# Case Examiner Team – Progress Update

<table>
<thead>
<tr>
<th><strong>Purpose of paper</strong></th>
<th>This paper provides an overview of the progress of the new Case Examiner Team following its implementation into the FTP process on 01 November 2016.</th>
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<tbody>
<tr>
<td><strong>Status</strong></td>
<td>Public session.</td>
</tr>
<tr>
<td><strong>Action</strong></td>
<td>For discussion.</td>
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</table>
| **Corporate Strategy 2016-19** | Professionals: Objective 5 – to take timely, fair and proportionate action through our fitness to practice process when dental professionals do not meet the required standards.  
Performance: Objective 2 – to improve our management of resources so that we become a more efficient regulator. |
| **Business plan**   | Priority Two: Improve our overall performance.                                                                                  |
| **Decision Trail**  | N/A.                                                                                                                             |
| **Next step**       | N/A.                                                                                                                             |
| **Recommendations** | Council is asked to:  
Discuss progress of the Case Examiner Team since its inception.                                                                 |
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| **Appendices**      | None.                                                                                                                            |
Executive Summary

1. Following the approval of a Section 60 Order in 2016, the GDC has implemented a team of fourteen Case Examiners (CEs) which replaced the GDC’s Investigating Committee in relation to most of its functions with effect from 1st November 2016. To enable us to recruit individuals of the highest calibre from across the UK, homeworking was offered to the Case Examiners.

2. This paper sets out the progress of the team and provides statistical information and analysis on outcomes generated by the team since 1st November.

3. Thirteen Case Examiners went live on 1st November 2016, as planned. A fourteenth Case Examiner did not begin decision making on live cases on 1st November because the Project Training Lead felt they required some additional training. This has now taken place; additional assessments have been completed and the Case Examiner in question has been signed-off by the Training Lead. All fourteen Case Examiners have therefore been assessed as ‘competent’ by the training lead, who evaluated their work against the criteria for competence agreed by the Director of FTP before the training began.

Support Team

4. After a case is added to the Case Examiner listing queue, it is allocated to a pair of Case Examiners by the Case Examiner Support Team (CEST). Allocations are made based on availability and capacity whilst also ensuring there are no conflicts of interest.

5. At the end of December 2016 (two months after ‘go live’), the CEST had allocated 109 cases to Case Examiners for consideration.

6. The Case Examiner team was staffed using a planning assumption that the GDC would allocate roughly 80 cases per month to the team. Whilst only 109 cases have allocated during the first two months, the Case Examiners are yet to receive the additional casework that will be generated by: reviews of decisions to refer to a Practice Committee (Rule 6E); reviews and breaches of undertakings; reviews of previous decisions to give a warning; reviews of previous decisions not to refer to a Practice Committee (Rule 9). It is predicted that applications to review CE decisions will begin to be referred during January 2017, which will increase the number of cases that are allocated to the team.

7. Most importantly, at no point has since ‘go live’ there been a backlog of cases waiting to be allocated to the Case Examiners after being referred to the team by Casework. Furthermore, all cases were allocated to the Case Examiners within 24 hours of being referred to the CEST by Casework. The Key Performance Indicator (KPI) for case allocation is 48 hours.

Decisions and outcomes

8. At the end of December 2016, the Case Examiners had made 93 decisions. A breakdown of the outcomes arising from those decisions is as follows:
<table>
<thead>
<tr>
<th>Case Examiner Decisions: 01 November to 31 December 2016</th>
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<tbody>
<tr>
<td>Adjourned</td>
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<tr>
<td>No further action</td>
</tr>
<tr>
<td>Advice</td>
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<tr>
<td>Minded to issue a warning</td>
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<tr>
<td>Refer to PCC (and IOC)</td>
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<tr>
<td>Undertakings offered</td>
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<tr>
<td><strong>Total</strong></td>
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**Quality Assurance**

9. The GDC is committed to quality assuring every Case Examiner decision for a period of six months from implementation and every Case Examiner decision made to date has been through a rigorous quality assurance process.

10. In addition, for the first month of the new process, each decision was subject to a ‘sense check’ or informal procedural review by the Head of Case Examiners and the Head of Adjudication to look for any obvious errors. Reports on quality were made to the Director of FTP. The informal check focused on whether the Case Examiners had applied their statutory powers correctly, ensuring no *ultra vires* decisions had been made – none were identified as part of the sense check. For the avoidance of any doubt, **no action was taken in relation to the outcomes of any decision making as a result of this exercise.** When conducting the informal review, the Head of Case Examiners and Head of Adjudication were, overall, very encouraged by the high standard of the decision-making and the way decisions were being articulated.

11. All decisions have been and will continue to be referred to the Quality Assurance Team for detailed assessment and analysis. The QA Team reviews each decision against 20 separate QA criteria, giving each of the 20 facets of a decision a RAG rating. The QA Team also gives the decision an overall RAG rating. The Quality Assurance Team has identified several areas for learning and improvement; these for the most part relate to the way decisions are drafted and the need to fully articulate rationale for decision made.

12. What follows is a summary of the key points identified by the QA Team so far:

- Some formatting errors in the written decisions.
- Insufficient reference to the informant’s comments in the decisions when those comments have been reviewed as part of the decision-making process.
- The need for further explanation when the CEs resolve a conflict in evidence.
- Some further clarity needed as to the nature of conduct the registrant is being warned/advised about when drafting warnings/advice as part of the process for issuing written advice/warnings to registrants.
- Further detail needed in decisions relating to a conviction in order that recipients can better understand the sanction imposed.
- In some instances, the need to reference to the GDC Standards in cases involving clinical experts’ evidence.
- The need to further articulate how the public interest is addressed by the CEs in their final determination.
13. The Head of Case Examiners and Head of Adjudication have already provided a detailed feedback report to the Case Examiners highlighting these issues. Further, the issues were discussed in detail at the first CE Team meeting on 12 December.

14. Case Examiner decisions will all be subject to quality checks until the end of April 2017. It is proposed that quality checks will become lighter-touch once the GDC is satisfied that the new process has fully embedded. Whilst a target is yet to be agreed, the Key Performance Indicator that the new process has embedded will be the percentage of Case Examiner decisions rated as Green by the QA Team.

Performance and progress achieved (as at end of December 2016)

Analysis of outcomes

15. The CEs have a seven working-day KPI for making decisions. In the first two months, 74% of decisions (69 cases) were made within the seven day KPI. However as stated above, the team is yet to receive the additional work resulting from Rule 6E applications; reviews of warnings; breaches and variations in agreed undertakings. There will be a clearer picture with regards to capacity by the end of January 2017.

16. Of the decisions made, 8 cases (9%) have been adjourned, 53 cases (57%) have been closed (either with NFA, advice or a warning offered) and 32 cases (34%) have met the threshold to be referred to a Practice Committee. This shows a slightly higher closure rate (in the first two months) than the Investigating Committee, which closed 52% of the cases it considered in 2016. These figures will be monitored closely as the number of decisions increases and trends can more clearly be identified.

17. Weekly reports on Case Examiner performance are provided to the Director of FTP and FTP Management Team. Monthly reporting is in place to the Executive Team through the Performance Update on FTP and in the new corporate Balanced Score Card, launched in January 2017. Reports on progress of the implementation and performance of Case Examiners will also be made to each Finance and Performance Committee and Appointments Committee. Case Examiner decisions will also be sampled and reviewed by the FTP Quality Assurance Group, which also reports to Appointments Committee and Council quarterly. The Audit and Risk Committee will receive ad hoc reports from the Internal Compliance Team on the quality and timeliness of Case Examiner decisions.

18. The rate at which Case Examiners are resolving cases by offering undertakings is currently lower than has been forecast. Of the matters that met the threshold to be referred to a Practice Committee, 4 cases (11%) have been resolved by offering undertakings to the registrant. During the implementation stage, the GDC estimated that the new process for issuing undertakings had potential to save approximately £2m by using undertakings as an alternative to sending a matter to Practice Committee hearing. This assumed that 20% of cases that would otherwise have gone to a Practice Committee would instead be resolved with undertakings. Under that assumption, we would have expected to see 8 undertakings cases by this point. Given its significance in relation to the expected efficiency savings, the 20% estimate will be closely reviewed as part of the GDC’s eighteen-month forecasting model and any updates on the potential savings will be provided.
19. What is of paramount importance is that undertakings are offered to registrants only where it is appropriate to do so. The Head of CEs has reviewed the four cases where undertakings have been offered and is content that the undertakings will sufficiently dispense the GDC’s responsibility to protect the public and maintain confidence in the dental profession. Work is now underway to estimate the numbers of cases which are currently at investigation stage where undertakings may be appropriate, to inform whether a review of costs savings would be appropriate.

The Case Examiners

20. Notwithstanding the areas for learning and improvement which have been highlighted by the Quality Assurance Team, all fourteen Case Examiners have shown that they are competent decision-makers. There are currently no concerns regarding the judgement of any individual decision-maker; the existing QA feedback simply requires the CEs to develop their decision-drafting style. QA Feedback will be relayed to the Case Examiners each month by way of team meetings, training sessions, emails and team bulletins, which should sufficiently address the issues highlighted by the QA Team. All Case Examiners are subject to the standard six-month probation period. The team is highly engaged in the work of the FTP directorate and wider GDC and all are eager to develop their skills in line with any feedback the GDC gives them.

Recommendation

21. Council is requested to discuss progress of the Case Examiner Team since its inception.