

## Separation of adjudication function – project update

<b>Executive Director</b>	Ian Brack, Chief Executive
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<b>Type of business</b>	<i>For discussion</i>
<b>Issue</b>	To provide Council with an update on the project to administratively separate the adjudication function of the GDC, and to set out the timetable for future decision making.
<b>Recommendation</b>	Council is asked to discuss the project update set out in this paper.

### 1. Progress so far

- 1.1 This paper sets out the work undertaken so far following the Council's decision, at its December 2019 meeting, to administratively separate the adjudication function of the GDC (within the limits set by the GDC's current legislation) and to facilitate and prepare for further separation if the legislative position changes.
- 1.2 A programme manager, Richard Bloomfield, was appointed in December 2019, following approval. An initial scoping meeting took place on 19 December, which led to a logic model being created from which the initial project plan was drafted. In addition, the programme manager and Head of Adjudication met the Chief Executive to discuss taking a programme approach with two tranches, since the administrative separation of the adjudications function is seen as the first step on the path to a greater degree of legislative separation. The two tranches are as follows:
  - Tranche 1 - administrative separation of GDC's adjudication function
  - Tranche 2 – potential move to a legislatively-distinct adjudications function
- 1.3 A key decision would be taken towards the end of Tranche 1 as to whether the GDC wished to move ahead with Tranche 2.
- 1.4 The benefit of this approach is that work in Tranche 1 would be aligned with the longer-term vision and potential benefits from Tranche 2. This would help to reduce unnecessary duplication of work. A draft, high-level, plan for tranche 1 is attached as **Appendix 1**.
- 1.5 As part of Tranche 2, we would be able to manage the dependencies from and to any potential Section 60 changes closely. This would ensure that opportunities arising from Section 60 work to enhance the adjudication function (including greater separation) are considered in the round, and that any risks are minimised.

### 2. The next phase

- 2.1 We have discussed with the Chief Executive how the adjudications function is likely to fit within the GDC structure during Tranche 1. This is an important detail in helping to understand the key relationships for the revised Chair of SPC role, which will need to be described in the role profile and person specification. The planning assumption is that the executive part of the function (for example, resourcing and performance issues) remains within the scope of the Executive Director, FTP. However, the Chair of SPC will liaise directly with the Chief Executive on matters within their scope.

- 2.2 In planning the timescales for recruitment, we have ensured that the incoming Executive Director, FTP, will be able to participate in the recruitment activity. We have also planned around existing recruitment activity in the adjudications area. We are recruiting for a large number of committee members in Q2 this year, supported by People Services, and we have planned to avoid unnecessary overlaps in these recruitment activities by running them consecutively rather than concurrently.
- 2.3 Additionally, two current members of the SPC are due to demit office in Q4 of 2020. Pursuant to the approach of Council in 2016 - 2017, this process (including the recruitment of the Chair) will be overseen by the Remuneration Committee on behalf of the Council. We propose to run these recruitment exercises concurrently and have consulted with the Governance team on the sequencing of this process. Note that a future increase in the executive role of this post would probably necessitate a revision to the recruitment process as the executive is not (with the exception of the CEO) directly appointed by Council.
- 2.4 We have started to investigate the procurement options for selecting a suitable recruitment agency for the Chair of SPC, and we have commenced drafting an outline person specification and role description. We will submit a paper to the Remuneration Committee meeting on 23 March 2020, setting out the process as described in this paper. There will be a further update to the Council meeting on 3 June, which will seek approval of both the recruitment process and selection panel. It is for the selection panel to approve the role description. It will also recommend any revised remuneration for the Chair of SPC to the Remuneration Committee, who will be asked to recommend any changes to the Council. The timelines for this may necessitate a request to seek approvals via correspondence but it is hoped that this can take place in June 2020. The recruitment itself will be scheduled to follow this Remuneration Committee meeting, with approval of the Chair and SPC member appointments scheduled for the October 2020 Council meeting.
- 2.5 The recruitment timetable also allows for appropriate opportunities to develop the role profile through discussing the experiences of fellow regulators (and specifically the MPTS and GPhC). We are also planning to ensure we obtain a wide field of appointable, suitably qualified candidates by discussing how we approach the recruitment exercise with colleagues with knowledge of this sector. This will include Council members with a legal background, and we have also approached Matthew Hill, Chief Executive of the Legal Services Board, for his advice on how to best ensure this role is marketed effectively. We are conscious that the Chair has also had informal preliminary discussions with individuals with appropriate knowledge.
- 2.6 We have also started to identify and confirm the scope, deliverables, timelines and costs of other works in Tranche 1 and will report to Council on the development of this work at their next meeting.

### **3. Other considerations**

- 3.1 In line with the recruitment process, we need to establish what the separated function will be called in order that we can refer to it appropriately in the recruitment literature. There are several potential broad options, including:
- Retain the current name/branding during Tranche 1 but seek to establish a new identity in preparation for a possible Tranche 2
  - Change the name/brand now, to reflect the position at the end of Tranche 1, with another new identity to be created as part of Tranche 2
  - Create a new identity now that will still be appropriate in the event that we can proceed with Tranche 2.

- 3.2 The first two options have some merit as they are more likely to give an accurate representation of the current position, that there has been limited separation during Tranche 1. However, we consider that, in terms of branding, the third option is preferable as it gives the GDC a clearly distinctive brand to represent the increased separation at this stage and removes the need to rebrand for a second time should we move to Tranche 2.
- 3.3 Other healthcare regulators have used “tribunal” when rebranding their adjudications function and have obtained consent of the Registrar of Companies to do so. The Registrar of Companies’ advice is that, to use “Tribunal”, the organisation should normally be one that has a quasi-judicial role similar to decisions made by an administrative tribunal or other institution with the authority to judge, adjudicate on, or determine claims or disputes.
- 3.4 We intend to ask Council for a decision on a name at the June 2020 meeting. However, we would be grateful for any earlier feedback on whether it is likely that we will include “tribunal” in line with other healthcare regulators. This will enable us to ensure we can move quickly should Council choose to adopt such an identity.
- 3.5 We have started work with the communications and IT teams about development of a re-branded website and other IT works of which there are key dependencies between the naming of the separated function and the completion of these works. As part of these discussions, we have considered the timing of any launch of a rebranded adjudication function. Our initial plan described a launch at the end of 2020. However, this coincides with a lower level of hearings activity at the end of December, and at a time when any messaging and impact is more likely to get “lost” because of seasonal factors. We therefore consider that launching the rebranded service in January 2021, when we hope to have successfully recruited the new SPC chair and will be starting with renewed hearings activity, will maximize the opportunity to stress the independence of the function.
- 4. Legal, policy and national considerations**
- 4.1 Corporate legal and information governance have been represented on the working group. We intend to appoint a member of the corporate legal team to the programme board.
- 5. Equality, diversity and privacy considerations**
- 5.1 No EDI issues have been identified to this point. People Services will be fully engaged in the appointment of the new Chair and we will ensure that the appointment process complies with the GDC’s EDI approach.
- 6. Risk considerations**
- 6.1 We will be developing the risk register as part of the ongoing programme work.
- 7. Resource considerations and CCP**
- 7.1 We are currently forming the Programme Board. The CEO will determine who should be Senior Responsible Officer. The programme was provisionally allocated resource in the CCP prior to being approved by Council.
- 8. Monitoring and review**
- 8.1 The developed programme plan will include further detail on milestones and impact reviews.
- 9. Next steps and communications**
- 9.1 The next programme update will be to the June Council meeting.

## Appendices

- a. Appendix 1 – High level draft project plan

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High level draft project plan (subject to change) – Tranche 1 – administrative separation

			2019				2020												2021
			Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	
			Q4			Q1		Q2			Q3			Q4			Q1		
<b>Hearings programme - high level plan - draft v0.3</b>																			
<b>Tranche 1 - administrative separation of adjudication function</b>																			
<b>Task Name</b>	<b>Task owner</b>	<b>Duration</b>																	
<b>Programme Management</b>																			
Business Case - development and SLT approval of	RB	3 months																	
Programme Definition Document - development and programme board approval of	RB	2 months																	
Programme plan (detailed) - development of	RB	2 months																	
Governance papers/updates	JC/RB	Ongoing																	
<b>Decision making</b>																			
Council Meeting 5 December 2019 approves in principle		0																	
CEO decision ref governance arrangements for hearings department i.e. where it fits within GDC	JC	2 months																	
CEO decision ref additional liaison lines for Chair SPC i.e. to CEO	JC	2 months																	
Council decision of new Hearings department name e.g. Tribunal service and whether a strapline is required	JC	4 months																	
<b>Reforms not requiring legislative change</b>																			
Implement approved department name e.g. authorisation from Companies House		2 months																	
Procurement of designers for branding and new website	Procurement	4 months																	
Development and prog board approval of new branding for hearing department	MN/designers	3 months																	
Purchase of relevant web domain names	IT (tbc)	2 months																	
Setting up separate emails	IT (tbc)	2 months																	
Rebranding of hearing centre	SL	2 months																	
<b>Governance changes</b>																			
Confirm from Katie S ref process & timelines for recruitment of Chair via REMCO	LB/PWP	1 wk																	
Development and approval of SPC Chair & committee recruitment process, timeline & selection panel	JC/LB/Council	4 months																	
Development and approval of job specification & recruitment agency for post of judicial Chair of SPC for pre and post statutory change	JC/Selection Panel (SP)	4 months																	
Procurement of recruitment agency for SPC Chair & 2 committee members	Procurement	4 months																	
Recruitment, Council approval and appointment of Judicial Chair (align with start date of new ED FTP)	JC/Selection Panel	9 months																	
Recruiting 2 x SPC Committee members (same time as Judicial Chair)	Selection Panel	9 months																	
Outgoing SPC Chair & 2 committee members (dates tbc)	Council																		
<b>Process and systems redesign to establish separation of function</b>																			
Creation of new website	IT/Comms (tbc)	5 months																	
Stripping/editing of GDC website (including where Registration and CPD appeals are to be listed)	IT/Comms (tbc)	3 months																	
Changes to all documentation including templates, both FTP and Hearings	Hearings (tbc)	3 months																	
CRM changes	IT (MD)	5 months																	
Preparation of guidance on processes/protocol to be followed by GDC and Adjudication function	Hearings (tbc)	7 months																	
<b>Changes to Management Structure</b>																			
ED FTP - exiting and entering GDC (dates tbc)	People Services	0																	
Any wider restructure / any new appointments e.g. adjudication function to issue notice of hearings plus any job title changes [where appropriate]	People Services	5 months																	
Budget split	Finance	1 month																	
<b>Launching Adjudication Service</b>																			
Stakeholder engagement		13 months																	
Internal communication and training programme		6 months																	
Website goes live		0																	
Official launch		0																	