

PRINCIPLES OF REGULATION

A principle-based approach to regulation is now common and a number of governments are using this to establish their frameworks for regulation. Principles offer a way to guide decision-making on regulation in very different legal, cultural, and developmental situations. Principles are useful points from which to develop the parts of the regulatory system. For example, if one of the principles relates to *fairness*, the system should demonstrate this in the way that it handles appeals against decisions, such as refusal to issue a licence or when a registrant is asked to respond to a complaint about care given.

The International Council of Nurses and the International Federation of Midwives each have a principle-based approach to regulation.

THE INTERNATIONAL COUNCIL OF NURSES: PRINCIPLES OF PROFESSIONAL REGULATION

The [International Council of Nurse](#) (ICN) position on professional regulation acknowledges multiple purposes, forms, agents, and subjects of regulation and credentialing and includes 12 principles to guide regulatory decision-making. The ICN principles of regulation serve as a fundamental code to guide the development of professional regulation across diverse contexts and different professions.

1. Purposefulness	Regulation should be directed toward an explicit purpose that reflects a focus on initial and on-going safe, competent, and ethical practice.
2. Definition	Regulatory standards should be based upon clear definitions of professional scope and accountability.
3. Professional Ultimacy	Regulatory definitions and standards should promote the fullest development of the profession, commensurate with its potential social contribution.
4. Collaboration	Regulatory systems should recognise the legitimate roles and responsibilities of interested parties—public, the profession and its members, government, employers, and other professions—consult with these parties, and incorporate their perspectives in aspects of standard-setting and administration.
5. Representational Balance	The design of the regulatory system should acknowledge and appropriately balance interdependent interests.
6. Optimacy	Regulatory systems should provide and be limited to those proportionate controls and restrictions necessary to achieve their objectives.
7. Flexibility	Standards and processes of regulation should be sufficiently broad, flexible, and permissive to achieve their objectives while at the same time permitting freedom for innovation, growth, and change.

8. Efficiency	Regulatory systems should operate in the most efficient manner ensuring coherence and coordination among their parts so as to be sustainable and optimise resources used to achieve the stated explicit purpose.
9. Universality	Regulatory systems should promote universal standards of performance and foster professional identity and mobility to the fullest extent compatible with local needs and circumstances.
10. Natural Justice	Regulatory processes should provide just and honest treatment for all parties involved.
11. Accountability	Regulatory agencies and those they regulate must be accountable for their actions and be open to scrutiny and challenge.
12. Effectiveness	In order to maintain public, governmental, and professional trust, regulatory systems must be effective.

For examples on how the ICN principles can be applied in the regulatory context, refer to [Applying the ICN Principles of Professional Regulation in Practice](#).

THE INTERNATIONAL FEDERATION OF MIDWIVES: PRINCIPLES OF GOOD REGULATION

In its [Global Standards for Midwifery Regulation](#), the International Federation of Midwives (ICM) identifies the following principles of good regulation and intends that these principles should provide a benchmark against which regulatory processes can be assessed.

Necessity	Is the regulation necessary? Are current rules and structures that govern this area still valid? Is the legislation purposeful?
Effectiveness	Is the regulation properly targeted? Can it be properly enforced and complied with? Is it flexible and enabling?
Flexibility	Is the legislation sufficiently flexible to be enabling rather than too prescriptive?
Proportionality	Do the advantages outweigh the disadvantages? Can the same goal be achieved better in another way?
Transparency	Is the regulation clear and accessible to all? Have stakeholders been involved in development?
Accountability	Is it clear who is responsible to whom and for what? Is there an effective appeals process?
Consistency	Will the regulation give rise to anomalies and inconsistencies given the other regulations already in place for this area? Are best practice principles being applied?