

Determination Review Group – Terms of Reference

Introduction

- 1 The purpose of DRG is to provide quality assurance, gain learning and bring continuous improvement by monitoring the Fitness to Practise decision making process and reviewing learning points issued by the Professional Standards Authority.
- 2 The DRG is a staff group. Meetings are chaired by the Head of Regulation (or a delegate in their absence).

Role and function of the Decision Review Group

- 3 The DRG will:
 - 3.1 monitor the reasoning or decisions of the Fitness to Practise Committees to ensure the proper discharge of the GOsC's adjudication function, making recommendations as necessary;
 - 3.2 review any decisions of concluded adjudication, investigations and interim order hearings referred for discussion by members of the DRG where a concern has been raised about a panel decision and reasoning; making recommendations as necessary;
 - 3.3 identify learning opportunities for panel members and legal assessors and ensure that feedback is provided;
 - 3.4 identify training opportunities for panel members and legal assessors both individually and collectively derived from decisions discussed by the group;
 - 3.5 identify and act upon any areas where there is a need for operational guidance or where the existing guidance may require updating;
 - 3.6 identify any learning and/or training opportunities for GOsC staff and and case presenters, both individually and collectively, derived from decisions discussed by the group; making recommendations as necessary;
 - 3.7 Identify areas where Council policy may require review or revision.
 - 3.8 Consider learning points issued by the Professional Standards Authority making recommendations as necessary.
- 4 This will be achieved by having regard to the review criteria as set out in Annex A to this document.

5 Objectives

- 5.1 Improve Fitness to Practise decision making and reasons
- 5.2 Ensure a proactive approach to learning
- 5.3 Achieve a consistent and high quality output

Membership

- 6 The DRG will be chaired by the Head of Regulation.
- 7 Other members of the group will include:
 - Regulation Manager
 - One other member of the Senior Management Team
 - At least one external member from another regulator
- 8 A member of the Regulation team will act as group secretary.

Meetings, minutes and service arrangements

- 9 The DRG shall have a scheduled meeting every six months with additional meetings as required.
- 10 Meetings consider formal papers comprising Committee determination and other documents, such as transcripts where relevant.
- 11 Papers are prepared by the Regulation department and will be circulated to the group electronically at least one week before the meeting.
- 12 Papers will be anonymised before distribution, including the removal of the names of the panel members, legal assessors and panel secretary.
- 13 Action points are recorded by the Group Secretary and will identify which team or member is responsible for actions to ensure they are allocated and followed up. Action points arising from the meeting will be issued to members of the Group within 10 working days. Progress against outstanding action points is reviewed at the start of every meeting.
- 14 Where matters require further discussion outside of the regular meeting (for example by exchange of emails or telephone calls/conferences) members will liaise to agree the most appropriate mechanism for seeking views depending on the issue.

- 15 Minutes will be taken by the Group Secretary with agreements and actions noted. The notes will be circulated for information within ten working days of the meeting.
- 16 Feedback from the Group will be recorded and monitored for trends and learning by the Regulation team and actioned as appropriate.
- 17 The Decision Review Group will be accountable to the Chief Executive and Registrar who will report on its activities where appropriate to Council, the Policy Advisory Committee and the Audit Committee.

Annex A

Review criteria:

The Hearing	
1	Was the hearing process conducted in accordance with the Osteopaths Act 1993 and the relevant procedural Rules?
2	Was the hearing procedure operated fairly in relation to all parties
3	Were any diversity issues identified and adequately addressed?
4	Was questioning of the witnesses (by the representatives, the Legal Assessor and/ or the Committee) appropriate?
5	Were any vulnerable witnesses dealt with appropriately?
6	Was GOsC Guidance:
	- referred to?
	- followed?
7	Did the Committee's final decision [at whatever stage] protect the public?
8	Were the issues of public interest and risk addressed in the Committee's decision
9	Were or are there any areas of concern about the management of the hearing not identified elsewhere, such as concluding the hearing within the allocated time, issues of potential conflict or other preliminary issues?
The Determination	
10	Was the written determination adequate, including (but not limited to) in the following respects:

	Was the decision at each relevant stage clear?
	Was the decision in plain language and accessible?
	Was the decision a stand -alone document?
	Did the decision address the relevant audiences?
	Were any relevant legal tests accurately set out?
	Was legal advice received by the Committee referred to?
	Was GOsC guidance followed and referred to?
	Additional comments
11	Did the reasons given for each decision explain clearly what the Committee decided and why?