

# An update to ensure fairness in our processes: web summary

**Embargoed: not for publication or broadcast, including online, until 12pm on Thursday 2 November 2023**

We regularly review our policies, guidance and processes to make sure they're fair and consistent; and to seek out and mitigate any potential biases.

To do this we ask doctors, patients, and organisations who support them about their experiences with us. We also seek views from our staff and advice from external stakeholders. And we commission independent experts to recommend where improvements can be made.

The summary below provides an overview on key areas of work.

## **Changes to enable more efficient, proportionate investigations and flexible decision making**

- We've amended our guidance so that decision makers have more flexibility to reconsider decisions to refer a case to a tribunal if we receive new information that means a tribunal isn't necessary.
- When we instruct Counsel - the barristers who represent us at tribunal hearings - we ask them to advise us on the merits and strengths of a case or if they have any concerns. We also ask them to tell us if there's enough evidence for a tribunal to decide if a doctor should receive a sanction or not, before it proceeds any further.
- We're updating our guidance for decision makers in cases involving allegations of low-level violence and dishonesty. These changes will support a more proportionate approach so that action is only taken where there is a clear risk to public protection. This will support decision makers when they're considering whether to investigate; or, following an investigation, whether to refer a case to a tribunal.
- We've developed a set of escalation principles to enable a culture of professional curiosity, where colleagues feel they can challenge decisions or raise concerns about a case at the earliest opportunity. Our aim is to encourage more empowered teams, who understand the collective responsibility for fair outcomes.
- We're auditing our functions in a more regular and consistent way across the organisation. And we continue to ask for more feedback on our work from people who experience our processes.
- We've introduced tailored equality, diversity, and inclusion learning for our staff, so it's more specific to issues they might face in their job. We're also expanding learning for decision makers, so they have a better understanding of how culture may impact a doctor's

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communication, attitudes, and behaviours. This will help make sure that these factors are taken into account when investigating concerns.

### **Promoting a local first culture and fair employer referrals**

- Our Outreach team work across the four countries of the UK to improve understanding of our regulatory role and when fitness to practise action is necessary. They discuss concerns and help to address them at a local level, before anything is referred to us.
- We regularly promote our guidance to support employers and responsible officers when they're considering raising a concern with us. It explains that they must tell us:
  - about all the steps they've taken to make sure referrals are fair and inclusive
  - what impartial checks have been carried out and how they've considered systemic issues
  - what support they've provided locally to the doctor in question
  - what induction international medical graduates have received so they know what's expected when things go wrong
- We've strengthened how we share information on the outcomes of investigations between our decision makers and Outreach teams. This is helping to build awareness and understanding with responsible officers and employers about what we can and can't investigate.
- We continue to work with partners to help make sure local investigation processes are fair and consistent. We're capturing examples of good practice in local complaint handling; and we're exploring how we can share these to encourage organisations to embed them in their own local processes.

### **Looking ahead**

- We've been supporting the Department of Health and Social Care to reform the legislation that governs how we operate, so that we can take a more flexible approach to regulation and embed fairness across everything we do. We've pushed for changes to our fitness to practise processes, to make them less adversarial and more efficient. And for proposals that will allow us to be more transparent and accountable to our registrants and the public.
- We continue call on the UK government to prioritise this work, so that we can achieve our aim of being a more effective, relevant, and compassionate regulator in the years ahead.