



This document has been designed to assist individual GPs if they are subject to an investigation by NHS England relating to a performance concern. The majority of concerns can be resolved once the Performance Management Team has sought a factual account and some reflection or insight from the GP. Some however, are referred to the Performance Advisory Group (PAG) or the Performers List Decision Panel (PLDP) for further consideration or action. We hope this guidance document covers some of those unanswered questions but please do contact Cambs LMC if you would like further advice or support

What legislation/policy does NHS England follow?

Performance concerns are handled in line with The NHS (Performers Lists) (England) Regulations 2013 and the NHS England Framework for Managing Performer Concerns:

http://www.legislation.gov.uk/ukxi/2013/335/pdfs/ukxi_20130335_en.pdf

<https://www.england.nhs.uk/publication/framework-for-managing-performer-concerns/>

What type of concerns are investigated?

The Responsible Officer (RO) is responsible for ensuring that all concerns regardless of how minor are reviewed and, if required, acted upon promptly, fairly and proportionately. Research shows that the earlier a concern is identified and addressed, the more likely that a satisfactory and successful outcome will be achieved.

Examples could include:

- Non-engagement of appraisal
- Non-compliance of professional guidelines or criminal acts
- Poor clinical performance or prescribing
- Poor management/administration/complaint handling
- Breach of professional boundaries/conduct
- Probity
- Health concerns affecting performance
- Referrals to the GMC

The Performance Management Team manages any individual GP performance concerns in line with the Framework for Managing Performance Concerns. An assigned Case Manager may telephone then write to the GP and will provide support and be contactable throughout the process. The GP will be informed that a concern has been received and they will be asked to provide a factual account and some reflection. The Team review all new concerns that are received and consider what action is required (if any), whether the concern can be closed or if it should refer on for further investigation.

The Performance Advisory Group (PAG) reviews individual performance concerns on behalf of the RO. The PAG can make decisions on referrals to occupational health, action planning, remediation, support, or consider that no action is required. The PAG cannot take Performers List action under the Regulations but they must refer the case to the Performers List Decision Panel if it believes that action under the Performers List Regulations is required

The role of PLDP in line with the National Performers List Regulations, is to take overall responsibility for the management of an individual's performance, make decisions on actions and make referrals to other bodies where appropriate.

Examples of which could include:

- Take no action/refer back to PAG for case closure
- Agree an action plan for remediation
- Refer for action under Contract Regulations
- Refer to GMC/Police/NHS Protect
- Request the issue of a Health Practitioner Alert Notice
- Impose conditions or request voluntary undertakings
- Consider/invoke suspension from the Performers List
- Consider/invoke removal from the Performers List

Things to consider

- Take time to consider your response.
- Talk to family or a trusted colleague/peer.
- Seek advice and support from your LMC
- Consider seeing your own GP.
- Consider accessing the GP Health Service.
- Consider accessing Coaching & Mentoring sessions.
- Contact the BMA.
- Speak with your Medical Defence Organisation.
- Consider self-referral to the GMC.

What do I need to do?

- Take time to gather the facts to support your response.
- Contact your NHS England Case Manager to ask them to go through the process and talk it through again.
- Keep it factual - avoid allowing your reflection being too defensive, aggressive or inflammatory.
- Provide as much clear, concise factual information as you can – this helps panels to review cases as early as possible which will assist them in their decision making.
- Accept a call with a Medical Advisor, if one is offered – they may ask you difficult questions, but they are very supportive, and this is your opportunity to discuss the case from your point of view and state the facts.
- Do request an extension if you need more time to respond.
- **BUT** avoid non-engagement – this will only speed up a referral to PLDP and possible Performers List actions.

What support can you access?

- Family & trusted friends/colleagues/peers
- Your NHS England Case Manager
- Your Medical Defence Organisation
- Cambridgeshire LMC: *contact details below*
- GP health service: <https://gphealth.nhs.uk/contact-us/>
- Akeso coaching/mentoring service: <http://akeso.org.uk>
- AMB Life Coaching: <https://www.amblifecoaching.co.uk>
- BMA: <https://www.bma.org.uk/advice/work-life-support/your-wellbeing>

Contact us:

Cambs LMC can provide you with support and assistance during an NHS England performance investigation.

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