

## Annual QAG Report 2018

<b>Purpose of paper</b>	This paper sets out a summary of the work undertaken by the Quality Assurance Group (QAG) in the last 12 months.
<b>Action</b>	For <b>noting</b>
<b>Corporate Strategy 2016-19</b>	<i>Performance - Objective 1:</i> To improve our performance across all our functions so that we are highly effective as a regulator.
<b>Business Plan 2016</b>	<i>Priority 2:</i> Improve our overall performance.
<b>Decision Trail</b>	This paper is prepared on an annual basis as previously agreed with Council.
<b>Next step</b>	N/A
<b>Recommendations</b>	Council is asked to <b>note</b> the annual report of the Quality Assurance Group.
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<b>Appendices</b>	None

## Executive summary

1. This paper is a summary of the work of the Quality Assurance Group in the last 12 months.
2. Overall the group discussed 136 decisions. Of these, 16 decisions were thought to be outside of reasonable range of possible outcomes for the case, leading to six decisions referred back to the Initial Assessment Decision Group (IADG), seven rule 9 referrals, and three decisions being raised to the PSA.

	Pre-IC/CE	IC/CE	Hearings	Total	Actions	Decision Questioned
Q1	15	15	14	44	29	4
Q2	8	11	16	35	13	6
Q3	13	4	19	36	30	4
Q4	9	3	9	21	22	2
<b>Total</b>	<b>45</b>	<b>33</b>	<b>58</b>	<b>136</b>	<b>94</b>	<b>16</b>

3. From discussions a total of 94 actions or learnings were raised. 82 have been completed and 12 are ongoing having been referred on to other areas to pursue, such as the Regulatory Policy Forum, the End to End Review and other project work already in place.
4. Over the course of 2018 we have seen decision makers start to 'self-refer' a decision to QAG for feedback and assurance on their decision. This is a welcome development, highlighting the value the organisation has placed on the feedback of the group.
5. We have also found that QAG has identified broader themes in policy and guidance from case discussions. These have included:
  - 5.1. Identifying absences in policy.
  - 5.2. Issues around proportionality and consistency of outcome including adjournments in registrants favour and cases progressing further than necessary.
  - 5.3. Process deficiencies, such as defective conditions which do not appropriately mitigate against risk.
  - 5.4. An occasional lack of clarity in reasoning for decision making, across all stages of the FTP process.
6. To provide support and consistency across QAG and the Decision Scrutiny Group (DSG), the Facilitation team has been formed. This team is made up of the Head of Right Touch Regulation, the Quality Assurance Specialist, and the FTP Administrator, and came into effect in September 2018.
7. With the Facilitation team established these themes will be monitored and reported on in order to identify trends and ensure that any improvement actions are effective if we are no longer seeing the same types of cases at QAG. Already this additional support has seen an improvement in monitoring and reporting on the impact of QAG.

## Background

8. The Quality Assurance Group (QAG) considers decisions referred from all stages of the fitness to practise (FTP) process for assurance, review, and discussion to highlight learning and establishing remedial and development initiatives as a result of the insight gained.
9. The re-focusing of QAG to be 'criterion based' for scrutiny has been a positive move. We continue to receive a significant percentage of self-referred cases from decision makers,

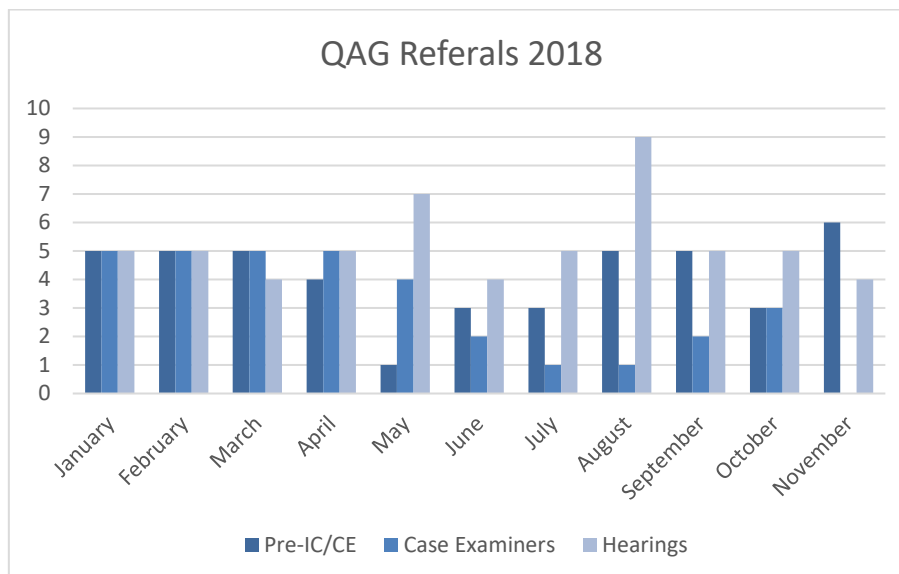
drawing on the experience and scrutiny of the panel for general learning and future guidance from specific cases.

- The PSA can appeal a Practice Committee decision (known as a section 29 appeal) if it believes a decision is not sufficient for public protection that can include factual errors, a stay in proceedings or under prosecution. To inform its decision whether to appeal a decision, the PSA reviews all the regulators' final Practice Committee decisions and where appropriate, offers learning points to ensure that the decisions are well reasoned, are reflective of both current case law and the regulator's own guidance and adequately protects the public. Regulators are invited to respond to these learning points and any learning is disseminated back to teams. The QAG provides an opportunity to review the contents of learning point letters, to agree suitable actions arising and to ensure that learning is embedded in our processes.

### Summary of Referrals

- Overall the group discussed 136 decisions.

Case Stage	Pre-IC/CE	IC/CE	Hearings	Total
January	5	5	5	15
February	5	5	5	15
March	5	5	4	14
April	4	5	5	14
May	1	4	7	12
June	3	2	4	9
July	3	1	5	9
August	5	1	9	15
September	5	2	5	12
October	3	3	5	11
November	6	0	4	10
<b>Total</b>	<b>45</b>	<b>33</b>	<b>58</b>	<b>136</b>



- From these discussions, 94 further actions or learnings were raised, including 16 decisions were thought to be outside of reasonable range of outcomes for the decision, leading to six decisions referred back to the Initial Assessment Decision Group (IADG), seven rule 9 referrals, and three decisions being raised to the PSA. There are currently 11 actions ongoing having been referred

on to other areas to pursue, such as the Regulatory Policy Forum, the End to End Review and other project work already in place.

Action	Q1	Q2	Q3	Q4	Total
Rule 9	1	3	2	1	7
To PSA	0	2	1	0	3
Further investigation	3	1	1	1	6
Process/Guidance	6	2	11	5	24
Refer On	5	2	2	2	11
Training/Feedback	9	3	9	10	31
Other	5	0	4	3	12
<b>Total</b>	<b>29</b>	<b>13</b>	<b>30</b>	<b>22</b>	<b>94</b>

## Themes

13. With the launch of the DSG early in 2018 which considers a random sample of cases we have found that adopting a criterion based referral methodology for decisions referred to QAG directly has led to more significant and detailed discussions, which highlight broader areas of consideration in policy and guidance as well as for individual decisions.
14. Some of the common themes of discussion in 2018 include:
  - 14.1. Identifying absences in policy, for example regarding road traffic offences, recreational drug use and duty of candour.
  - 14.2. Issues around proportionality and consistency of outcome including adjournments in registrants favour and cases progressing further than necessary. Relatedly, an emerging theme that is currently being explored is having a sanction bid for suspensions when conditions could appropriately mitigate risk.
  - 14.3. Process deficiencies, such as defective conditions which do not appropriately mitigate against risk, silo working in the department so knowledge isn't shared between related cases at different stages, and gaps in cross-organisation referrals such as cross-infection control cases also being highlighted to the CQC.
  - 14.4. An occasional lack of clarity in reasoning for decision making, across all stages of the FTP process.
15. With support from the Facilitation team in place there is also the opportunity to explore the application of QAG across all key decisions made in the GDC as a whole.

## Actions

16. The range of actions and learning identified by the group in 2018 is broader than previously, often relating to aspects of delivery that fall outside of operational practice within the FTP Directorate.
17. Amendments to guidance and process was one of the most common recommendations made by the QAG.
  - 17.1. A Guidance project has been introduced to assess the guidance we have and ensure that improvements are made when identified.
  - 17.2. We have seen is that there are common themes of what areas of guidance need to be improved, for example the need for improvements to the allegation guidance was raised frequently in QAG. As part of the end to end review this guidance is having an extensive review and will be working with the overall guidance project to ensure consistency.

18. Training and Feedback accounted for a further 31 actions from QAG.

18.1. Analysing these further we can see that only 10% of these recommendations are for the pre-CE stage of a case. This shows that there has been an improvement in FTP assessment and initial assessment (previously known as triage) over the year, as this was one of the most frequent recommendations in 2017.

18.2. However, this also shows there is work to be done with the case examiners and panel members on improving clarity and consistency of decision making at later stages.

19. We anticipate the emergence of themes to continue as the revised analysis processes embed.

20. The Regulatory Policy Forum has been established to manage and oversee corporate initiatives relating to broader regulatory policy alongside the management of immediate actions by the Facilitation team. This forum allows progression of QAG and DSG learning with appropriate policy support, ensuring appropriately routed engagement with stakeholders as well as broader policy response.

### **Risks and considerations**

21. Risk is a feature of all decisions considered.

22. QAG routinely records decisions that directly impact risk across FTP. No new strategic or operational risks were identified in the last 12 months.

### **Recommendations**

23. The Council is asked to **note** the annual report of the Quality Assurance Group.