- Agree

Rational: Voluntary registration of managers working in digital data and technology roles in the NHS is already available through organisations such as BCS, but take up is limited as it is not mandated. Making a statutory requirement would be the best solution, with the alternative being to encourage employers to make it a requirement of their managers through existing oversight, such as CQC inspections.

Scope of managers to be included:

6. Which, if any, of the following categories of managers within NHS organisations do you think a system of regulation should apply to? (Select all that apply)

- Chairpersons
- Non-executive directors
- Senior strategic level managers and leaders or very senior managers (includes CEOs and executive directors, some medical and dental directors, for example clinical directors) ✓
- All NHS staff aspiring to be board level directors ✓
- Senior managers and leaders (approximately bands 8d to 9, for example service manager, clinical lead, nurse consultant, deputy director or director - usually band 9 - and head of department) ✓
- Mid-level managers and leaders (approximately bands 8a to 8c, for example operations manager, programme manager, senior clinician and matron, up to head of service, for example head of nursing, head of performance and delivery) ✓
- First-time line managers (approximately bands 6 to 7, for example project manager, staff nurse, occupational therapist, team supervisor, team manager) ✓
- Foundation managers (approximately bands 4 to 5, for example administrator, receptionist, medical secretary, clinical support worker, clinical assistant, healthcare assistant) ✓
- Don't know

- Not applicable - managers should not be regulated

Rational: The focus of our response is on managers working in digital data and technology roles so we have not commented on non-execs nor other managers with non-technical roles. All those working in digital, data and technology management roles in the NHS should be required to be professionally registered at a level appropriate to their grade/level of responsibility. By making this requirement apply at all levels, it encourages professionalism throughout the workforce.

7. Which, if any, of the following categories of managers in equivalent organisations do you think a system of regulation should apply to? (Select all that apply)

- Appropriate arm's length body board members (for example, NHS England) ✓
- Board level members in all Care Quality Commission (CQC) registered settings ✓
- Managers in the independent sector delivering NHS contracts ✓
- Managers in social care settings ✓
- Don't know
- None of these

Rational: The requirements should apply to those working in digital data and technology management roles in all settings, including arm's length bodies and those working in the independent sector delivering NHS contracts, those working in social care settings and those who are supplying electronic health care record systems to the NHS.

Responsible Body

8. If managers are brought into regulation through the introduction of a statutory barring system, which type of organisation do you think should exercise the core regulatory functions outlined above?

- Executive agency of DHSC
- Professional membership body ✓
- Don't know
- Other type of body
- Not applicable - managers should not be regulated through a barring system

Rational: Professional bodies are already set up to undertake the core regulatory functions. BCS, Chartered Institute for IT, has a Code of Conduct which it requires its members to sign up to. There are processes in place for removing membership from those who do not comply. We also operate a professional registration process based on both competency and ethical working practices.

9. If managers are brought into regulation through the introduction of a professional register (either a voluntary accredited register or full statutory regulation), which type of organisation do you think should exercise the core regulatory functions outlined above?

- Independent regulatory body
- Executive agency of DHSC
- Professional membership body ✓
- Don't know
- Other type of body
- Not applicable - managers should not be regulated through a professional register system

Rational: A professional membership body, which has the ability to set professional standards relevant to their own discipline or area of expertise and to assess individuals against these standards.

10. If managers are brought into some form of regulation, do you have an organisation in mind that should operate the regulatory system? (Select all that apply)

- An existing regulator
- An existing membership body ✓
- An existing arm's length body (for example, an executive agency)
- Establish a new independent regulatory body
- Establish a new membership body
- Establish a new arm's length body (for example, an executive agency)
- Don't know
- Other

- Not applicable - managers should not be regulated

Please explain your answer - if you said an existing regulator, membership body or arm's length body, please specify which.

Professional bodies already exist which can take on the regulatory functions for digital data and technology management roles. These are BCS, the Chartered Institute for IT, FEDIP, IPEM and IET. They set professional standards for those working in these fields requiring ethical conduct and specific competency levels to be achieved.

Other considerations: professional standards for managers

Professional standards include as a minimum, the values, behaviours and competencies that managers will be expected to demonstrate. There is currently not a set of recognised professional standards for NHS managers. Further work is being undertaken by NHS England to develop professional standards for managers, which could form the foundations for future regulatory standards for managers.

11. Do you agree or disagree that there should be education or qualification standards that NHS managers are required to demonstrate and are assessed against?

- Neither agree nor disagree

Rational: For digital, data and technology managers, where qualifications are required for a role they will be specified for that role. For regulation purposes it is not the formal education which is important but that the individual has the appropriate level of skills and experience for the role. This can be assessed through an application, which is validated and assessed by peers against standards set by the professional body.

If you agreed, which categories of NHS managers should this apply to? (Select all that apply)

- Chairpersons
- Non-executive directors
- Senior strategic level managers and leaders or very senior managers (includes CEOs and executive directors, some medical and dental directors, for example clinical directors)
- All NHS staff aspiring to be board level directors
- Senior managers and leaders (approximately bands 8d to 9, for example service manager, clinical lead, nurse consultant, deputy director or director - usually band 9 - and head of department)

- Mid-level managers and leaders (approximately bands 8a to 8c, for example operations manager, programme manager, senior clinician and matron, up to head of service, for example head of nursing, head of performance and delivery)
- First-time line managers (approximately bands 6 to 7, for example project manager, staff nurse, occupational therapist, team supervisor, team manager)
- Foundation managers (approximately bands 4 to 5, for example administrator, receptionist, medical secretary, clinical support worker, clinical assistant, healthcare assistant)
- Don't know

Other considerations: revalidation

12. If a professional register is implemented for NHS managers, do you agree or disagree that managers should be required to periodically revalidate their professional registration?

- Strongly agree

13. For managers in digital data and technology, it is vital that there is a revalidation process to ensure that individuals are maintaining the continuing professional development that they need to be effective and safe in their roles as technology changes rapidly.

If you agreed, how frequently should managers be required to revalidate their professional registration?

- Annually
- Every 2 years
- Every 3 years ✓
- Every 5 years
- Less frequently than every 5 years
- Don't know

Rational: Currently revalidation is carried out by BCS on a three yearly basis, to take account of the pace at which technology evolves.

14. What skills and competencies do you think managers would need to keep up to date in order to revalidate?

BCS requires managers to undertake Continuing Professional Development (CPD). The content of the CPD will be individual to the manager and based on their Personal Development Plan, agreed with their organisation. At revalidation they need to provide evidence of at least a minimum level of CPD, including objectives, what CPD was undertaken, the outcome of the CPD and reflections on it.

Other considerations: clinical managers and dual registration

Dual registration is where individuals are required to register with more than one professional regulatory body at a time. Many individuals who hold management and leadership positions in the NHS will also be registered clinicians, who are already regulated as part of their clinical profession.

15. Do you agree or disagree that clinical managers should be required to meet the same management and leadership standards as non-clinical managers?

- Strongly agree

Rational: There are clinical managers working in digital data and technology roles and although their professional training and registration equip them for their clinical role there is a need to be able to demonstrate that they also have the requisite digital competencies. If you agreed, how should clinical managers be assessed against leadership or management standards?

- They should hold dual registration with both their existing healthcare professional regulator and the regulator of managers ✓
- They should only be required to hold registration with their existing healthcare professional regulator who will hold them to account to the same leadership competencies as non-clinical managers
- They should only hold registration with an existing healthcare professional regulator that will determine any leadership and managerial competencies
- Don't know
- Other

Rational: Clinical professional bodies do not cover the specialist digital data and technology competencies needed to effectively act as a clinical manager working in this area.

Other considerations: phasing of a regulatory scheme

A phased approach may begin with the implementation of a voluntary register or a barring mechanism, with a view to transitioning to a full system of regulation in the longer term.

16. Do you agree or disagree that a phased approach should be taken to regulate NHS managers?

- Strongly agree

Rational: The scale of the digital data and technology manager workforce in the NHS is large and so a phased approach should be taken, starting with senior leadership and phasing in at lower levels over time.

Who we are

BCS, The Chartered Institute for IT is the professional body for information technology. Our purpose as defined by our Royal Charter is to promote and advance the education and practice of computing for the benefit of the public. We bring together industry, academics, practitioners, and government to share knowledge, promote new thinking, inform, and shape public policy. BCS has over 70,000 members including businesses, entrepreneurs, public sector leaders, academics, educators, and students, in the UK and internationally.

BCS

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