



Rt Hon Matt Hancock MP
Secretary of State for Health & Social Care

25 August 2020

Sent by email

Dear Secretary of State

The next steps on NHS regulation need to be lean, light and agile

I write further to our letter of 17 July on resetting regulation and governance to enable transformation and integration. Our letter reflected our engagement with health leaders and the need to move towards systems regulation, empowering health leaders to lead and reduce duplication. The vision you set out on the *future of healthcare* on 30 July of a proportionate and enabling regulatory system was therefore welcome. I write today to encourage you to translate this vision into on-the-ground reality.

You were right to highlight that something important has changed – and we now need to bottle the best of how the NHS and social care has worked during the peak of the pandemic. Your speech referred to the practice of town planners in Helsinki basing new paths on footprints in snowfall, yet the pre-COVID regulatory architecture does not follow patient pathways. Furthermore, there is a limited and fragile window of opportunity in which to embed the lean, light and agile transformation of the past few months before the likely disruption of winter pressures and of a potential second wave of COVID-19.

As our enclosed report *Lean, light and agile: governance and regulation in the aftermath of COVID-19* sets out there are a number of immediate steps required to ensure the NHS has the headspace to get back on track and the capacity to embed the lessons on regulation and bureaucracy highlighted in your speech. Health leaders cannot plan for tomorrow if they don't have the resource to plan for today. NHS leaders say the lighter touch approach to regulation that has been in place during the pandemic has enabled them to focus on delivering care to patients and to work more efficiently, with less interference from national bodies and reduced

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requirements for meetings and paperwork that add little to patient care. We believe the CQC should continue a programme of “right touch” working and that its routine inspections should continue to be suspended whilst the regulator recalibrates its approach. The challenges ahead in dealing with the ongoing Covid crisis, a backlog of care, winter pressures including flu and staff burnout, mean that we cannot afford for the old inspection regime to recommence until after winter and lessons from the pandemic are embedded.

Our members are clear that this is not just an issue for the CQC, however. The DHSC and NHS England/Improvement need to ensure that there is a commitment to not make any further changes to reporting instruction, performance measures and targets that increase the burden on health leaders and their teams. Indeed, it is this ever-growing list of nationally – and increasingly regionally – generated demands for returns and data that impacts most on those teams delivering care to their patients and communities.

Currently there is too much duplication in regulation and performance management which needs to be rationalised and the regulatory architecture itself needs to be reset towards system working to follow the trajectory of the NHS Long Term Plan. The inspection regime will not be recalibrated to this end without legislative change. The call from our members is not to abolish regulation. We recognise that safety is critical in healthcare, but regulation and performance management that is disproportionate, stifles innovation and provides false reassurance hinders not aids effective and safe services. Our members have heeded your call for evidence and the enclosed report sets out the steps required to build a new lean, light and agile regulatory system.

Coronavirus has been a moment of stark clarity. To build a health and social care system of the future, there are actions that our members can take, by encouraging leaner and lighter governance structures and building governance rooted in the communities they serve. But to hold onto this culture change, decisive steps need to be taken by you at a national level.

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We hope you find the enclosed report helpful and our members would welcome the opportunity to discuss their insights in more detail with you and I would be happy to arrange a private discussion if that would be useful. I look forward to hearing from you.

Yours sincerely

A handwritten signature in black ink, appearing to read 'D. Mortimer'.

Danny Mortimer
Chief Executive, NHS Employers
Deputy Chief Executive, NHS Confederation