

# 2020 Vision for Regulation



**From Lose Lose to Win Win**

**The key role of mediation in the Healthcare Regulator  
of the Future**

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# Is mediation the 'Higgs –Boson' for regulators in the future?

1. Start with WHY
2. What & How
3. Results & Critical Success factors

## CASE STUDY

### From unmet to met – how the General Optical Council improved its performance to ensure that anybody can raise a concern about its registrants

#### REVIEWING REGULATORS' PERFORMANCE IN PRACTICE



**Background**  
During 2016/17 the General Optical Council (GOC) introduced a new triage

process. Triage in this context is a way to filter out concerns that cannot be taken forward by the regulator. Our review identified concerns in 13 out of 45 cases examined. The GOC therefore failed to meet Standard One of the fitness to practise standards – anybody can raise a concern about the fitness to practise of a registrant.

#### Why does it matter?

We found issues in nearly a third of the sample of triage cases we reviewed. We had no reason to think our sample was not representative. If the same rate of errors occurred across all the GOC's triage decisions – including any potentially serious concerns about GOC registrants, there would be an increased risk to the public and to the public's confidence in the optical professions.

#### What did the GOC do to address our concerns?

After it failed to meet this Standard, the GOC made changes to its triage process as well as developing a new quality assurance measure. These included:

- ▶ recruiting new staff (a Triage Officer and Senior Triage Officer)
- ▶ making changes to its triage process 'case plan'
- ▶ implementing Acceptance Criteria
- ▶ amending its referral form to make it easier to understand.

The GOC also developed quality-assurance measures about when to and when not to open a case at the triage stage.

#### These have included:

- ▶ a recommendation by the Tri
- ▶ a decision by the Senior Tria
- ▶ a right to request a review (to the Director of Casework)
- ▶ a review by an Investigation opening a full investigation
- ▶ a sample control check of de open a case
- ▶ an independent audit of a sa decisions.

#### What difference has this made?

We carried out a targeted check improvements had been made most recent performance review 25 cases closed at this stage if practise process and found that we had identified had been addressed

- ▶ a formal triage decision had recorded
- ▶ the triage decision was sufficient
- ▶ the triage decision demonstrated all aspects of the complaint had considered.

We also did not identify any case there was not a good reason to that significant issues of the case had been considered. The GOC has changes to its triage process to concerns and ensure that potential issues around a registrant's fitness were not being missed. The GOC out an audit about how it is using its Acceptance Criteria. We will look at this as part of our next review.

#### Find out more



Find out more about our work reviewing the regulators at:  
[www.professionalstandards.org.uk/performancereviews](http://www.professionalstandards.org.uk/performancereviews)



Department  
of Health &  
Social Care

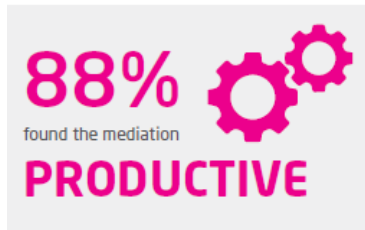
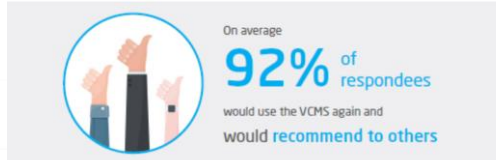
## Promoting professionalism, reforming regulation

### Government response to the consultation

Published July 2019



Veterinary Client Mediation Service

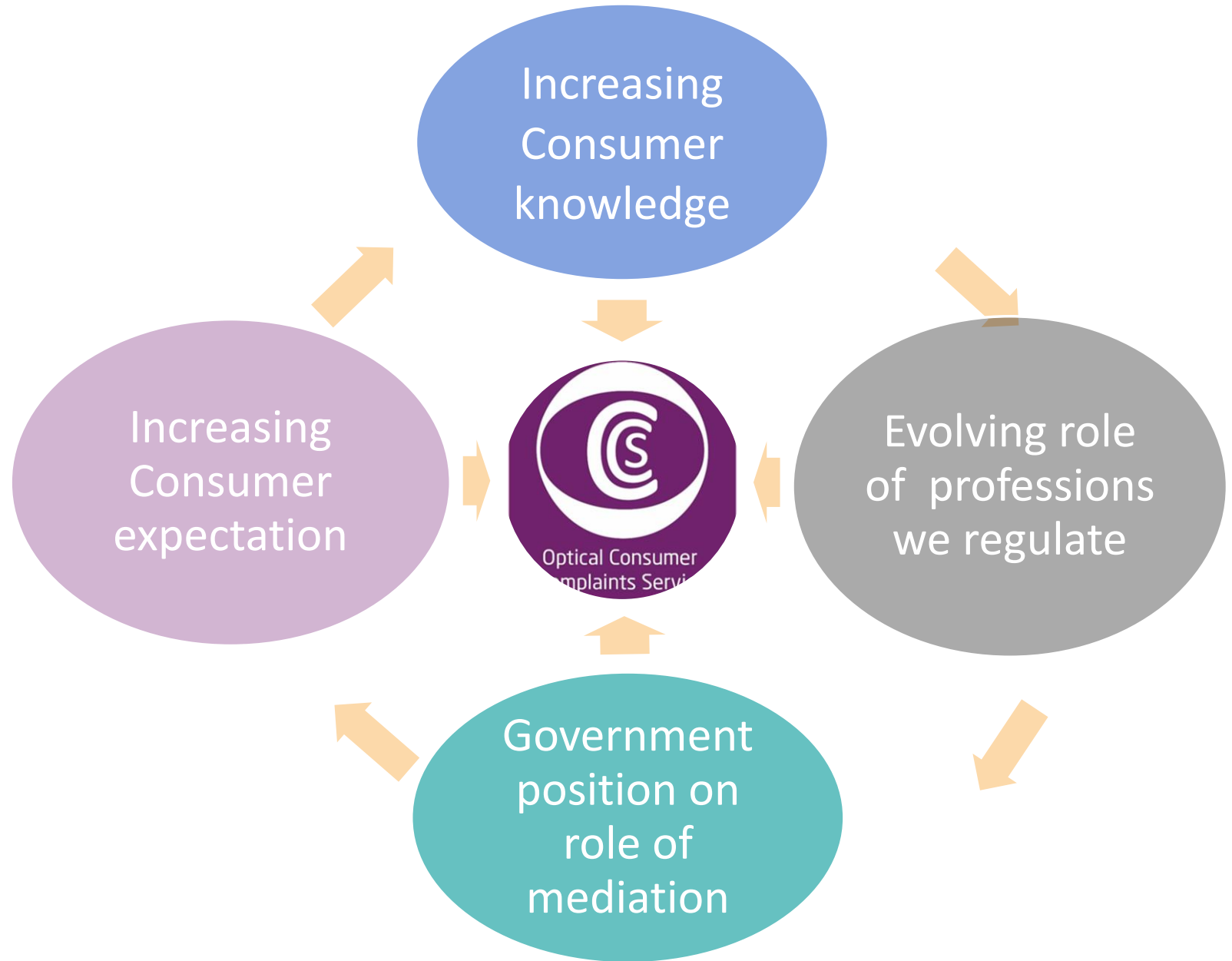


# The Nockolds Way

## Our track record



## The Challenge we all face





## The GOC Challenge

	2015-16	2016-17	2017-18	2018-19
GOC Registrants	29,162	29,136	29,883	30,097
New Referrals	343	425	495	453
Investigations Opened	223	293	262	269
Referrals to the FTPC	66	59	57	37
Erased from the GOC Register	10	3	5	9

### Issues

- 'Funnel' was too wide at the top – low specificity
- Cost base to deal with high input
- Negative perception from the profession
- PSA Annual Report – Repeatedly missed KPI relating to timelines



## Our Hypothesis

**Triage & Acceptance  
Criteria can signpost  
to right solution**

## Pyramid of Risk-diagnostic

### Regulatory

- Issue could constitute fitness to practise concern
- Conduct v Competence
- Repeating pattern of behaviour
- Lack of insight

### Litigation

- Damage caused
- Not indicative of systematically poor performance

### Patient Experience Complaint

- Experiential
- Explanation / Reassurance
- Refund / low level goodwill offer
- Able to resolve through mediation





## Mediation 'Specificity'



“Mediation is a confidential process that gives parties **control** over the outcome. Mediators might provide participants with information...or options available to parties, but they do so from a **neutral perspective** with no interest in the outcome of the dispute and cannot impose a solution”

Civil Mediation Council





## Mediation 'Specificity'

### Why is mediation so impactful in healthcare complaints?

1. Acknowledgement
2. Independent from organisation
3. Neutral facilitation
4. Non-judgmental
5. Seeks to understand the impact
6. Flexible & creative outcomes
7. Preservation of future relationship

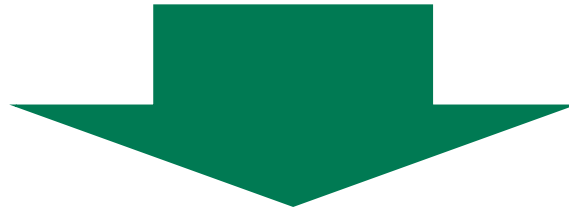






## Action Plan 'Specificity'

- Do the day job brilliantly i.e. 97% resolution
- Person centred approach
- Invest in bespoke IT system to enable capacity growth i.e. 270% in five years
- Invest in key relationships across the sector to build trust
- Upstreaming-Use complaint insights to develop self sustaining CPD proposition for the sector
- Work in Partnership with GOC FtP team to support their strategic objectives



- Become an enabler to Triage & Acceptance Criteria pilot



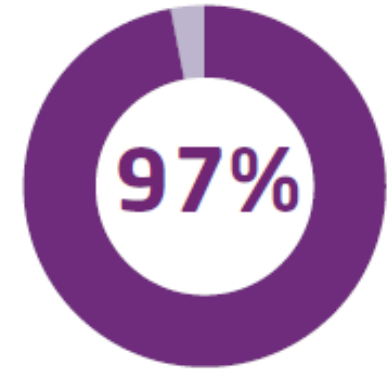
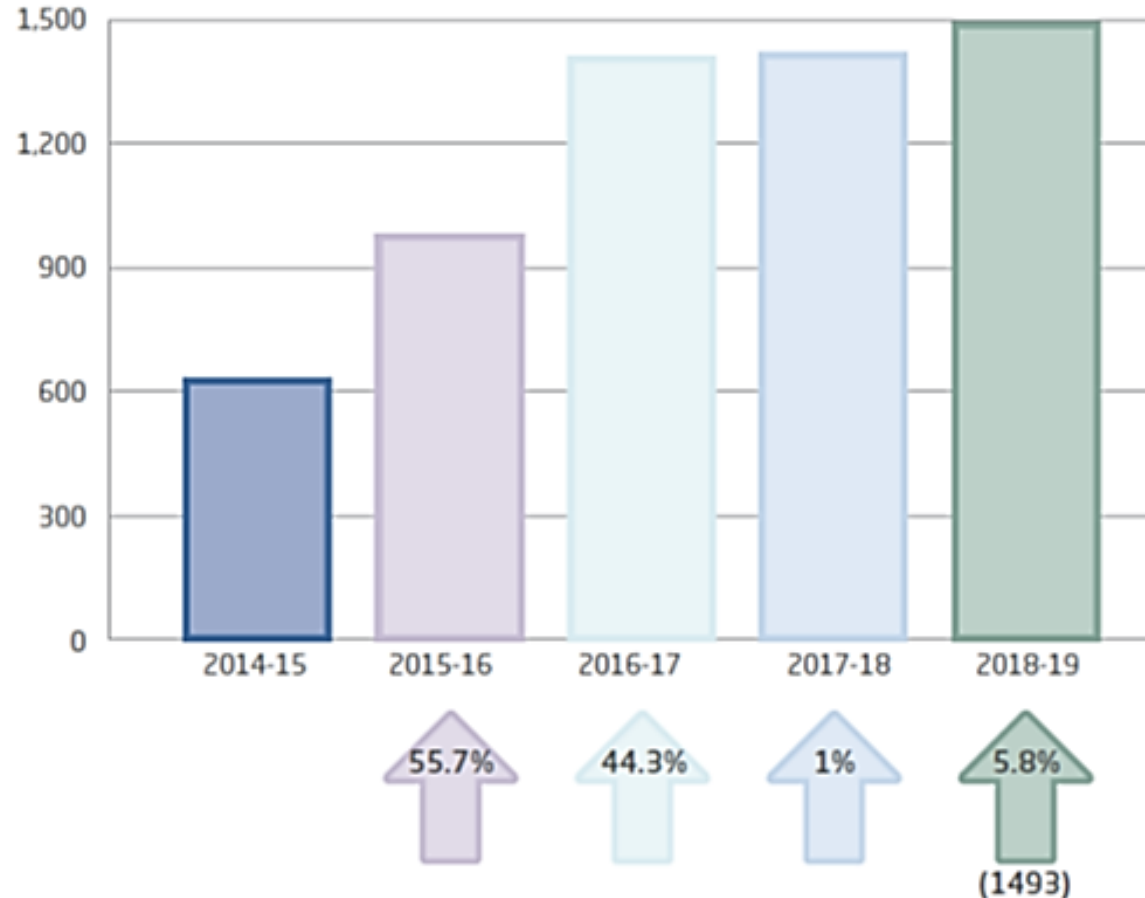
General Optical Council

Do the day job  
brilliantly



REFERRALS

1.8% of all enquiries



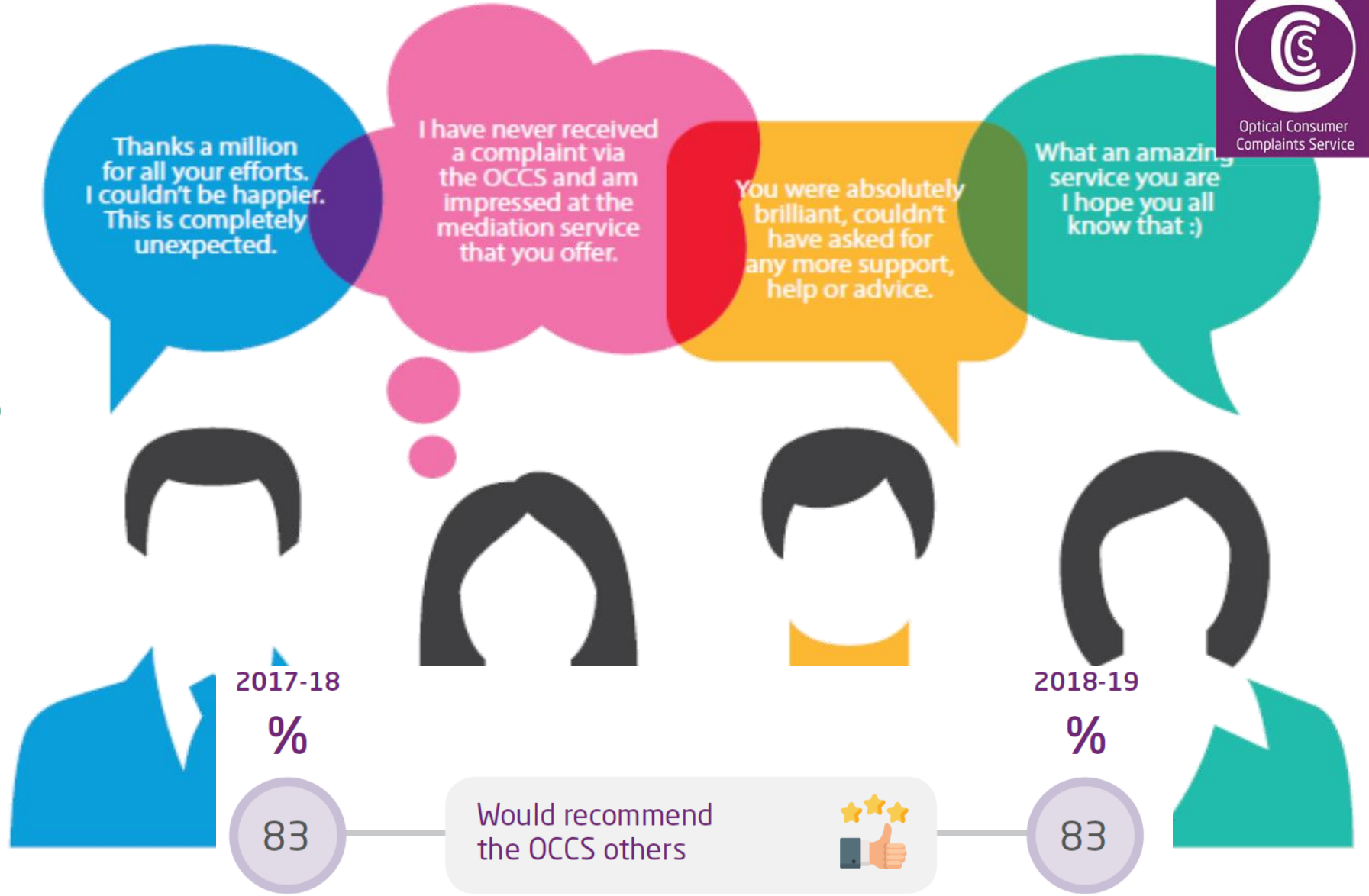
Concluded through  
OCCS process

*"I hope you realise what a great job you do"*



Do the day job  
brilliantly

Customer  
feedback





## OCCS

# Pro Active Activity & Results



### Issues & trends

- 👁️ Concerns around consent and complaint handling in LASIK
- 👁️ Prescription non tolerance finding its way to FtP unnecessarily
- 👁️ Unnecessary cases from large multiples going to FtP

### OCCS Action

- 👤 Pro Active to shift consent standards in LASIK
- 👤 Pro-actively pulled these complaints across to OCCS
- 👤 Annual review meetings and regular dialogue with large chains

### Impact & Results

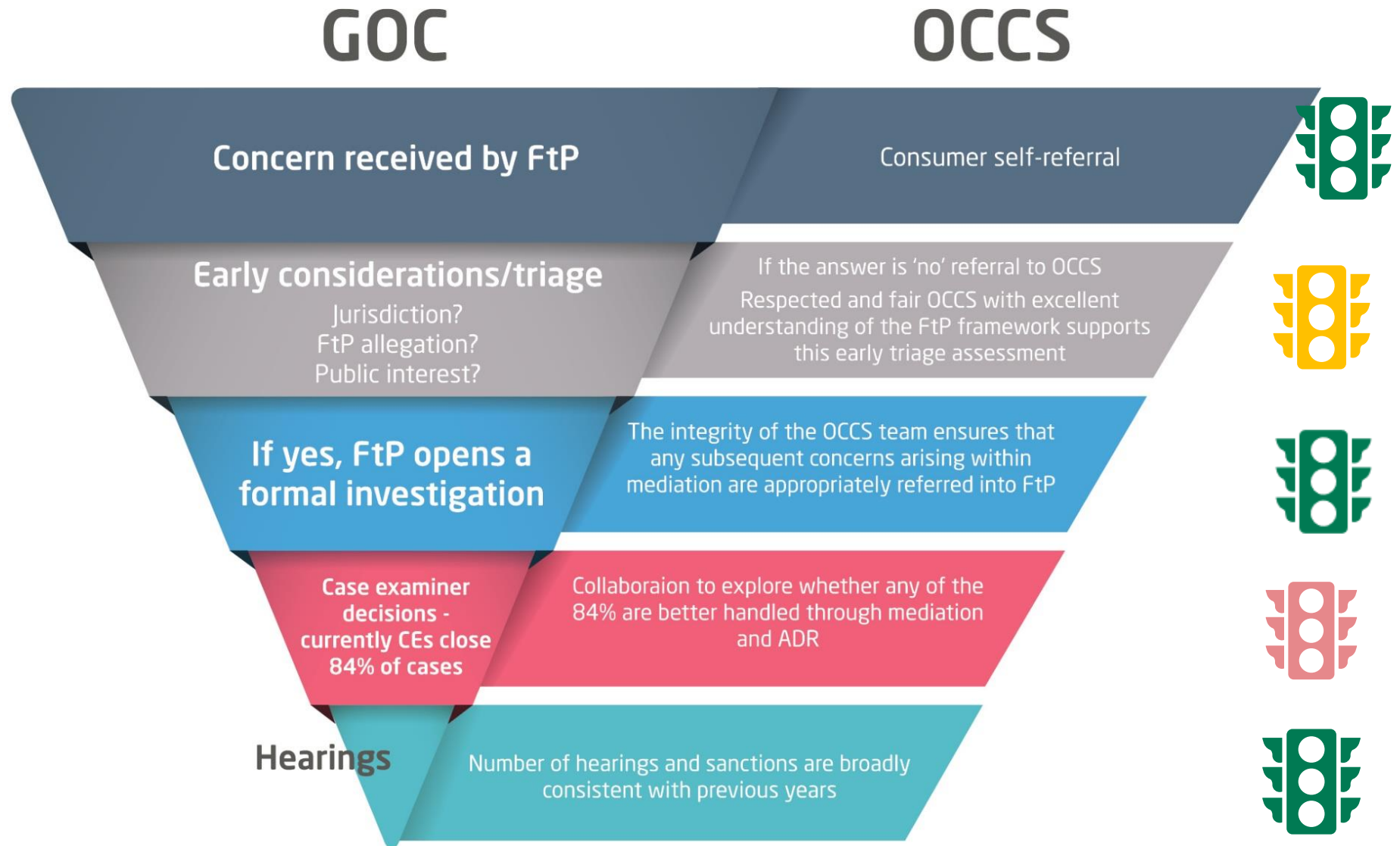
- ↪️ Complaints into FtP related to Laser Surgery down by 67% since 16/17
- ↪️ Complaints into FtP related to Prescription error down by 80% since 16/17
- ↪️ Complaints into FtP related to complaint handling (multiples) down 72% since 17/18

GOC Annual report 2019



# Narrowing The FtP Funnel

## Hypothesis- Improved Higher specificity



# The GOC Success Story-Increased FtP Specificity

## 2018

- GOC Secured PSA support for Triage & AC Pilot
- GOC & OCCS team delivered training & stakeholder engagement sessions

## 2019

- Pilot roll out & enhanced FtP /OCCS team interaction

	2015-16	2016-17	2017-18	2018-19	2019-20
GOC Registrants	29,162	29,136	29,883	30,097	31,368
New Referrals	343	425	495	453	319 (projected)
Investigations Opened	223	293	262	269	185 (projected)
Referrals to the FTPC	66	59	57	37	56 (projected)
Erased from the GOC Register	10	3	5	9	8 (to 31/12/19)





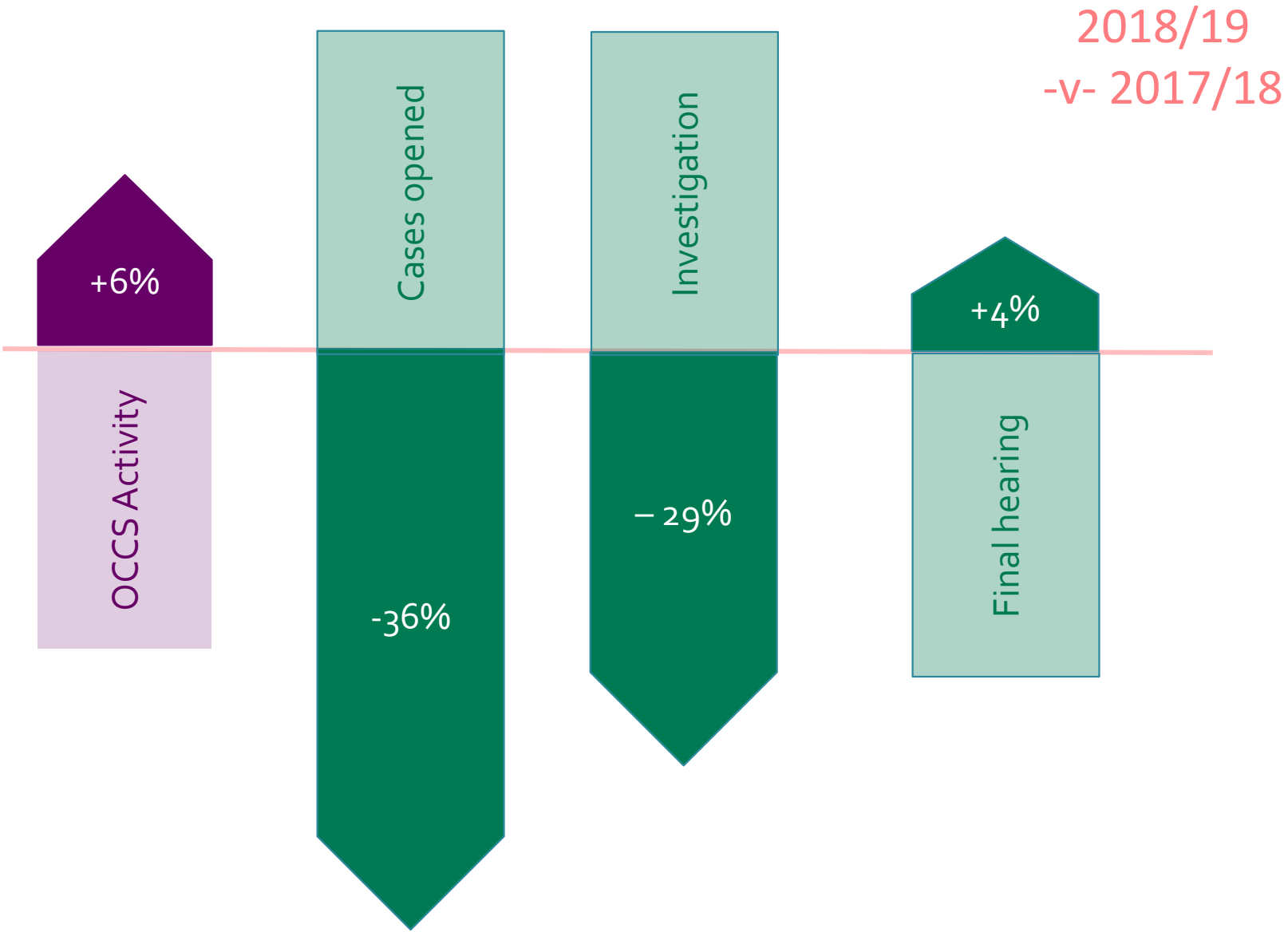
# GOC KPI Impact (since 2018)

New Referrals down 36%

Investigations opened down 29%

Investigation caseload down 40%

Total caseload down 23%





**Successful Triage and Acceptance Criteria implementation requires an effective solution for the cases that are moved out of FtP**

Expensive

Slow

Not always what the consumer wants

Performance to address serious concerns impinged by low level cases

**Nimble**

**Proportionate**

**Assurance of expertise in the team-cross refer**

**Cost Effective**

**By definition consumer engaged in the solution they seek**

# HOW? Unique mix of expertise



## The Nockolds Way

Credibility & expertise



Legal



Clinical



Optical Consumer Complaints Service



Relationships

*“Top marks to the OCCS team”*



# Critical Success Factors

## 4P's

- **Partnership**
  - GOC & OCCS Teams invested in the profession & committed to revolutionise ways of working
- **Perception**
  - Mediation must be arms length from regulator-find the sweet spot
- **Pragmatic**
- **Pro Active Mediation team**
  - CPD upstreaming
  - Don't wait to be asked
  - Activist interventions in key areas
  - Challenge & Support FtP



# Parting Challenge

**How can we adopt & adapt  
this case study to my sector?**



[www.nockolds.co.uk](http://www.nockolds.co.uk)



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