

## Professional Standards Authority review of GDC performance 2018/19

<b>Executive Director</b>	Tom Scott, Executive Director, Fitness to Practise Transition
<b>Author(s)</b>	Tom Scott Reviewed by Richard Drummond and Colin MacKenzie
<b>Type of business</b>	To note
<b>Issue</b>	To provide update on the Professional Standards Authority’s review of our performance for 2018/19, which was published on 24 January 2020.
<b>Recommendation</b>	The Council is asked to note the report

### 1. PSA’s assessment of our performance

- 1.1 This paper provides an update on the Professional Standards Authority’s review of our performance for 2018/19, which was published on 24 January 2020.
- 1.2 Following an evaluation process, including the targeted review of our performance for nine Standards, the Professional Standards Authority (PSA) drew conclusions as to the number of Standards that, in its view, the GDC has met. The findings are that, in 2018/19, the GDC met 22 out of 24 Standards, specifically:
  - Education and training - 4 of 4
  - Registration - 6 of 6
  - Fitness to Practise - 8 of 10
- 1.3 The two FtP standards that the PSA found the GDC did not meet were:
  - a. Standard 6 – regarding timeliness in fitness to practise and
  - b. Standard 10 - regarding data.
- 1.4 This exactly matches our performance, in terms of Standards, for 2017/18.
- 1.5 During the evaluation process, the PSA undertook a targeted review of nine of the 24 Standards:
  - Standards 1, 2 and 3 of Regulation and Standards
  - Standard 2 of Registration
  - Standards 1, 3, 4, 6 and 10 of Fitness to Practise
- 1.6 The PSA’s common concern within Regulation and Standards was the interval which had elapsed since the Standards and guidance had been updated. During the targeted review, we were able to demonstrate our on-going appraisal of the status of guidance, interaction

with the profession and a clear plan for action outlined within the Corporate Strategy for 2020-2022 resulting in our being awarded each standard.

- 1.7 The concern for standard 2 of Registration arose both from increased timescales contained within our quarterly data-set for non-UK applications to join the register, performance for registration appeals and feedback from potential applicants wanting to undertake the Overseas Registration Examination (ORE). We were able to demonstrate the transient nature of increased timescales that were associated with the relocation of Registration functions from London to Birmingham and explain the constraints we face, financial and in terms of accessing capacity, for the ORE. As a result, we were awarded the standard.
- 1.8 Within Fitness to Practise, the PSA wanted to satisfy itself that the self-triage webtool for potential informants and changes to the Dental Complaints Service (DCS) referral criteria were not introducing barriers to raising a concern. There were specific questions relating to the operation of the Initial Assessment Decision Group (IADG) and Case Examiners and, regarding a single quarter outlier, on the timeliness of Interim Order hearings being convened – all of which were fully addressed.

## 2. Decision timeliness

- 2.1 With regards to Standard 6, regarding timeliness, we recognise that our statistical dataset showed a mixed picture.

Measure	2015/16	2016/17	2017/18	2018/19
Number of open cases:				
52-103 weeks old	288	316	328	289
104-155 weeks old	95	84	102	121
156 weeks and older	40	46	38	55
Total over 52 weeks old	423	446	468	465
Median time taken from receipt of an initial complaint to a final decision by the IC/CE (weeks)	40	41	45	48
Median time taken from final IC to the final PC determination/or other final disposal of the case (weeks)	41	42	44	38
Median time from receipt of initial complaint to the final PC determination or other disposal (weeks)	94	90	99	94

- 2.2 We presented a narrative that accompanied the headline data explaining that, in parallel with this picture, we had made hundreds of additional decisions, reduced the total number of cases within FtP by over 20% and ensured that, on balance, more cases were further progressed compared to the previous year. We also demonstrated that on a like-for-like basis individual cases were experiencing less delay than previously.
- 2.3 The PSA acknowledged this, however, they appear to have based their decision largely on the increase in the median time taken from receipt to a final decision by IC/CE and the fact

that we had to restate our data-set within the reporting period as an issue that had existed since the launch of the Case Examiner function came to light.

- 2.4 We accept the PSA's assessment of our performance for the period 2018/19. However, we are not persuaded that the rationale for their decision fully reflects the progress that was made in the year or that the acknowledged and highly-trailed consequence of 'crystallising the loss' in performance indicator terms when large numbers of cases in progress are closed to reduce total caseload within the process.

### **3. Information security**

- 3.1 In relation to Standard 10, we acknowledge that the decision not to award this standard is consistent with previous PSA evaluation and rationale. We strongly disagree, however, with the accompanying narrative that we have not adequately prioritised information governance, that a self-referral to ICO is indicative of poor information governance, or that any methodology to manage information securely would have produced a result that it is immune from human error.

### **4. Next steps and communications**

- 4.1 We remain committed to achieving all PSA standards and being recognised as an effective regulator of dental professional groups. We recognise the challenging nature of this ambition for FtP Standard 10, particularly given the PSA's evaluation methodology that is in tension with our own drive for a fully GDPR compliant, learning and open approach, where we are likely to report data security incidents, irrespective of the likelihood of the Information Commissioner's Office (ICO) to take action.
- 4.2 We are planning the activity required to engage with PSA's 2019/20 performance review. This will incorporate feedback received from the most recent evaluation, learning and actions arising from the recent adoption of the NHS Toolkit to assist our information security and the revised performance criteria outlined by PSA for the upcoming assessment in order that our performance can be fully evidenced.

**Tom Scott, Executive Director Fitness to Practise Transition**

tscott@gdc-uk.org

Tel: 020 7167 6209

19 February 2020