

Quality Assurance Group: 2019 annual report

Executive Director	Stefan Czerniawski, Executive Director, Strategy
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Type of business	To note
For Council only:	Item to be considered in closed session as likely to pertain to information which is sensitive personal data or disclosure of which may prejudice one of the GDC's functions.
Issue	To report on the business of the Quality Assurance Group for 2019
Recommendation	The Council is asked to note the contents of this report.

1. Executive summary

- 1.1 The Quality Assurance Group (QAG) was established in 2015 to improve the scrutiny of Fitness to Practise (FtP) decision making. QAG meets monthly to consider decisions made on cases referred to it by FtP teams or Internal Audit and Risk, at the Initial Assessment, Casework Assessment, and Case Examiner stages, and those made by FtP panels.
- 1.2 The primary focus of QAG is to identify learning points and actions that can drive improvements to FtP decision making.
- 1.3 The PSA reviews all the regulators' final Practice Committee decisions and where appropriate, offers learning points to ensure that the decisions are well reasoned, reflective of both current case law and the regulator's own guidance, and adequately protect the public. Regulators are invited to respond to these learning points. QAG provides an opportunity to review any learning points received from the PSA, to agree suitable actions arising and to ensure that learning is embedded in our processes.
- 1.4 This year, cases that PSA learning points have referred to, have typically been discussed by QAG prior to receipt of the PSA learning points. While this is not a robust measure, it does tend to indicate that our internal referrals are reasonably well calibrated. In fact, one such case was used as a case study for panellist training this year before receipt of the PSA learning points.
- 1.5 As well as the wording of charges, and whether a panel should have considered different charges, PSA learning points included references to panellists':
 - a. application of the correct tests
 - b. citing of case law
 - c. assessment of dishonesty
 - d. consideration of sanctions.

- 1.6 In addition to this having fed into planning for panellist training sessions, this has also been incorporated into feedback to panellists (both generally to panellists and to specific members of specific panels), updates to guidance documents, and feedback to members of our legal teams.

This year QAG has scrutinised 128 decisions. Of these, 20 decisions were thought to be outside of reasonable range of possible outcomes and generated Rule 9 referrals. One PCC determination (facts found proved, but did not amount to misconduct) was agreed to be outside the reasonable range and was raised to the attention of the PSA for their review.

2. Cases considered

	DSG escalation	Pre-IC/CE	IC/CE	Hearings	Total	Decisions referred to 'Rule 9'
Q1	0	9	7	17	33	1
Q2	0	6	7	17	30	2
Q3	1	18	12	8	39	6
Q4	0	14	4	8	26	11
Total	1	47	30	50	128	20

3. Themes identified

- 3.1 This year the we began identifying themes relating to each decision scrutinised to determine whether there are patterns or trends that can be used to drive improvement.
- 3.2 The following themes have been prominent throughout the year:
- proportionality of outcome;
 - drafting of decisions lacking in clarity or reasoning; and
 - incorrect application of the test and/or application of incorrect test.
- 3.3 Learning points and circulated following each meeting to draw attention to particular areas and actions are allocated to remedy deficiencies and/or drive improvement. The proportion of new staff in the FtP Directorate this year has possibly contributed to the recurrence of some of these themes. Information and insight from QAG is fed back to relevant teams to focus training, and is used to review and revise internal guidance.
- 3.4 Other initiatives are underway to deal with some specifics, including the refreshing of templates to improve clarity of written decisions.
- 3.5 Early in the year a pattern relating to difficulty successfully proving the sexual motivation element of sexual misconduct cases. The GMC has taken an interest in sexual misconduct and we have recently participated in a cross regulatory workshop on sexual misconduct, hosted and facilitated by the GMC.

4. Impact and improvement

- 4.1 A Facilitation team, comprised of the Head of Right Touch Regulation, the Quality Assurance Specialist, and the FTP Administrator, was established in September 2018 to provide support to both QAG and the Decision Scrutiny Group (DSG). This delivered an improvement in identifying and recording learnings and actions from each meeting. Many of

these have been fed into existing projects and have contributed to the delivery of planned activity.

5. Legal, policy and national considerations

- 5.1 Insights from QAG continue to feed into considerations of how we interpret our legal framework, particularly interpretation of application of statutory tests applied throughout the FtP process.
- 5.2 Gaps in our regulatory architecture – absence of clear policy positions, or clearly understood policy positions – have been referred to the Regulatory Policy Forum.

6. Equality, diversity and privacy considerations

- 6.1 N/A

7. Risk considerations

- 7.1 As well as driving improvement, scrutinising and quality assuring FtP decisions helps mitigate the risks of poor quality decisions being made.

8. Resource considerations and CCP

- 8.1 N/A

9. Monitoring and review

- 9.1 The business of QAG is reported quarterly to SLT and annually to Council.

10. Development, consultation and decision trail

- 10.1 The Executive Directors of Strategy and FtP have reviewed this paper.

11. Next steps and communications

- 11.1 Work is underway to design web content describing the work the GDC does to scrutinise FtP decision making, including QAG and DSG.

Appendices

None.

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