

Report to the Council from the Statutory Panellist Assurance Committee (SPC) meeting on 27 February 2018

Purpose of paper	To report on the key items considered by the Statutory Panellist Assurance Committee at its meeting on 27 February 2018.
Status	Public session
Action	For noting.
Corporate Strategy 2016-19	<u>Objective 1</u> : To improve our performance across all our functions so that we are highly effective as a regulator.
Business Plan 2018	<i>2018 Priority one: Continue to build a cost effective and efficient organisation</i>
Decision Trail	In accordance with the General Dental Council Standing Orders for the SPC 2017 the SPC will report to the next Council meeting following its meeting.
Next stage	N/A.
Recommendations	<ul style="list-style-type: none"> The Council is asked to note the report of the Statutory Panellist Assurance Committee meeting on 27 February 2018.
Authorship of paper and further information	Kairen Zonena, Senior Governance Manager kzonena@gdc-uk.org 020 7167 6311
Appendix	Appendix A – Paper to SPC on selection process for re-appointment of panellists

1. Executive summary

The purpose of the SPC is 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.

In accordance with the GDC's Standing Orders for the Statutory Panellist Assurance Committee 2016, the SPC is required to report at least annually to the Council. At the 27 February meeting the Committee considered whether periodic reports to Council at, say, six monthly intervals would be more appropriate than the current practice of reporting after every meeting. The Chief Executive undertook to discuss the matter with the Chair of the GDC.

This paper reports on the key items considered by the Committee at its meeting on 27 February 2018.

2. Items discussed at the SPC meeting on 27 February 2018

The Chair welcomed three new members of staff who would be key to the Committee's work during the coming year: Tom Scott, Executive Director, Fitness to Practise Transition; Andrew Obst, HR Manager on the Associates Project; and Kairen Zonena, Senior Governance Manager.

Project with Associates

The Committee heard about a project designed to gain a comprehensive understanding and the numbers of associates and the various different roles they occupied. The three strands of the project would cover: data gathering; risk assessment of the current position; and recommendations to the Executive Management Team (EMT) in May. The Committee would be kept closely informed of progress, and this might include scheduling an additional meeting or meetings and workshops.

Chief Executive's Report

The Committee were briefed on the GDC's financial position, and the factors which had contributed towards the unbudgeted surplus at the end of last year. Much of it was caused by delay in a number of Fitness to Practise (FtP) cases, the costs of which would now fall to be spent in 2018.

The Committee received an update on progress with the Estates Strategy.

The Committee were told that the Fee Policy Framework was out for consultation, about the principles of fee setting, rather than the amount.

Shifting the Balance: Fitness to Practise, End to End Review

The Committee heard that in relation to the End to End Review and Fitness to Practise, Tom Scott had begun to bring forward early impacts of the review to benefit from the changes that could be effected now. The Committee were glad to hear this and keen to be kept abreast of proposals and progress in FtP so that it had an opportunity to discuss them if needed. There would be a regular item on the agenda for the Committee to receive an update on the End to End review.

The Committee was briefed on the potential impact of Brexit on registration of EU dental professionals.

3. Appointments:

Panel Re-appointments

Twenty eight people had been re-appointed as Panellists for a five-year term from August 2018. The appointments would provide continuity. The selection process would also inculcate in panellists the expectation that they engage in reflection, learning and development as part of their role. The recruitment and selection had been undertaken in accordance with the improved quality assurance process agreed by the Committee and reported to Council in December 2017. The Committee asked for the report to be shared with other regulators. It is also appended to this report as an example of the Committee's work.

Appointment of two further Medical Advisors

The Committee received, considered and approved the appointment of two Medical Advisors.

Standing down a Panellist

The Committee noted and endorsed a decision taken by correspondence in December 2017 to stand down a panellist.

4. Future Training Dates/Events for SPC members

The Committee noted the training dates, and would attend themselves. A Committee member reported very favourably on the quality of the training he had attended the previous day.

5. Investigating Committee and Case Examiner Feedback

The Committee received and noted the report, which would in future be by exception only.

6. Quality Assurance – QAG report on Statutory Committee members including Case Examiners

The Committee received and noted a report on the performance of Statutory Committee members. In future, reports would be provided for Quality Assurance Group and Decision Scrutiny Group jointly.

7. Work Programme

It was noted that further meetings might be scheduled as necessary to monitor and contribute to the Associates Project and the End to End Review.

Panel reappointments – tranche 1: FTP Panellists – Term 2 beginning August 2018

Purpose of paper	This paper sets out a request to approve the reappointment of 28 panellists for a second term beginning August 2018
Action	<i>For approval</i>
Corporate Strategy 2016-19	<p>Performance</p> <p>Strategic Alignment</p> <ul style="list-style-type: none"> • PERFORMANCE – Objective 2: To improve our management of resources so that we become a more efficient regulator. • PERFORMANCE - Objective 3: To be transparent about our performance so that the public, patients, professionals and our partners can have confidence in our approach • PSA Standard 8: All fitness to practise decisions made at the initial and final stages of the process are well reasoned, consistent, protect the public and maintain confidence in the profession
Business Plan 2016/17	<p>Professionals</p> <ul style="list-style-type: none"> • PERFORMANCE – Objective 1: To improve our performance across all our functions so that we are highly efficient as a regulator. • PERFORMANCE – Objective 2: To improve our management of resources so that we become a more efficient regulator.
Decision Trail	At the meeting of the SPC on 17 May 2017 a paper outlining plans for the renewal of panellists whose agreements were due to expire in 2018 and 2019 was considered. on 21 September 2017. an appendix to this paper outlining further measures to quality assure this process was presented and the process approved
Next step	Reappointment of 28 panellists is requested, following which the same process will be rolled out to those panellists whose 1 st term of office is due to expire in February 2019
Recommendations	The SPC is asked to approve the reappointment of 28 panellists (identified in Appendix 1 of this paper.

Authorship of paper and further information	Val Shepherd Senior Hearings Manager 020 7167 6033 vshepherd@gdc-uk.org
Appendices	Appendix 1 - Names of panellists appointed in August 2013 wishing to be reappointed. Appendix 2a – Extracts from SPC questionnaires – regarding feedback (pp 6-8) Appendix 2b – Examples of panellists’ reflections on development activity (pp 9-12)

1. Executive summary

1.1 The Statutory Panel Assurance Committee is asked to approve the reappointment of 28 Fitness to Practise panellists for a second term of five years. The names of individuals for reappointment are included in Appendix 1.

2. Background

In August 2018, 29 members of the GDC’s Fitness to Practise Panel will come to the end of their terms of agreement. 28 have expressed a desire to undertake a second term of five years.

A further 25 panellists will then reach the end of their first term of office in February 2019.

Our forecast indicates that to manage the amount of hearing activity expected over the next three years we will need to retain the services of all panellists who meet the criteria for reappointment to avoid having to conduct an external recruitment exercise for new panellists.

GDC FTP panellists are initially appointed for a period of five years following a process approved by the previous Appointments Committee. GDC practice is to offer FTP panellists a second term of office at the expiry of the first term.

The provision of, and period of a second term of office that can be offered to panellists is dependent on the business need for a panel that is large enough to service the GDC’s ongoing caseload. It is not anticipated that the business need will reduce sufficiently before 2020 when a large tranche of panellists leaves. At this point it would be prudent to reforecast panel size needed against the throughput of cases to calibrate the number of panellists we need to recruit.

It is therefore considered that offering a term of five years gives ongoing hearings continuity.

The SPC were keen to establish an improved quality assurance process to ensure that we only retain the services of those who have performed to a satisfactory level during their current period of engagement with the GDC

2.1 The quality assurance proposal accepted by the SPC at meetings of 17 May and 21 September respectively comprised the following elements:

- a) Completion of a self-review appraisal form.
- b) A chair-led development review discussion based upon the self-review appraisal form in which the individual reflected on and discussed experience and learning from sitting as a panellist and the associated training and development activity undertaken during the fourth year of tenure. This included identification of areas of development that the panellist/chair would undertake during a second term of office, if offered.
- c) Since existing chairs had completed a recent review discussion they were asked to update and submit their development plans following on from the discussions with the external appraiser.
- d) Satisfactory completion of a questionnaire that examined a series of questions both around attitude to sitting as a panellist, knowledge of process and reaction to feedback (either PSA/QAG and/or in the absence of that feedback, from other hearing participants).
- e) Hearings team verification that the panellist can continue to be and has been available for the required number of days requested and honoured their sitting dates unless unavoidable absences were necessary.
- f) Hearings team verification that the panellist has not played a personal part in any reasons for hearings going part-heard or not finishing on time.
- g) Hearings team verification that the panellist had completed all face-to-face training sessions unless prevented by unavoidable absences and completed all online training.

2.2 The task of reviewing the completed review forms and questionnaires was delegated to the Hearings Team by SPC.

2.3 Following the agreement of the quality assurance process, all panellists whose term ends in August 2018 were given information about the process and were asked to complete items a) to d).

2.4 All panellists undertook review discussions following the completion of a self-appraisal form items 2.7 a) and b). All chairs completed c). All panellists/chairs completed d).

2.5 Responses to items 2.7 a) to d) were carefully evaluated by the Head of Hearings, the Head of Adjudication and Senior Hearings Manager. There were no areas of concern, and individuals were well-motivated in the expression of personal development goals should they be offered a second term.

2.6 In the "SPC questionnaires", we specifically sought responses from panellists about their reactions to PSA/QAG feedback. Only 3 individuals had had GDC feedback from these sources though 2 further individuals had received PSA/appeal/QAG feedback in their work at other regulators. All 5 of these individuals demonstrated a commitment to looking closely at the response and learning from the points raised. Panellists not in receipt of QAG feedback showed a receptiveness and openness to receiving constructive feedback and working on items raised. There was a widespread commitment to contributing to a culture of feedback.

2.7 We have included extracts from the questionnaires, focusing on those where learning/feedback has been given by QAG/PSA. These extracts are included at Appendix 2 A pages 6 -8 to provide an overview of the type of response received.

2.8 Within the review discussion documentation received from individuals, there was a high level of insightful reflection upon experiences from their last year's sittings. Documentation received was

often full and compendious. We have included a random set of excerpts to illustrate typical responses in which panellists have either reflected and learnt from experience and/or identified their own development goals. These are included in Appendix 2B pages 9-12.

- 2.9 The Hearings team undertook separate assessments of items 2.7 e), f) and g) There were no instances where we felt individuals had offered low availability, all would welcome further sittings. We could not attribute any part-heard cases to actions or behaviours of any of these panellists. All these panellists have attended or completed the requisite training during 2017.
- 2.10 Following the completion of this subset of reviews and pending any feedback from the SPC to suggest a modified process, we propose to use the process described in this paper to identify those panellists whose term ends in January 2019 who would like to be considered for a second term.

3. Risks and considerations

<p>Reputation</p> <p>Failure to establish a robust and transparent quality assurance process, comparable with that of other regulators, could have a potentially negative impact on our reputation and/or relationship with the PSA, dental professionals and our partners.</p> <p>Conversely, a failure to maintain the independence of the role of panellists could result in a legal challenge that would also be highly damaging to the reputation of the GDC and its relationship with the PSA, dental professionals and our partners.</p>
<p>Equality and Diversity</p> <p>The GDC must guard against unfair discrimination on any grounds including colour, race, nationality, ethnic or national origin, religion, faith, gender (including gender reassignment), sexual orientation, age, marital status or disability. Accordingly, full reasons must be given for any decision not to reappoint a panellist and all ratings given that are below the threshold when considering self-appraisals must be justified, in writing, in the box provided.</p>
<p>Communications</p> <p>Panel members approaching the end of their current terms will be informed that a quality review mechanism will be established for renewal as soon as the process is agreed.</p> <p>Details of these quality assurance mechanisms will form part of future submissions to the PSA in relation to key FTP standards.</p>
<p>Legal</p> <p>The assessment criteria set out in this paper all correspond with the conduct required by current panellists in the Governance Manual for Associates of the GDC</p>
<p>Policy</p> <p>This does not impact on GDC policy decision-making. It is primarily an operational decision.</p>

Resources

None. However, it is relevant to note that GDC records indicate that during the most recent recruitment drive for 64 new panellists in 2015 the final cost of appointment and training was £232,500

National

None

This will not have different impacts on the four countries in the UK as all hearings are heard under English law.

4. Recommendations

- a. **The SPC is asked to:** Approve the reappointment of the names contained in Appendix1 for a five-year term of office commencing 27 August 2018.