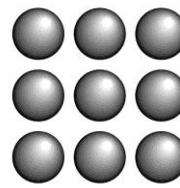


Council meeting

26 January 2012

Paper 1



**council for
healthcare
regulatory
excellence**

Purpose: For information and approval

Chief Executive's report

1. Introduction

- 1.1 We are starting 2012 well prepared for the changes ahead of us and confident that despite the difficulties of timing and co-ordination we will manage the transition competently.
- 1.2 We do face some considerable challenges with volume of work and our capacity to complete it to the high standards we require of ourselves. A huge amount of time, without additional resource has had to be spent on the GDC investigation and I'm grateful to Ros Hayles, Emma Kelly-Dempster and Tim Bailey for managing that while keeping the Quality and Scrutiny team work on track. We are now about to start on the strategic review of the NMC but have secured additional staff to assist us with that.
- 1.3 The Standards and Policy team have managed some complex discussions around a number of separate commissions and the governance and operations team continue to support officials in the Department of health with preparations for our transition to the Authority.

2. Scrutiny and Quality

Performance review

- 2.1 The Scrutiny & Quality team are in the process of analyzing the regulators' evidence submissions, alongside third party feedback we have received. Additional queries will be raised with the regulators at the end of January, prior to the performance review meetings with each regulator that are scheduled for mid-February.

Initial stages audit

- 2.2 At its meeting in December the Scrutiny Committee approved plans to audit in 2012 the NMC, the GDC and the GPhC (all 3 of which are repeat audits) as well as the GOC and GOsC.
- 2.3 We expect to notify each regulator of the anticipated timing of their audit shortly. The audits will take place from May – September. Completing five audits during that period will be a challenge for the team, but it will ensure that we should have sufficient capacity in 2013 to audit the regulators who will not have been audited in either 2011 or 2012 (the GMC, the HCPC and

the PSNI) as well as to undertake any repeat audits that we consider necessary.

Section 29

- 2.4 There has been a considerable amount of section 29 activity since the last Council meeting.
- 2.5 One case that the GMC alerted us to has been considered at a case meeting, but did not result in an appeal being lodged.
- 2.6 An appeal was lodged in a PSNI case at the start of January, using our emergency powers, pending full consideration at a case meeting. A second appeal was lodged on 10 January at the Court of Session in Scotland in relation to an NMC case.
- 2.7 Two case meetings are due to take place in the week commencing 16 January (one of them relating to the PSNI case in which an appeal was lodged using our emergency powers). An update will be provided at the Council meeting).
- 2.8 We anticipated an increase in the section 29 caseload following the transfer of the GSCC's caseload to the HCPC in mid-2012 in the business plan and are therefore currently recruiting for a new Scrutiny Officer). We were notified in December of an increase by the NMC of the number of hearings it holds every day as of January 2012 until at least April 2013. This, alongside the ongoing increase in the number of cases we receive each year across the regulators means that we will need to keep our resourcing of section 29 work under close review.

GDC investigation

- 2.9 The investigation is substantially complete and the report is currently being drafted.

NMC Strategic Review

- 2.10 We will be working with the NMC on a strategic review of the organisation to assist it in becoming more effective at delivering its regulatory functions.

3. Policy and External Relations

- 3.1 We are holding meetings in England, Northern Ireland, Scotland and Wales between January and the end of March with employers, commissioners and patients and the public. Whilst the meetings in Northern Ireland and Scotland are managed by us to consult on the accreditation scheme for voluntary registration, the Cardiff and London meetings will be co-managed with patient associate groups, thereby fulfilling our commitment to conduct two trials (as requested by Council in March 2011) for a proposed Patient and Service User Associate Scheme. We will also be using the Cardiff and London meetings to consult on the accreditation of voluntary registers.

- 3.2 Our work on current commissions from the Department of Health is progressing well. We have contracted with the Centre for Health Service Economics and Organisation to provide us with analytical support on the cost effectiveness and efficiency review and they are currently reviewing data submitted by the regulators on their operating costs. As part of this project, and building on the 2011 report *Modern and Efficient Fitness to Practise Adjudication*, we are holding a seminar at the end of January with the regulators to discuss efficiency and effectiveness improvements to fitness to practise.
- 3.3 We continue to develop our thinking around our future role in advising the Privy Council about the regulators' appointments processes, with support from the Appointments Commission and our adviser, Sue Davis. We are holding a workshop in mid-February to discuss good practice and additional guidance.
- 3.4 The commission to develop standards for NHS Board Members in England is due to begin a formal consultation on draft standards in January. This consultation will be open until mid-April.
- 3.5 We have had further discussions with the Department on enacting s28 of our legislation. They have asked us to provide advice by the end of the financial year on a scheme that would allow us to investigate matters relating to maladministration that call into question the credibility of the regulator's register and raises wider public protection issues. Our advice will also consider the regulations relating to s27(2) (enabling CHRE to give directions to the regulators to make rules for the protection of the public), including how the process would work where s27(2) is used as a result of a complaint made under s28.
- 3.6 We continue to have useful discussions with the Law Commission as part of their simplification review. Their consultation paper is due to be published in early March.
- 3.7 Plans for the 2012 symposium are coming together well. We have all speakers confirmed for the first day: Frances Patterson QC, Niall Dickson, Rosie Varley, and Roy Lilley. Ann Abraham has kindly agreed to be our speaker before dinner.
- 3.8 Business case approval has been received to appoint a temporary editor/policy analyst to work on the reports submitted to us last year by LSE, to summarise them in a consistent format and in an accessible style. We intend to appoint someone by the end of January with a view to offering a fixed-price contract with the work being completed by the end of March.

4. Governance & Operations

- 4.1 We have still not formally heard from the Department regarding the proposals for the apportionment of the levy. We have been asked to provide comments, informally at present on related papers. We anticipate that the formal consultation may begin in February.

- 4.2 As part of the preparatory work for the launch of the Authority we have made the Department aware of issues that we believe will need to be resolved. The Department is arranging to set up a mixed discipline group to work with us and will formalise governance arrangements for the group.
- 4.3 The business plan for 2012-13 was submitted to the Department in early January. While we await formal comments the initial; reception has been positive.
- 4.4 The work to review the IT arrangements and produce an IT strategy for the Authority is ongoing.

5. People

- 5.1 Ros Hayles is unable to travel to New Zealand to participate in the review of the Nursing Council of New Zealand in April due to family circumstances. I am pleased that Emma Kelly-Dempster has agreed to take her place and that Douglas Bilton has agreed to cover for Emma on the performance review.
- 5.2 Dinah Godfree will join us on 1 February 2012 as Policy Adviser. Dinah has been working at CHRE on secondment from the General Social Care Council since July 2011.
- 5.3 We are currently in the process of recruiting two members of staff a Data Administrator and a Scrutiny Officer.
- 5.4 We are currently seeking two secondments to support the NMC strategic review.

6. Action Log of CHRE Commissions

Commission	From	Status
Standards for NHS Boards	DH	Consultation ready
Cost effectiveness and efficiency review	DH	Underway
CHRE's preparations to advise the Privy Council on appointments to regulatory bodies	DH	Ongoing

7. Consultation responses recently submitted

- 7.1 Nothing submitted since last Council meeting.