Participatory Regulation in Social Care:
Mechanisms, Challenges and Best Practice Principles – An International Review

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Background

Participatory regulation:

- OECD measures stakeholder engagement for developing regulations (under the topic of "REGULATORY GOVERNANCE")
- Policy makers are encouraged to place greater emphasis on "participatory regulation" (Haber & Heims, 2016)

Background

In the context of social services:

- In recent decades, there has been a trend to involve service users in the process of regulating the provision of social services.

- A growing literature focuses on specific mechanisms of service user involvement (e.g., Adams, et. al., 2015; Rutz, et. al, 2018).

- Lack of attention to "Participatory regulation", as related to various regulatory tasks such as setting standards, inspection and enforcement and to the nature and characteristics of the mechanisms of participation

Research Questions

Main questions:

- What are the mechanisms for service user participation (SUP) in regulation and how do they work?

- In which regulatory tasks are they used?

- What are the benefits and challenges of SUP in regulatory tasks?

Secondary questions:

- How and why did "participatory regulation" in social care evolve?

- What are the goals of involving service users in regulation?

Approach

Sources:

We used a variety of international sources of information:

- 45 academic articles

- 7 policy documents

- Websites of 7 regulatory bodies for healthcare and social care (Care Inspectorate Scotland; CQC - England; HIQA - Ireland; IGJ – The Netherlands; IVO - Sweden; Ofsted - England; RQIA – North Ireland)

- Personal communication with 6 representatives of regulatory bodies

Review process:

- Identifying mechanisms

- In-depth examination of the mechanisms

- Complementary information

Findings

Main topics

- The evolution of participatory regulation policy

- Participatory regulation policy goals

- Mechanisms / methods of service user participation and classification

  o Type of regulatory task

  o Levels of participation

- Challenges

- Meaningfulness

The evolution of participatory regulation policy

There are two main factors related to the development of service user participation [SUP] in regulation:

1. The expansion of participatory forms of governance and decision-making in in the development and delivery of social care:

national programs and legislation concerning the right of individuals to participate in decisions concerning to their care (on the individual as well as the collective level)

e.g., Convention on the rights of the child, United Nations, 1989 ⟶ IVO inspectorate in Sweden adopted a policy of children participation in inspection site-visits

2. Care failures and public demand for improved regulation

The Report of the Mid Staffordshire NHS Foundation Trust Public Inquiry ⟶ CQC strengthened participatory policy
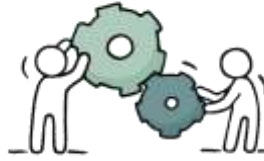
Participatory regulation goals

- Improving the **quality of regulation**

  o Better regulatory policy

  o Better standard monitoring

- Empowering individuals and respecting **individual rights**

- Strengthening the **public's trust** in regulatory bodies and service providers

Participatory regulation mechanisms

Provision of information by regulatory bodies

User advisory groups and panels

Satisfaction surveys and feedback questionnaires

Complaints and public inquiries

Social media and rating sites

Direct dialogue between inspectors and service users during inspections

Integrating service users into inspection teams 'experts by experience'

'Mystery guest'

User-focused monitoring

Mechanisms by type of regulatory task

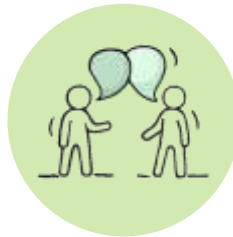**User advisory groups and panels**

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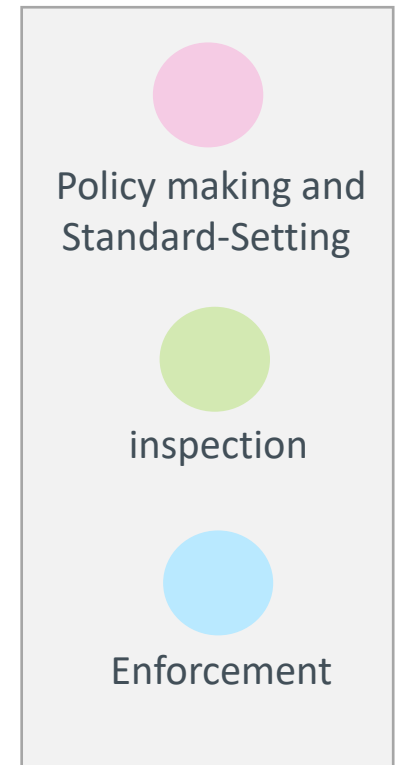
'Mystery guest'

User-focused monitoring

Provision of information by regulatory bodies

Policy making and Standard-Setting

inspection

Enforcement

Mechanisms by type of regulatory task

Most efforts of participatory mechanisms are put in the task of inspection in which service users' role is to be a **source of information**, rather than on tasks of standard setting, policy making and enforcement in which their role is to be **decision makers.**

Mechanisms by levels of participation

| Integrating service users into inspection teams 'experts by experience' | 'Mystery guest' | User-focused monitoring | User advisory groups and panels |

▶ **High level of participation** Central role of service users, not only as information providers, but as information collectors

Direct dialogue between inspectors and service users during inspections

▶ **Medium level of participation** Dialogue with service users

| Provision of information by regulatory bodies | Satisfaction surveys and feedback questionnaires | Complaints and public inquiries | Social media and rating sites |

▶ **Low level of participation** One-way channels for receiving information from service users

Mechanisms by levels of participation

Different mechanisms involve different levels of service user participation. **The use of low-level service user participation mechanisms is more prevalent** than the use of those which involve greater involvement of service users.

Challenges

- Acknowledging the value of service users' expertise

- Resolving discrepancies between inspectors and service users' views

- Identifying systemic issues based on individual experience

- Including all types of service users in regulatory processes

- Building trust between service users, regulatory bodies and inspectors

Meaningful participatory regulation

- **High level of participation**

- **Participation in all regulatory tasks**

- **Impact** - embedding service-users' experience and expectations in:

  - Regulatory policy
  - Inspection reports

Conclusions and Future Research

Conclusions

Each mechanism has specific goals, advantages and disadvantages, and the choice of mechanism(s) requires careful judgment

The choice of a mechanism for the sole purpose of service user participation, without identifying specific needs or goals, may not result in optimal implementation or added value to regulatory tasks.

Conclusions

Challenges relate mainly to "meaningfulness" of participatory processes:

- low levels of participation
- only in limited regulatory tasks
- not always embedded in regulatory policy and inspection reports

- The importance of setting standards for meaningful participatory regulation process
- The importance of evaluating the quality of participatory processes according to these standards
- Anchoring participatory mechanisms in procedural and budgetary processes

Future research

Empirical research of regulatory bodies in different countries which examines similarities and differences in participatory regulation policy and practice, and the factors that explain these differences.

Thank you

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