

Agenda item:	9
Report title:	Refining the approach to handling reviews and inquiries
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Action:	To consider

Executive summary

In July 2014 we established new arrangements for monitoring and managing our interaction with reviews, inquiries and similar reports. This paper considers the further development of those arrangements, including refinements to our mechanisms for monitoring and responding to inquiries and reviews and work to raise awareness of our approach across the organisation.

Recommendations

The Strategy and Policy Board is asked to:

- a** Note the changes to the structures and draft Terms of Reference, at Annexes A and B, we will use to support the GMC's management of inquiries and reviews.
- b** Note the post-implementation review report of the Standing Inquiries Project Group, at Annex C.
- c** Consider the need to raise the profile of how inquiries and reviews are managed.

Issue

- 1 At its meeting on 22 July 2014, the Strategy and Policy Board approved a new organisational policy for handling external inquiries and review. The policy aimed to achieve greater consistency and coordination in the way we respond to inquiries and reviews and provide guidance to staff about the process to follow when responding to an inquiry or review. This was to be achieved through the establishment of an overarching Standing Inquiries Project Group (SIPG) to provide oversight of our management of inquiries, project teams to service the demands of individual inquiries, and subject matter experts located within each Directorate to support the information needs of those teams. The Regulation Policy Team (RPT) would provide the secretariat and co-ordination for the three tiers of activity.

Achievements of the new approach to reviews and inquiries

- 2 Over the last 18 months, SIPG, has met five times. During this period it has monitored the progress of some 25 reviews and inquiries. Not all of these have directly engaged the GMC, although a number of them, such as the Goddard Inquiry into Child Sexual Abuse, have the potential to do so and it has therefore been important to establish contact with the relevant Inquiry teams so they are aware we may have relevant material and thereafter to maintain a watching brief.
- 3 SIPG, but more particularly our project teams and subject matter experts have, however, been directly involved in the following reviews and inquiries: Morecambe Bay Inquiry, Freedom to Speak up Review, Vale of Leven Inquiry, Penrose Inquiry, Operation Jasmine Inquiry and the Gosport War Memorial Hospital Inquiry. This has included servicing the sometimes considerable information demands emanating from these inquiries; developing a GMC narrative around our regulatory role and involvement in the events in question; keeping the Senior Management Team and the press team briefed on developments at key stages; helping to shape inquiry recommendations; responding to those recommendations; and identifying lessons learned.
- 4 The value of having a central point to take ownership of, and co-ordinate, our handling of inquiries was acknowledged in recommendations 1 and 2 of the Significant Event Review of the Competition and Markets Authority (CMA) Investigation into Private Healthcare. It has allowed us to better evaluate risk, prepare the organisation for the impact inquiries and reviews, more quickly coordinate responses and reflect strategically on the implications of inquiries and reviews over time.
- 5 Nevertheless, we have been keen to ensure that the arrangements put in place 18 months ago are working as effectively as we would wish. In July 2015, we commissioned a post-implementation review (PIR) of SIPG. This sought to evaluate

how effective the policy has been in improving the way we manage our engagement with external inquiries and reviews. The PIR report is at Annex C.

Findings of the Post-implementation review

- 6** We surveyed SIPG members, the Senior Management Team, individuals and teams likely to have had contact with the work of SIPG and a sample of staff to test awareness. The survey questions were tailored to each group. Seventy one surveys were circulated but only 15 responses were received despite an extended deadline and reminder being sent. Therefore the findings of the review must be caveated by the small response rate, though this may itself be revealing about the level of engagement with the work of SIPG.
- 7** The PIR report found that while SIPG is a useful forum for coordinating intelligence to respond to inquiries and reviews, and the administrative arrangements for SIPG are appropriate, there are two areas that should be reflected on:
 - a** Purpose and membership of SIPG: consider whether the membership is right and members are able to commit to regular attendance and if the Terms of Reference accurately reflect SIPG's current purpose and activities.
 - b** Visibility and profile: consider how to ensure there is greater awareness of how inquiries and reviews are managed, including targeted communication to raise general and specific awareness.
- 8** The secretariat discussed these findings with attendees at the November 2015 meeting of SIPG. Attendees supported the findings of the PIR report and areas for further consideration, observing in particular, that they found information and updates provided by the secretariat valuable. Attendees also observed that project groups convened to manage particular inquiries were a flexible and effective model and have proven to work well, specifically in relation to the Morecambe Bay and Gosport Investigations.
- 9** The difficulty in securing members' regular attendance at SIPG meetings, and legitimate questions about SIPG's role and ability to provide thorough oversight and strategic advice, has led us to revisit what we want SIPG (as distinct from the RPT, the individual project teams and subject matter experts) to do. In practice, much of what SIPG was set up to do is currently affected by the RPT and inquiry-specific project groups reporting to the Director of Strategy and Communication and the Senior Management Team and we are keen to minimise the operational burden on busy colleagues.

Next steps

- 10 In considering next steps, we have taken account of our Significant Event Review into the CMA report which implicitly endorsed our centralised management of reviews and inquiries and recommended that awareness of our arrangements be promoted around the organisation.
- 11 In response to the suggestions of the PIR, conversations with attendees at SIPG and observations and experience of the secretariat, however, we propose to make the following amendments to the structures for managing of inquiries and reviews.

Purpose and membership of SIPG

- 12 We are proposing a different format for SIPG which would allow for more efficient use of members' time and improve engagement with subject matter experts, while still achieving the overall purpose set out in the Terms of Reference and continuing to deliver the information giving element the membership find useful. We also aim to remove from the Terms of Reference activities which are, in practice, undertaken elsewhere.
- 13 SIPG meetings (as distinct from inquiry specific project team meetings) have not been well attended and have imparted limited value beyond the secretariat sharing and requesting updates, which could be achieved in other ways, for example by circulation. Therefore, we will maintain the existence of SIPG virtually, providing regular updates not less than quarterly and seeking input as required for the coordination and support of inquiries and reviews. This group will change its name to the Inquiries Oversight Group.
- 14 Specific Inquiry project groups, through which we manage individual inquiries at a day to day level, have worked well and will continue to meet regularly in person according to the demands of the particular inquiry. These groups will be convened with the advice of the Oversight Group. This does not preclude the Oversight Group from meeting in person where the need arises, for example in response to a major inquiry or review (for example, the Francis Inquiry).
- 15 The Regulation Policy Team will continue to hold the secretariat function for the oversight group and Inquiry project groups. The Terms of Reference for SIPG have been amended to reflect the split into two groups, at Annexes A and B. These were agreed by the Group in January 2016.

Visibility and profile

- 16 From the findings of the PIR and the commentary in the CMA Significant Event Review, it is clear that there is work to do in raising the profile of our work with

inquiries and reviews. This matters because without proper co-ordination there is a risk that inquiries relevant to the GMC are not recognised sufficiently early and we are taken by surprise or that we take a silo-based and ad-hoc approach to engagement without acknowledging the corporate significance.

- 17** To raise the profile of the policy and processes for handling inquiries and reviews, the Regulation Policy Team will work with the internal communications team to put in place an ongoing communications plan and related activity.

Future reporting and review

- 18** The Regulation Policy Team will continue to provide the secretariat for our co-ordination of all reviews and inquiries functions and report as necessary to the Director of Strategy and Communication on actions, emerging risks and issues requiring escalation to the Senior Management Team in accordance with the relevant Terms of Reference.
- 19** The Inquiry Oversight Group will continue to be accountable to the Strategy and Policy Board and report once a year. We will keep under review the effectiveness of the changes to the overarching arrangements and will report to the Board within two years.

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9 – Annex A

Inquiries Oversight Group: Terms of Reference

Purpose

- 1 The Inquiries Oversight Group monitors and oversees our interaction with public inquiries and other similar investigations and reviews, for example, investigations commissioned by Government agencies, and advises on the circumstances in which an Inquiry Project Group should be convened.
- 2 The following Inquiries, investigations and reviews will come under the purview of the Inquiries Oversight Group.
 - a Any:
 - i public inquiry conducted under statute
 - ii independent investigation, commissioned by Government agencies
 - iii review commissioned to further develop themes or findings from a public inquiry or independent investigation
 - iv other GMC commissioned reviews.

Where

- v It relates to the purpose and/or functions of the GMC

and

- vi We have information that would contribute to a better understanding of the theme or issue under investigation (regardless of whether we've been invited to make a statement or participate)

and

vii Responding to the Inquiry would be in the public interest.

Duties and activities

- 3** Monitor and oversee the progress of emergent and active inquiries.
- 4** Members are responsible for:
 - a** Drawing on local intelligence for their areas of expertise to identifying new inquiries for consideration by the group as appropriate.
 - b** In their area of expertise raising the profile of the policy and processes for managing engagement with and response to inquiries, reviews and similar reports.
 - c** Provide advice to the secretariat on when to convene and membership of inquiries project groups that relate to specific inquiries or reviews.
 - d** As requested by the secretariat, provide support to the pool of subject matter experts established to support our inquiries work and keep under review resourcing arrangements in relation to inquiries, drawing attention of senior staff to any current or anticipated issues.
- 5** The Secretariat will provide quarterly updates on the progress of individual inquiries with specific regard to the following:
 - a** Scope of inquiry (including a GMC-related risk rating).
 - b** Latest inquiry developments (for example, emerging lines of enquiry).
 - c** Preparation of evidence submissions/briefing documents.
 - d** Our initial response to inquiry recommendations and periodic updates on our delivery against these.
 - e** Assignment of risk ratings, necessary levels of activity and the establishment of any project plans, activities or risk logs not undertaken by an inquiry project group.

Working arrangements

- 6** The Group is chaired by a member of the Regulation Policy Team, and includes members drawn from each of the Directorates. Membership will also include representatives from the Legal and Media teams.
- 7** Secretariat support will be provided by the Regulation Policy Team.

- 8** The Group will meet in virtual form every quarter, receiving updates from the secretariat, which will include lessons learned, and be invited to provide comment and advice as required.
- 9** Meetings will be convened on occasion in response to the circumstances surrounding our engagement with Inquiries and reviews at the time (e.g. volume of work, profile or risk). If a particularly high risk or operationally demanding inquiry arises, it may be necessary to convene meetings on a more regular schedule. The Regulation Policy Team will provide the secretariat for co-ordination of all reviews and inquiries functions and report as necessary to the Director of Strategy and Communication on actions, emerging risks, themes and issues requiring escalation to the Senior Management Team.
- 10** The Inquiries Oversight Group will report to the Strategy and Policy Board once a year on activity in relation to reviews and inquiries.
- 11** Updates on activities may also be provided to the Performance and Resources Board as required in the event of particular inquiries imposing significant and unexpected resource demands.

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9 – Annex B

Inquiries Project Group: Terms of Reference

Purpose

- 1 An Inquiries Project Group is convened to oversee the strategic and practical management of our engagement and response to public inquiries and other similar investigations and reviews, for example, investigations commissioned by Government agencies.

Duties and activities

- 2 Provide strategic and practical management of our interaction with a specified inquiry or review. Including but not limited to:
 - a Determining the necessary levels of activity required to respond appropriately and robustly.
 - b Overseeing the establishment of project plans related to inquiries and reviews and maintain activity and risk logs, identifying and undertaking mitigating action where required.
 - c Reviewing and approving evidence briefs and organisational responses for all inquiries and reviews.
 - d Reviewing our response to inquiry recommendations and periodic updates on our delivery against these.
- 3 Oversee and support the pool of subject matter experts required to support our work related to the specific inquiry and keep under review resourcing arrangements, drawing attention of senior staff to any current or anticipated issues.
- 4 Oversee and provide advice on internal and external communications strategies related to the inquiry or review.

- 5 Identify lessons learned from individual inquiries and our handling of inquiries generally so that appropriate action(s) can be taken.

Working arrangements

- 6 An Inquiry Project Group will be convened, with the advice of the Inquiries Oversight Group when the inquiry review could be:
 - a High profile or an anticipated risk of significant organisational exposure.
 - b Significant and/or sustained cross-directorate coordination.
 - c An anticipated high volume of work or operational impact.
- 7 The Group is chaired by a member of the Regulation Policy Team, and includes subject matter experts drawn from each of the Directorates as appropriate to the terms of reference of the inquiry or review. Membership will also include representatives from the Legal and Media teams. The Inquiry Oversight Group will provide advice on membership and any additional support as necessary.
- 8 Secretariat support will be provided by the Regulation Policy Team. The Secretariat will be responsible for providing quarterly updates to the Inquiries Oversight group, which will include lessons learned when appropriate, and seeking the involvement or advice of the inquiries oversight group as requested by the Inquiry Project Group.
- 9 The Group will determine the frequency of meetings depending on the demands of our interaction with the inquiry or review.
- 10 The Group reports directly on actions and risks to the Director of Strategy and Communication who will consider when it is necessary to escalate issues and decisions to Directors, the Chief Operating Officer and the Chief Executive, and will keep them regularly updated.

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9 – Annex C

Post implementation review – Standing Inquiries Project Group

Introduction

Background

- 1 The Standing Inquiries Project Group was established just over 12 months ago. The Group's terms of reference describe SIPG as an advisory group, established to oversee the strategic and practical management of the GMC's monitoring of and interaction with public inquiries and other similar investigations and reviews.
- 2 SIPG is coordinated by the Secretariat from the Regulation Policy Team (RPT), chaired by the Assistant Director Regulation Policy and attended by colleagues from across the business with each directorate represented and representatives from the Legal and Media teams. It reports directly to the Director Strategy and Communication and provides an annual report to the Strategy and Policy Board (SPB).
- 3 To support its first report to SPB, the Secretariat considered it timely to undertake a review to take stock of how SIPG is perceived to have worked over the last 12 months and its effectiveness. There was also interest to seek views and ideas for further development.

Approach

- 4 The approach adopted was the completion of a self-assessment survey by SIPG members, the Senior Management Team, Engaged Teams (ie staff who were likely to have been involved in reviews through requests for information from their area of operation) and a sample of wider staff across the organisation to test general awareness of the existence and work of the Group.
- 5 The survey was tailored for each group but collectively covered:
 - the level of knowledge, understanding and engagement with the SIPG role

- the effectiveness of the Secretariat co-ordination and support
 - the usefulness of the tools developed to support SIPG members when undertaking a review
 - whether lessons could be learnt for future working.
- 6 A review of SIPG supporting documentation was also undertaken to assess the extent to which the Group can carry out its management and oversight responsibilities.

Overall summary

- 7 Seventy one surveys were circulated and 15 responses were received. The comments in the report are therefore caveated by the small pool from which to draw conclusions.
- 8 There are two emerging key findings:
- SIPG is a useful forum for co-ordinating intelligence to respond to inquiries and reviews
 - Wider organisational knowledge and understanding of SIPG is limited
 - Administrative arrangements and co-ordination of reviews allows SIPG to carry out an appropriate management and oversight role.

Potential considerations going forward

- 9 There is nothing in the findings to date to suggest that the Group has not fulfilled its purpose over the last 12 months. However, it may wish to reflect further on whether:
- it has the right visibility and profile across the organisation to allow it to fulfil its purpose most effectively
 - targeted communications may be helpful in raising general awareness periodically but reflective of a more 'need to know' basis
 - it has the right membership and members can commit to regular attendance
 - to review the terms of reference to ensure they still reflective of the Group's purpose and activities.

Detailed findings

Analysis of returns

- 10 Fifteen out of 71 surveys were returned for analysis. This is a disappointing return rate and was not improved by extending the deadline and distributing a reminder to

colleagues. It is not clear why this is so, given the GMC's general track record of high response rates to surveys. Possibly it could be attributed to for example, timing and volume of work generally for colleagues, or to the level of knowledge, importance and value placed on SIPG but there is no clear evidence to support a view one way or the other.

11 The table below summarises the response return rate.

	Number of surveys sent out	Number of surveys returned	Response rate
SIPG members	10	2	20%
Wider staff group	41	10	25%
Engaged teams	13	1	7%
Senior Management team	7	2	29%
Total	71	15	21%

SIPG members

12 From the two responses, both are confident in their understanding of SIPG's terms of reference. One respondent agrees that SIPG membership is appropriate for its role and the second respondent is neutral. Similarly one respondent agrees that the Group's activities are clearly stated in the terms of reference and the second respondent is neutral. Both are neutral on whether SIPG has appropriate visibility and understanding a SMT level and whether the resources available to support its activities are appropriate.

13 Neither of the respondents had been closely involved in a review and therefore did not indicate experience of using the supporting tools. One commented that after completing the survey they were wondering if they were the most appropriate person to be involved but were happy to remain as a conduit.

Wider staff group

14 The majority of the 10 respondents were not aware of SIPG or its purpose. They also indicated that they did know where to look on the intranet for information about the Group or who to contact about an inquiry or review.

Engaged team

15 The only respondent indicated that instructions from the RPT were clear when information was sought for a review, they understood how they could be useful to an inquiry/review and that SIPG was a useful mechanism for co-ordinating work of this type. They were neutral on the timescales given for providing information to RPT and did not agree that they were appropriately supported when information requirements were requested.

Senior Management Team

- 16 Respondents were neutral or disagreed that they were sufficiently informed and kept up to date about SIPG's work and ongoing reviews though both found the briefings provided by RPT useful and that the Group had been a useful mechanism for co-ordinating this work.
- 17 Both disagreed that they have sufficient awareness of the current cases SIPG is working on. There was one neutral response and one agreement that escalation from SIPG to SMT was appropriate to manage corporate risk, agreement that when issues have been escalated to SMT they felt able to participate actively in advising on an appropriate response and agreement that they were appropriately sighted on lessons learned from inquiries and reviews. Both respondents also agreed that SIPG and RPT members were sufficiently engaged in horizon scanning and sharing information.

Effectiveness of SIPG and inquiry/review co-ordination and oversight

- 18 A review of the SIPG meeting documentation and minutes noted that there was a complete log of all inquiries/reviews kept which is monitored and managed. The log keeps track of review ratings, owners, actions and progress.
- 19 Agendas and minutes are generally prepared though there is an opportunity to improve housekeeping of documentation. Minutes are noted as 'to approve' but it is not clear who is approving these or when.
- 20 Attendees at meetings varies and it may be there is an opportunity to improve the Group's effectiveness through more consistent attendees.
- 21 Operation Jasmine and Value of Leven inquiries were selected to review the supporting material. In both cases there was a clear document trail of risk ratings and rationales at each stage of the inquiries.
- 22 For the Operation Jasmine review in particular it was evident that there was internal collaboration and challenge from the SIPG in collating information/data to respond to enquiries.
- 23 For the Vale of Leven inquiry even though the risk was assessed as low and the GMC was not called upon to give evidence, SIPG still undertook an internal enquiry and identified areas for improvement.
- 24 For both inquiries lessons learnt were highlighted and follow up action plans devised as a result of inquiries. It was also evident that SIPG proactively discussed and sought to address emerging issues coming out from inquiries.