

Statutory Assurance Panellists Committee (SPC) Annual Report to Council 2017 (formerly Appointments Committee)

Purpose of paper	To report on the work undertaken by the Statutory Panellists Assurance Committee (SPC) throughout 2017 and the planned work for 2018.
Status	Open
Action	For noting and discussion
Corporate Strategy 2016-19	Performance Objective 1: To improve our performance across all our functions so that we are highly effective as a regulator.
Business Plan 2018	N/A
Decision Trail	In accordance with the General Dental Council Standing Orders for the Non-Statutory Committee of Council 2016, SPC will report to Council annually on its activities. This report has been reviewed by SPC on 14 November 2017 at its meeting, updated and approved by the Chair.
Next stage	Council 1 February 2018
Recommendations	The Council is asked to note and discuss the SPC Annual Report to Council for 2017.
Authorship of paper and further information	Pauline Kemp Governance Manager pkemp@gdc-uk.org Tel: 0207 167 6204
Appendices	Appendix 1. SPC Terms of Reference

Executive Summary

1. This paper sets out the work carried out by the SPC during 2017 and the planned work for 2018.
2. The Council is asked to note and discuss the SPC's annual report.

Introduction and background

3. The key purposes of the Committee as defined in its Terms of Reference (Appendix 1) are:
 - To assist the Council in connection with the exercise of any function relating to the appointment of SPC members, including the recruitment, selection, appraisal and disciplining of Statutory Committee Members or particular Statutory Committee Members (for example, the Chair), legal, medical and professional advisors.
4. In accordance with the GDC's Standing Orders for the Appointments Committee 2016, the Committee must report annually to the Council on its progress
5. The membership of the Committee is Rosie Varley (Chair and lay member), Nigel Fisher (registrant member), Martyn Green (registrant member) and Tim Skelton (lay member). In 2017 the Committee held four meetings 7 February, 18 May, 21 September and 14 November.
6. At the November SPC meeting, the Committee discussed and fully endorsed the recommendation to re-appoint of Tim Skelton for a second term of three years, which was taken to Council in December.

Chief Executive's Report

7. At each meeting, the Committee received reports and briefings from the Chief Executive. This included progress reports on *Shifting the balance* and feedback from meetings with the PSA.

Appointments

8. The Committee approved the following appointments during the course of the year:
9. **Appointment of Fitness to Practise (FtP) Panel Chairs**

The appointments of FtP Panel Chairs were taken at the beginning and the end of the year. Following the Chairs' Selection Day in December 2016, three new Chairs were appointed at the February 2017 SPC meeting. At its September meeting, the Committee were asked to note and advise on the steps being taken to increase the size of the pool, train, quality assure and develop both prospective Chairs and existing Chairs. A further five new Chairs were approved for appointment at the meeting. At the November meeting a further two new FtP Panel Chairs were appointed.
10. **Re-appointment of Investigating Committee (IC) Members**

The IC is one of the GDC's statutory committees. As of 01 November 2016, Case Examiners (CEs) became the primary decision makers for cases at the intermediary stage in the Fitness to Practise (FtP) process. Whilst the IC will, for the most part, be replaced by CEs, it is still necessary for the GDC to retain an IC function. To retain the function, at the May meeting, the Committee approved the appointment of two new Chairs and nine members were re-appointed.
11. A further seven Case Examiners were appointed as members of the Investigating Committee in September, five of which were previous IC members. This allowed the

GDC to maintain an IC function should the need arise and without incurring delay after October 2017, when the IC member agreements came to an end.

12. **Medical Advisers Appointments**

At its meeting of 18 October 2016 the SPC agreed a project to increase our pool of Medical Advisers. From 2017, Medical Advisers may be needed from an earlier stage in FtP proceedings to provide written advice to Case Examiners. At the SPC meeting in May the Committee considered and approved the appointment of three Medical Advisers.

13. **Professional Adviser Appointments (for Registration Appeals)**

At its meeting on 18 October 2016 the SPC agreed a project to increase our pool of Professional Advisers to sit on Registration Appeals, where there had been a refusal to register based on educational requirements. Two of the existing advisers continued to meet the criteria for appointment as advisers, however both would have difficulties in sitting due to other commitments for some months over the future year. Therefore, the extension of the bank was considered timely. The SPC considered and approved the appointment of six Professional Advisers at the May meeting.

14. **Panellists Reappointments – Development of criteria**

At the meeting of the SPC on 17 May 2017, the Committee considered proposals for the renewal of panellists whose agreements were due to expire in 2018 and 2019. This followed questions raised with the Chair about this at the PSA Panel Chair conference in January 2017. The plans presented did not address all the areas of assurance the Committee felt were necessary and additional criteria were considered at the meeting on 21 September 2017. The Committee considered the revised proposals and approved the additional quality assurance measures outlined for the re-appointment of Panellists in 2017 / 2018.

15. **Training**

The Committee received regular updates on FtP Panellists training, with the option to attend any training days themselves. At the SPC meeting on 21 September, the Committee considered and approved a proposal to undertake a two-day training programme for two dental panellists who passed the selection process in 2015 but were unable to take up office at the time. This avoided further recruitment and therefore additional costs and retained the required numbers into 2018.

16. Discussions around the development of e-learning continued and it was anticipated this would be taken forward during 2018.

17. **Converting IC members to FtP Panel Members**

At its November meeting, SPC considered and approved the process whereby Investigating Committee members, who were to be stood down in November 2017, could be deployed as Fitness to Practise Panellists within a quality assured framework. Numbers would be reviewed in 2018, with expressions of interest being sought from those who may be interested.

Direct Recruitment to Chairs and Legally Qualified Chairs

18. During its meetings in 2017, the Committee discussed and considered the model of direct recruitment to Chairs, as used by other regulators. The Committee also discussed the advantages and disadvantages of introducing a model of Legally Qualified Chairs. The model is currently in use at the MPTS, where it has resulted in improved case management of the hearings stage of the FtP process. There are also significant cost savings stemming from the removal of legal advisors. A Section 60 order is needed to remove the current statutory requirement for the GDC to use legal advisors. This being the case, the committee decided to defer further consideration of legally qualified and/or directly appointed chairs until there was the prospect of such an

order.

Investigating Committee Feedback

19. The Committee received Investigating Committee Feedback reports at each meeting and noted the importance of ongoing training and guidance for the Committee Members and Committee Secretaries. At each meeting the Committee received assurance from the Head of Case Examiners/IC that any issues identified had been addressed.

Quality Assurance Group (QAG)

20. The Quality Assurance Group (QAG), which was set up in 2015 to oversee decision-making within FtP, continued to provide assurance to the SPC that the Statutory Committee Members had the correct skills to undertake their work. QAG reported at each meeting, which gave the Committee the opportunity to view and challenge the work of the group and raise any concerns. As part of the quality assurance process, decision makers continued to be written to when there were concerns, with feedback well received and welcomed.
21. Following the successful completion of recruitment and induction in December 2016, the Hearings Team developed a process for the quality assurance of its new pool of Legal Advisers in collaboration with the Head of FTP Quality Assurance. At the SPC meeting of 18 May, the Committee considered and approved the Quality Assurance process for Legal Advisors.
22. The Committee also heard details of the proposals to introduce a Decision Scrutiny Group, with an external Chair, to work alongside the QAG, by conducting a random sampling of FTP decisions. The Committee would receive updates from both QAG and DSG in 2018.

End to End Review

23. The Committee was invited to contribute towards the End to End Review, by way of invitation to the Council Workshop on Emerging Themes in December 2017.

Risk

24. The Committee received assurance at its meetings that risks in relation to Statutory Committee Members were being adequately managed throughout the GDC.

Expenditure

25. The only other costs associated with the Committee in 2016 were the travel and subsistence of members for attendance at meetings.

Looking to the Future

26. The SPC intends to consolidate much of the work undertaken to date, particularly with regard to ensuring that fitness to practice decisions at every level are robust and are supported by a sound rationale. Lessons that arise from the work of the Quality Assurance Group will continue to be used to support individual panellists and wider learning and development opportunities. The recent introduction of the performance framework for panellists will ensure that the learning is embedded into practice.

There are two additional areas of work that the SPC has identified for taking forward in 2018. Firstly, there is a significant amount of intelligence regarding the nature of concerns raised with the GDC. The SPC intends to give greater focus to the trends and themes arising from this information with a view to using the evidence to better inform future professional training and development. Secondly, the SPC is aware and supportive of the

End to End review currently underway for the fitness to practice processes. The Committee intends to put in place appropriate checks and balances as the programme develops to ensure that the streamlining of current practices, whilst improving the experience for all those involved, focuses on the quality of outcomes.

In this way the SPC considers that it can effectively contribute to “Shifting the Balance”.

Recommendations

27. The Council is asked to note and discuss the Annual Report.

Appendix

28. Appendix 1 – Current Terms of Reference

Terms of Reference: Appointments Committee (Statutory Panellists Assurance Committee-SPC)

Key purpose

Ap1. To **assist** the Council in connection with the exercise of any function relating to the appointment of Statutory Committee members, including the recruitment, selection, appraisal and disciplining of Statutory Committee members or particular Statutory Committee members (for example, the chair), legal, medical and professional advisers.¹

Delegated powers

Ap2. To appoint (or re-appoint) persons to serve on the Statutory Committees.

Ap3. To determine the duration of the term of office of Statutory Committee members on their appointment or reappointment².

Ap4. To appoint, from amongst the Statutory Committee members, persons to act as chairs of the Statutory Committees ("panel chairs")³.

Ap5. To approve a learning and development plan for Statutory Committee members and receive assurances from the Executive that the plan is being implemented effectively.

Ap6. To approve an appraisal process for Statutory Committee members and receive assurances from the Executive that the process is being implemented effectively.

Ap7. To deal with issues relating to the conduct and performance of Statutory Committee members in accordance with the Disciplinary Procedure.

Ap8. To suspend or remove Statutory Committee members from office in accordance with the General Dental Council (Constitution of Committees) Rules Order of Council 2009.

Ap9. To obtain external legal or other professional advice as necessary via the Executive.

Ap10. On the request of the Council, to assist with the recruitment and selection of candidates to any other office.

Discharge of functions

Ap11 In carrying out its functions the Appointments Committee will:

- a. Approve (but not design) the process for appointing Statutory Committee Members of the Investigating Committee and Fitness to Practise panels;
- b. Appoint Statutory Committee Members following recommendation at the end of the process;
- c. Approve (but not design) the process for appointing legal, medical and professional advisers;
- d. Appoint legal, medical and professional advisers following recommendation at the end of the process;
- e. Approve (but not design) the appraisal system for Statutory Committee Members on assurance of embedding of training;
- f. Approve (but not design) the appraisal system for legal, medical and professional advisers;
- i. Ensure that a fit for purpose and effective training programme was provided for Statutory Committee Members;

¹ 3.(6)(a) The General Dental Council (Constitution of Committees) Rules Order of Council 2009

² 4.(4) The General Dental Council (Constitution of Committees) Rules Order of Council 2009

³ 5.(1) The General Dental Council (Constitution of Committees) Rules Order of Council 2009

- j. Ensure that the Council provides an adequate training programme for legal, medical and professional advisers;
- k. Deal with disciplinary and performance issues relating to Statutory Committee Members where this is within the remit of the Appointments Committee by reason of the Disciplinary Procedure, and dismiss Statutory Committee Members if necessary;
- l. Receive reports regarding the discipline, performance issues and dismissal of legal, medical and professional advisers, and advise and report to the Council as appropriate.
- m. Scrutinise the quality and efficiency of the Statutory Committees' decision making by receiving regular reports of the performance and quality of decision making of the committees and panels. To include monitoring of the Fitness to Practise PSA standards action plan in relation to the work of the Statutory Committees;
- n. Build and maintain a body of intelligence for the Council through learning points and trends that emerge from the Committee's oversight of the work of the Statutory Committee members;
- o. Report to Council on the work of the Appointments Committee and the performance of the Statutory Committees.