

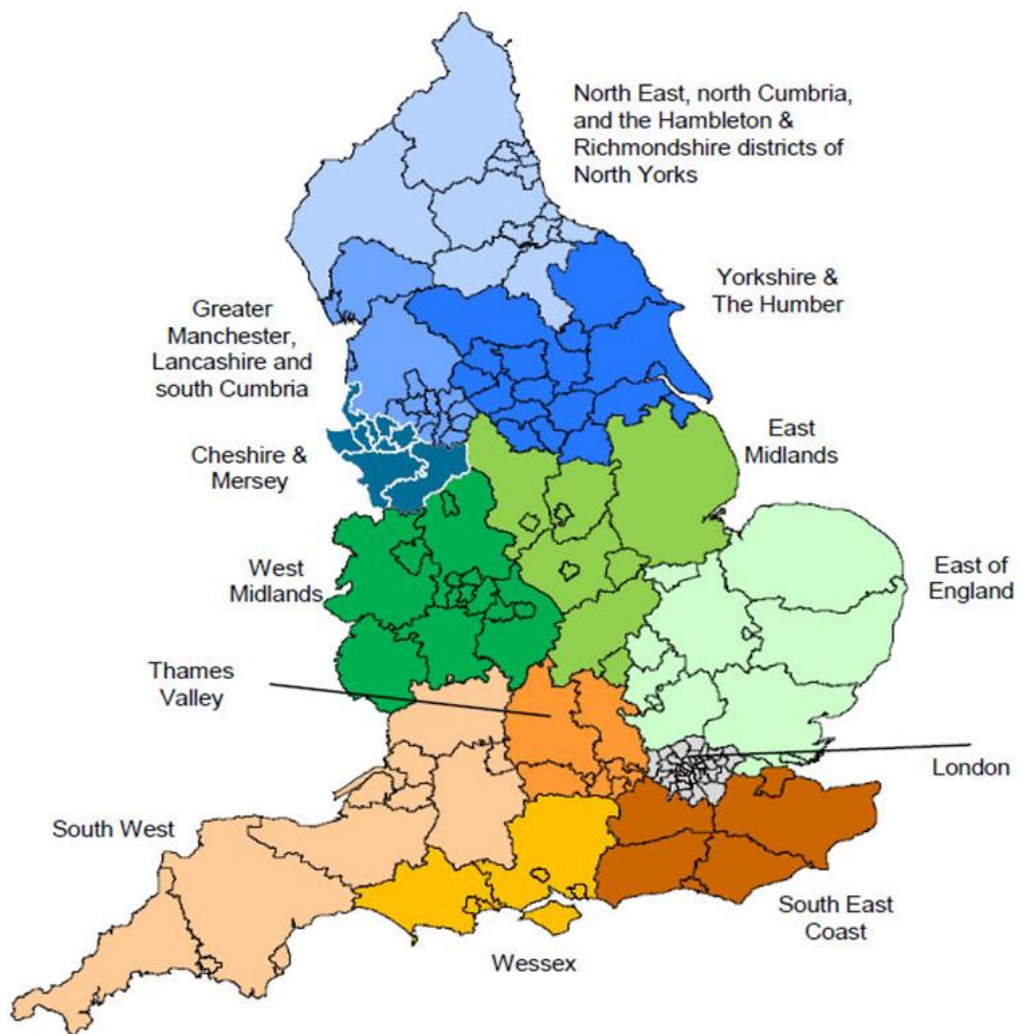
A black and white portrait of Manda Copage, a woman with dark, curly hair, smiling slightly. She is wearing a dark top. The background is a soft, out-of-focus light grey.

**Manda Copage**  
**Assistant**  
**Director**  
**Revalidation and**  
**Performance**

**NHS England**  
**(Wessex)**

June 2014

# NHS England 27 Area Teams



# NHS England 27 Area Teams

Region	Area Team	Popn (1,000s)	CCGs	HWBs	GPs	Dentists	Optom	Add service
London	South West London	2971	12	12	2996	1541	582	
London	North East London	2897	12	13	2656	1439	809	
London	North West London	1890	8	8	1974	1037	552 non UK	
Midlands and EoE	Birmingham and Black Country	2350	8	6	2220	1001	571	
Midlands and EoE	Hertfordshire and the South Midlands	2628	7	6	2210	1274	623	
Midlands and EoE	East Anglia	2294	8	4	1767	1029	427	
Midlands and EoE	Derbyshire and Nottinghamshire	1933	10	4	1626	577	367	
Midlands and EoE	Arden, Hereford and Worcestershire	1575	7	4	1448	563	365 S Wales	
Midlands and EoE	Leicestershire and Lincolnshire	1674	7	4	1379	261	129	
Midlands and EoE	Essex	1699	7	3	1309	794	295	
Midlands and EoE	Shropshire and Staffordshire	1496	8	4	1183	566	290 N Wales	
North	West Yorkshire	2235	10	5	2197	1036	556	
North	Greater Manchester	2636	12	10	2115	1184	571	
North	Cumbria, Northumberland, Tyne and Wear	1910	8	7	2037	988	446 Scotland	
North	Lancashire	1424	8	3	1981	706	289	
North	North Yorkshire and Humber	1690	8	6	1546	338	310	
North	Cheshire, Warrington and Wirral	1195	6	4	1305	628	302	
North	Merseyside	1170	6	5	1259	564	211 NI	
North	South Yorkshire and Bassetlaw	1427	5	4	1243	674	225	
North	Durham, Darlington and Tees	1167	5	6	1086	520	221	
South of England	Surrey and Sussex	2640	12	4	2943	1419	566	
South of England	Wessex	2550	9	7	2684	1164	451 CI	
South of England	Thames Valley	1985	10	8	2124	1012	479	
South of England	Devon, Cornwall and Isles of Scily	1652	3	5	1886	842	305	
South of England	Kent and Medway	1662	8	2	1574	834	320	
South of England	Bath Glouchershier, Swindon and Wiltshire	1411	4	4	1458	972	305	
South of England	Bristol, N Somerset, Somerset and S Gloucester	1413	4	4	1451	755	361	

# NHS England governance

## **Pre 31 March 2013**

- 150 PCTs
- NHS (Performers List) Regulations 2004

## **Post 1 April 2013**

- NHS England and the Area Teams
- NHS (Performers List) (England) Regulations 2013

## **Powers**

- Suspend, Remove, Impose Conditions, Review

# Governance Arrangements

NHS (Performers List) (England) Regulations 2013

NHS England Policy & Procedure for:

- the identification, management and support of primary care performers and contractors whose performance gives cause for concern

Performance Screening Groups (PSGs)

Performers List Decision Panels (PLDPs)

# The National Health Service (Performers Lists) (England) Regulations 2013

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STATUTORY INSTRUMENTS

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2013 No. 335

NATIONAL HEALTH SERVICE, ENGLAND

## The National Health Service (Performers Lists) (England) Regulations 2013

<i>Made</i> - - - -	<i>25th February 2013</i>
<i>Laid before Parliament</i>	<i>27th February 2013</i>
<i>Coming into force</i> - -	<i>1st April 2013</i>



£9.75

# NHS England policy and procedure



Procedure for the identification, management and support of primary care performers and contractors whose performance gives cause for concern



Policy and standard operating procedure for governing the inclusion, movement and maintenance of medical, dental and ophthalmic performers in the NHS England's national primary care performers lists.



Policy for the identification, management and support of primary care performers and contractors whose performance gives cause for concern



# NHS Performer List Regulations 2004 vs 2013

## Regulation 4 - Applications for Inclusion

- 4 (2) (g) where available, provision of copy of most recent appraisal
- 4 (2) (h) insurance/indemnity cover?
- 4 (5) (i) notification of involvement in inquest critical of conduct

And NHS England policy requiring OH declaration

Wessex Area applications on average 10 per month



# NHS Performer List Regulations 2004 vs 2013

## Regulation 12: Suspension

### 12 (6)

- immediate suspension

### 12 (12)

- subject to 12 (19)
- period of suspension = 6 months except
  - if 12 (1) (a) suspension, when suspension remains effective after decision to remove made and that decision takes effect

### 12 (21)

- power to lift suspension if it will not compromise the protection of the public or members of the public or in the public interest at any time, immediately

# NHS Performer List Regulations - Conditions

## Criteria

- prevention of any prejudice to the efficiency of services OR for the purpose of preventing fraud

When - on initial inclusion or continued inclusion

How - first by notice proposing conditions:

- Allegations and Action proposed?
- Grounds?
- Opportunity to make written representations within 28 days?
- Opportunity to put case at an oral hearing if so requested with 28 days?

# Performance Screening Group

Not responsible for making decisions under 2013 Regulations

Advise on handling of individual cases

Meet monthly

Core Membership

- Chair is Senior Manager responsible for quality and performance
- GP appointed by the Responsible Officer
- Appropriate clinicians
- Direct report to Head of Primary Care
- Local Representative Committee (LRC)

# Performers List Decision Panel

## Purpose

- management of performance, decide on actions required per case in line with 2013 Regulations
- Meet monthly

## Core Membership (4 required to be quorate)

- Independent lay chair
- Medical Director (or nominated deputy)
- Nurse Director of AT (or nominated deputy)
- LRC nominee – discipline specific
- Senior manager for quality and performance

(core members cannot be members of PSG or be involved in screening *except* for senior manager)

Immediate suspension: decision may be by 2 core members outside PLDP meeting

# 2013/14 - summary statistics

No of cases considered by Performance Screening Group (PSG) by month													
	Apr-13	May-13	Jun-13	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14	Total
Medical	0	11	17	16	5	12	11	13	0	6	13	12	116
Dental	0	0	8	14	0	14	6	4	5	8	8	12	79
Ophthalmic	0	0	0	4	0	2	0	1	1	1	0	3	12
Pharmaceutical	0	0	0	0	2	0	0	3	2	0	0	2	9
Total	0	11	25	34	7	28	17	21	8	15	21	29	216

No of cases considered by Performers List Decision Panel (PDLP) by month													
	Apr-13	May-13	Jun-13	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14	Total
Medical	14	15	13	5	7	1	9	9	3	10	7	7	100
Dental	1	0	19	1	15	9	8	7	0	6	8	6	80
Ophthalmic	0	0	2	3	1	0	0	0	3	0	0	0	9
Pharmaceutical	0	0	0	2	1	0	0	0	0	0	0	1	4
Total	15	15	34	11	24	10	17	16	6	16	15	14	193

Number of routine applications by month													
	Apr-13	May-13	Jun-13	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14	Total
Medical		8	0	3	16	14	29	19	7	9	16	7	128
Dental		4	7	5	30	10	13	3	4	2	4	5	87
Ophthalmic		1	1	1	8	5	4	5	2	0	2	0	29
Pharmaceutical (ftp check)		1		2	7	2	0	1	2	0	0	1	16
Total	0	14	8	11	61	31	46	28	15	11	22	13	260

Number of routine removals by month													
	Apr-13	May-13	Jun-13	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14	Total
Medical	0	2	0	1	0	2	1	0	0	0	0	0	6
Dental	0	0	0	0	0	0	0	0	0	24	0	0	24
Ophthalmic	0	0	0	0	0	0	0	0	0	0	0	0	0
Pharmaceutical	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	2	0	1	0	2	1	0	0	0	0	0	30

# Regulation 17 - Appeals

Right of appeal against PLDP decision is to First Tier Tribunal (FTT), by way of re-determination in relation to the following:

- Refusal to include
- Impose, maintain or vary conditions
- Removal
- FTT can make *any* decision NHS England could make
- No costs implications unless **on application**  
Tribunal satisfied party or representative acted in bringing, defending or conducting proceedings (high threshold)

# First Tier Tribunal Decisions

<http://www.fhsaa.tribunals.gov.uk/Decisions.htm>

PHL 15515 Mr Spence v Hampshire & the Isle of Wight PCT – Removal from Dental Performers List

## June 2013

PHL 15531 – Mrs Natasia O'Brien v NHS England (Hampshire) Removal from Dental Performers List.

PHL 15549 - Dr Gilbey v Abertawe Bro Morgannwg University Local Health Board – Removal from Medical Performers List.

PHL 15566 – Miss Fernandez v NHS Wales – Conditional Inclusion on the Dental Performers List.

## April 2013

PHL 15540 AR Pharmaceuticals v NHS South West London – Refusal to Include on Pharmaceutical List.

PHL 15547 – David Krebs v NHS Commissioning Board – Removal from Dental Performers List

## Decisions issued in 2012

### December 2012

PHL 15518 – Dr Agarwala v Wakefield NHS – Removal from Medical Performers List

### November 2012

PHL 15510 – Dr Akano v Herefordshire PCT – Refusal to Include on Medical Performers List

PHL 15476 – Ms Toteva v Cornwall & Isles Scilly – Removal from Dental Performers List

PHL 15479 – NHS City & Hackney v Dr Yogadeva – National Disqualification

### October 2012

PPHL 15446 Dr Striebich v Southampton PCT – Removal from Dental Performers List

PHL 15517 – Dr Narendranath v South Staffordshire PCT – National Disqualification

PHL 15492 - Dr Elbishari v NHS Cambridgeshire – Removal from Medical Performers list

PHL 15462 – Dr Martin v Removal from Medical Performers List

PHL 15474 – Dr Felthouse v NHS Derby City – Refusal to Include on Medical Performers List

PHL 15517 – PHL 15450 Dr Birch v Aneurin Bevan Local Health Board – Contingent Removal from Medical Performers List

PHL 15371 Dr Brunt v County Durham PCT – Costs

### September 2012

# Challenges

- National List  
Need for consistency especially for those who have not performed NHS General Dental Services in the NHS during the previous 24 months
- Language Testing  
Dental English!
- Remediation  
Access to and HEE consistent offer  
Cost
- Litigation



**Thank you for listening**

**Questions?**