

Formal and informal mechanisms are important tools

Four themes from the literature about responsive regulation

Four themes can be taken from the literature about right-touch risk-based regulation. These themes are that:

- responsive regulation is about identifying risk
- responsive regulation is proportionate to risk
- formal and informal mechanisms are important tools for responsive regulators
- there are some important actions regulators must take in order to be responsive.

These four themes are discussed in further detail below.

Formal and informal mechanisms are important tools

Regulators have a range of formal tools and mechanisms that help them to fulfil their roles and responsibilities. Many of these tools fall on the sanction end of the regulatory spectrum and may include disciplinary tribunal hearings; undertaking audits, assessments and competence and fitness to practise reviews; and considering and acting on complaints from other organisations, practitioners and the general public.[96 15 7 8 57](#)

It should be noted that researchers have a lot to say about the use and place of complaints as a regulatory tool. 2015 research by Stuart & Cunningham contained the following messages:[111](#)

- complaints are part of a system of checks and balances that hold a profession to account for its practice
- until a practitioner is engaged in a complaints process their awareness and understanding (and often feelings of control) of this regulatory tool are limited
- ideally the complaints process leads to improvement in the standard of health care and includes practitioners and the general public in a way that is positive and constructive for all concerned
- in order for the complaints process to be effective (and some practitioners acknowledge that participation in a complaints process has little or no impact on their practise), practitioners must engage in careful, structured reflection that allows for learning and change in their behaviours, attitudes, knowledge and practise
- practitioners should be encouraged to seek help early so they receive appropriate support and have a level of understanding and awareness that will aid them through the complaints process.

On the issue of the effectiveness of standards and appraisals as good regulatory mechanisms, researchers were sceptical. They specifically cited a lack of evidence to show links between these mechanisms and positive impacts and/or improvement in practitioner skills, knowledge and behaviours.[22 24](#)

Regulators also use informal mechanisms (e.g. positive feedback on achievements or acknowledgement of a practitioner's strengths) as part of a responsive approach to the maintenance of practitioner competence and fitness to practise.[25 12 8 35 96 88](#)

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Please note that the majority of the references listed in this discussion document are hosted on external websites and Council cannot guarantee the links will remain current. Please contact us on comms@dcnz.org.nz if you require any of the referenced documentation.

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