

Fairness and proportionality in managing healthcare performance concerns

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- Advice
- Assessment and Remediation
- Healthcare Professional Alert Notices (HPANs)
- Evaluation, Research & Insight
- Education

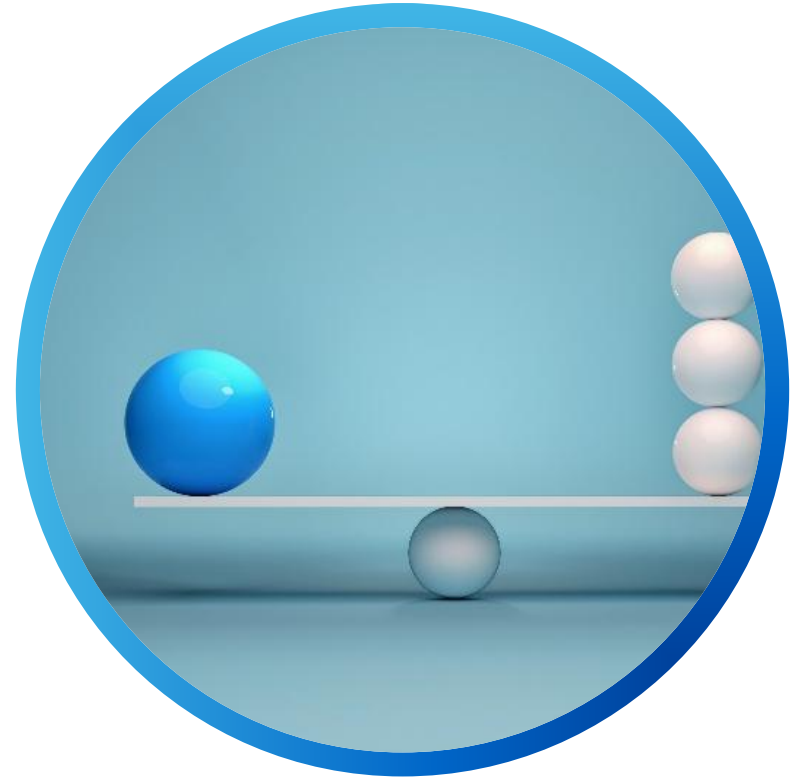
Advice

- Who do we advise? Healthcare employers and contracting bodies/individual practitioners
- Coverage – doctors, dentists, pharmacists; Eng, Wales, NI, Crown Dependencies
- Independent, expert advice – focus on fairness, resolution, safety of patients and staff
- Around 1,000 new requests for advice each year
- No threshold for contacting us
- Adviser team are senior staff with diverse backgrounds – medical, HR, legal, practitioner representative bodies
- Majority of services at no cost



The resources

1. [Download the principles and framework](#) (MS Word)
2. [Download our Fairness and Proportionality case studies learning pack](#) (PDF)
3. [Fairness and proportionality webpage](#)
4. [Insight in Practice webpage](#)



Background



When: Published on 16 January 2025



Why: To support the MRWES First Five, the NHS People's Plan and the new NHSR strategy



What: A Framework for healthcare organisations supported by a new Insights paper and fictional case studies



Who: Advice in collaboration with the Professional Standards team at NHS England



How: A focus on how cases are managed in line with our strategic pillar of fair resolution

How was it developed

Instigation

Collaboration with Rachel Kinghorn and Iona Neeve (Heads of Professional Standards NHSE)

Initially a 'checklist' was developed but more holistic resources were needed

Further development

- Our 'key principles' were developed next which helped us create framework by identifying the questions, themes and considerations for case managers
- Led to a list of questions being developed, now referred to as a 'Framework' of matters to be considered

How can it help



Encouraging transparency



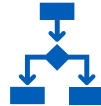
Ensuring context is considered at an early stage



Encouraging early engagement of practitioners



Ensuring support is provided



Ensuring decisions are made fully informed as to the facts and based on evidence



Ensuring cases are managed in a timely way

Principles and Framework for Fairness and Proportionality

**Ensure
welfare and
support**

**Understand
the issue**

**Ensure the
practitioner is
heard**

**Adhere to
process**

**Equitable and
proportionate
outcomes**

Ensuring Welfare and Support



- Compassionate communication
- Explaining the process/potential outcomes
- Encouraging practitioners to seek advice
- Signposting to sources of support
- Considering the potential impact on health
- Managing health concerns outside of the performance management process where possible
- Considering adjustments to encourage engagement
- Identifying a named contact

Understanding the issue



- Determining whether the issue raised is a 'concern'
- Considering and exploring context
 - Training/induction/professional background
 - Patient population
 - Local policy/SOP/governance arrangements/recognised standards/guidance
 - Scope of practice
 - Protected characteristics
- Clearly defining the scope of any investigation
- Ensuring adherence to the applicable policy/Regulations

Ensuring the practitioner is heard



- Seeking comments/engagement from an early stage
- Disclosing all relevant information
- Taking account of the practitioner's response in decision making and risk assessment
- Encouraging the practitioner to seek advice

Adhering to process



- Complying with the applicable Policy/Regulations in managing the case
- Basing every decision on the evidence
- Providing reasons for every decision made
- Documenting all actions/decisions
- Ensuring confidentiality/adherence to disclosure and information governance policies

Equitable and proportionate outcomes



- Ensuring no conflict/bias or appearance of such
- Independent and objective consideration of all issues
- Proportionate outcomes based on robust evidence
- Appropriate training for all involved
- Using approved and consistent models for assessing risk

Initial reception

“We welcome this framework as a way of ensuring local management of concerns about doctors are handled fairly and consistently. Eliminating areas of inequality will create more inclusive, supportive and fairer local environments, and inclusive environments lead to better patient outcomes and satisfaction. We have a target to eliminate the disproportionate pattern of fitness to practise complaints we receive from employers in relation to a doctor's ethnicity and place of qualification by 2026 and we hope use of this framework will make a significant contribution to meeting that target.”

Anna Rowland, Assistant Director, Policy and Business Transformation, GMC Fitness to Practise

“The British Islamic Medical Association supports this framework which we believe will foster better fairness and proportionality of case management at a local level. This framework empowers local trusts to ensure a quick resolution of cases which we know cause great distress to our workforce. 50% of all doctors are from an ethnic minority background and a significant proportion are IMGs. We can not afford to continue to discriminate and disadvantage them and further decrease the morale of the NHS. This framework is a welcomed tool to start our journey towards a fair process for all.”

British Islamic Medical Association

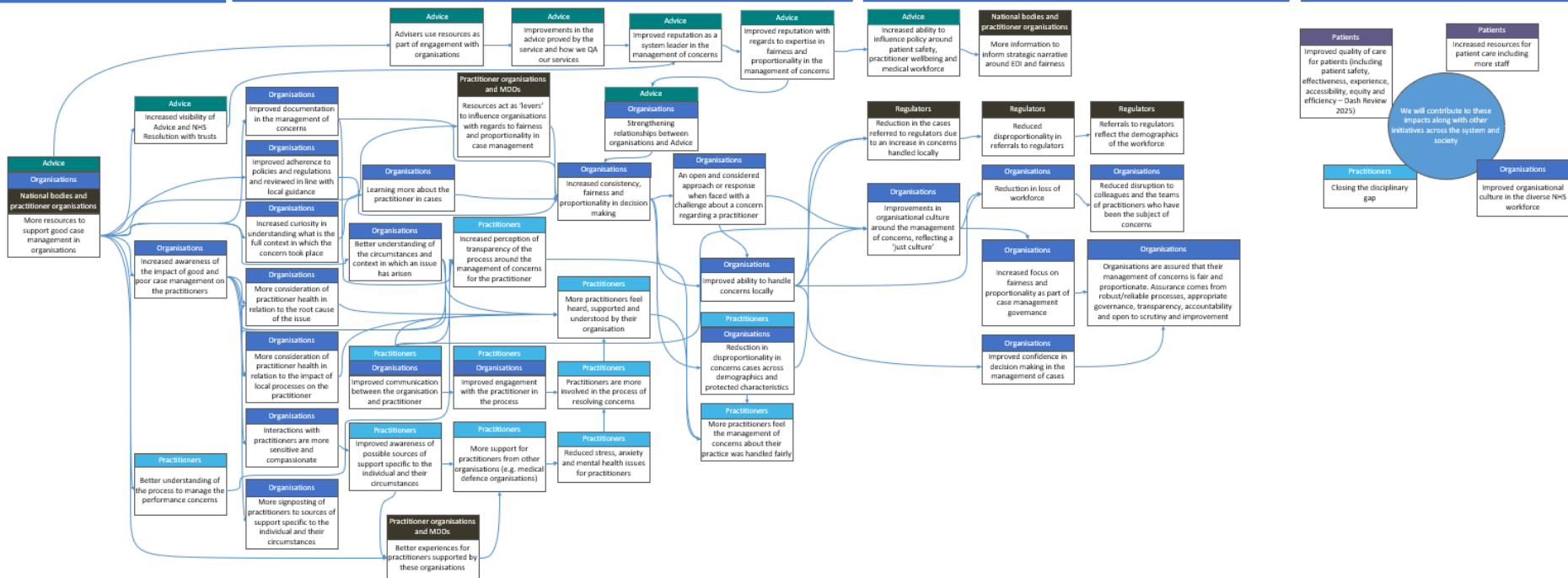
Evaluation: Theory of change

Short term outcomes (knowledge)

Medium term outcomes (behaviour)

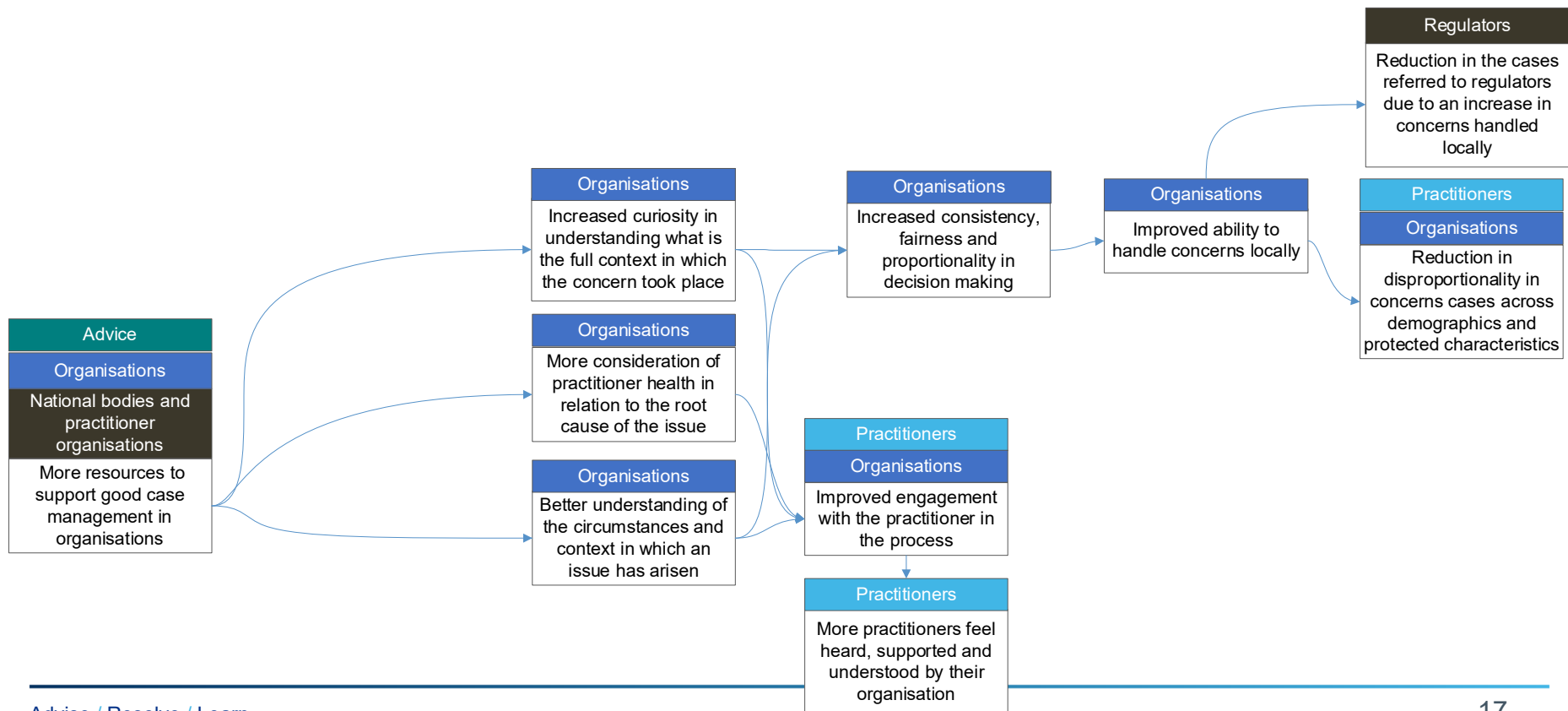
Long term outcomes

Impact

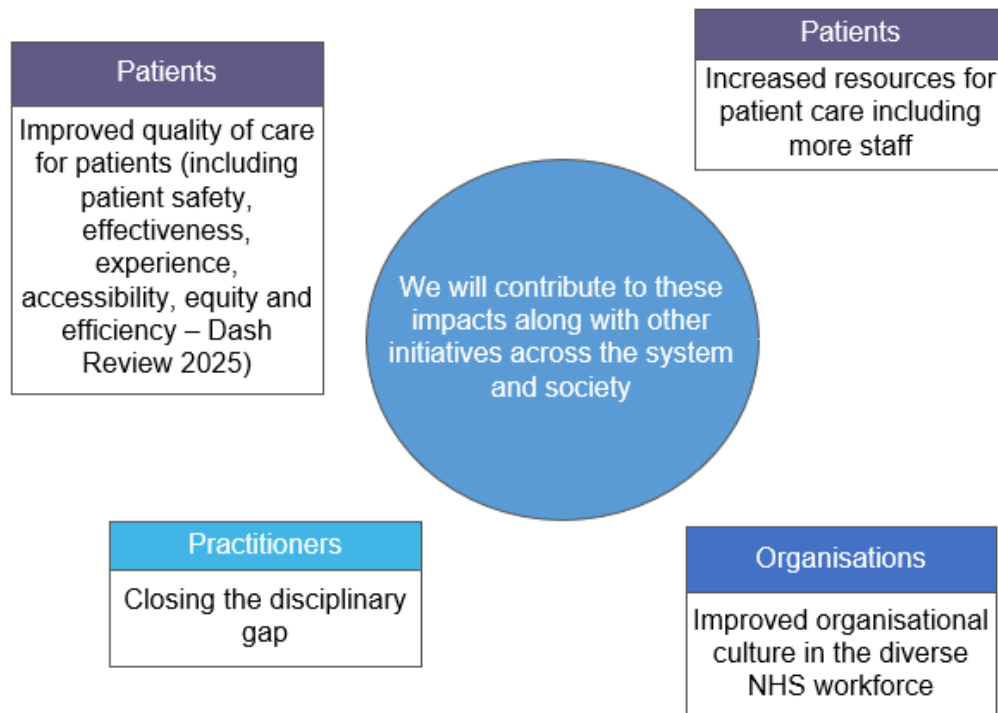


Short term outcomes (knowledge)

Medium term outcomes (behaviour)



Intended impact



Timeline, methodology and example outcomes

Survey to employers

Outcomes

- Awareness of resources
- Practitioners feeling heard
- improved documentation

Interviews – national bodies and practitioner organisations

Outcomes

- How being brought into the work of each organisation
- Use as a tool to inform strategic narrative around EDI and fairness

Focus groups with employers

Outcomes

- Impact on disproportionality
- Impact on caseload

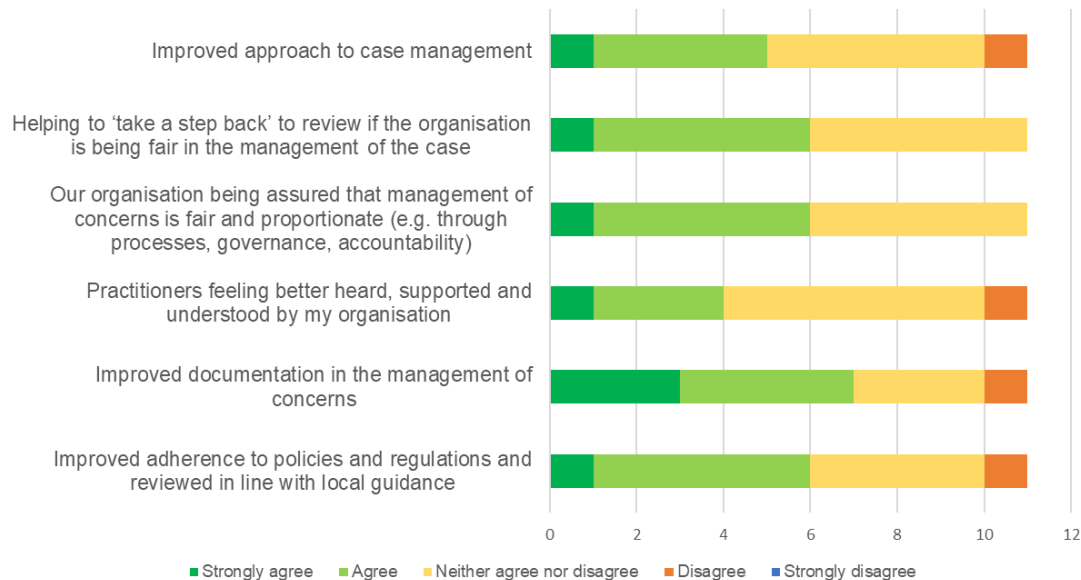
Within Advice

Outcomes

- Impact on relationships with orgs
- Impact on our advice and QA

Fairness & Proportionality evaluation

- 22 responses
- Majority of respondents aware of and used resources



Quotes on how it has helped ...

Their role

"Keeping the practitioner fully informed from the outset helps ensure there are no misunderstandings or surprises at a later date."

The organisation

"The resources have provided the team with a good basis for reviewing how alternative approaches can be reached without the need for formal case management in all instances."

The practitioner

"The reduction in case timeframes has reduced stress in many cases."

Next steps

- Use evaluation findings to assess impact and improve the resources
- Updated resources will be published in early 2026