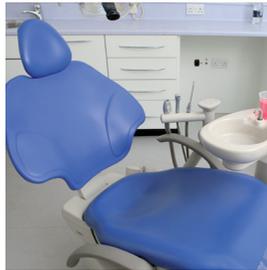


NCAS Handbook



Resolving concerns about professional practice

January 2011

6th Edition

This handbook

This handbook provides a brief introduction to the services NCAS provides and describes how we respond to requests for help. When you contact us we will discuss with you the services that are appropriate in your specific case. Please check the NCAS website at www.ncas.npsa.nhs.uk for further information about NCAS and any updates to this handbook.

- Section 1** sets out who we are and what we do.
- Section 2** describes how to access us and the case management service we provide.
- Section 3** explains in more detail the range of services we offer.

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Whilst this handbook gives a general overview, NCAS services are tailored to meet your particular concerns. Please check the NCAS website at **www.ncas.npsa.nhs.uk** for further information about NCAS or any updates to this handbook.

INTRODUCTION



This edition of the NCAS Handbook is being published as we complete our first decade of operation. Over that time we have extended our remit from dealing with concerns about the practice of individual doctors in the NHS in England to covering three professions across the public and independent sectors of health care and across the UK and its associated states. Use of our services has increased from more than a hundred requests for our help in the first year to more than a thousand in our tenth. We also have significantly extended the range of our services and the interventions we can bring to bear on resolving concerns about practice. All of this has been in response to requests for a more diverse range of services not only from those who seek our service, but also from those we work with, so that we play our part in ensuring the whole field of professional governance develops and maintains a seamless and responsive approach to need.

This handbook represents a radical update on our previous edition, for two reasons. First, the range of our services has developed significantly since the last edition was issued in January 2010; second, much of what was included in our previous editions is now available in much more detail on our website. This enables the Handbook to focus on its primary purpose: to give a concise introduction to what we do and what we offer, helping anyone faced with a concern about practice know how to approach us for help and what to expect when that approach is made.

At the time of writing, NCAS is embarking on a major change programme as we start the transition to becoming a self-funded service, clearly aligned with our colleague organisations at the front

line of health care. This change will bring many opportunities, not least to diversify further the services that NCAS offers, whether that will be to include a broader and more obviously multi-professional approach to our work, or to extend further the range of interventions we offer. Whatever those changes are, they will be put in place in response to the needs and demands of those who seek our services and those we work with, and they will continue to meet a core working principle at NCAS: the service we provide will sit alongside those tackling a concern about practice from the first telephone call to the necessary action plan.

A handwritten signature in black ink, appearing to read 'A. Scotland', with a stylized flourish at the end.

Professor Alastair Scotland FRCS FRCP FRCGP FFPH

Director and Medical Director

Terms we use and what they mean

Organisation - a health care organisation employing or contracting with doctors, dentists or pharmacists.

Practitioner - the doctor, dentist or pharmacist from the groups within NCAS' current remit.

Concerns about practice - any aspects of a practitioner's practice, performance, conduct or behaviour which may:

- pose a threat to patient safety or public protection
- expose services to financial or other substantial risk
- undermine the reputation or efficiency of services in some significant way
- be outside acceptable professional or working practice guidelines and standards.

Referring body - any employer, contracting or commissioning organisation which contacts NCAS for advice about a practitioner.

SECTION ONE: AN OVERVIEW OF NCAS

NCAS is a national service. It was established in April 2001 following recommendations made in the Chief Medical Officer for England's reports, *Supporting Doctors, Protecting Patients* (November 1999), and *Assuring the Quality of Medical Practice: Implementing Supporting Doctors, Protecting Patients* (January 2001).

NCAS works to resolve concerns about the practice of doctors, dentists and pharmacists by providing case management services to health care organisations and to individual practitioners. Our aim is to work with all parties to clarify the concerns, understand what is leading to them and make recommendations to help practitioners return to safe practice.

We respond to calls about any aspect of individual or team practice, even where it is not yet clear whether there is evidence of poor practice. We also provide advice on long-standing and complex cases and we can discuss concerns without the need for the practitioner to be identified. Contacting us for initial advice does not commit the caller to making further use of our service.

We do not take on the role of an employer so we do not investigate cases ourselves, nor do we function as a regulator. We are established as an advisory body, and the referring organisation retains responsibility for handling the case.

Since 2001 NCAS has extended its coverage across the UK and associated states, within both the NHS and the independent health sector. We cover doctors, dentists and pharmacists working in primary and secondary care, including locums and postgraduate trainees.

All our services, with the exception of team reviews, are currently free of charge to NHS organisations.

NCAS SERVICES

Case management

Access to all our services is through the case management team. Case management forms the core of our activity (see Section 2). We respond to around 1,000 requests for help each year and we aim to help the organisation or individual practitioner contacting us to address the concerns and bring them to a resolution. We will provide specialist advice on local process and access to NCAS services that may be needed for the particular case (see Section 3). These may include:

- Case conferences and advice on local investigation
- Suspension or exclusion
- Health professionals alert notices
- Mediation
- Performance assessment
- Health assessment
- Assessment of behavioural concerns
- Assessment of communicative competence
- *Back on Track* services
- Team review
- Local review.

Effective local procedures

In addition to services that should help resolve particular concerns, NCAS also advises on how to develop effective local governance procedures.

Educational workshops and web-based resources

We run educational workshops across the UK to help those dealing with concerns about practitioner performance to develop their skills in this field; a wealth of web-based resources is also available.

Evaluation and research

Our evaluation and research department enables us to analyse patterns of referrals, seek feedback from users of our service, establish outcomes from our work and consider how cases can be best resolved. NCAS research publications and statistical reports are on our website www.ncas.npsa.nhs.uk/publications/statistics.

NCAS' partners

NCAS works with a number of partners including the professional regulatory bodies, the Care Quality Commission, postgraduate training bodies and the Medical Royal Colleges. We also work with the professional representative bodies and professionals' defence organisations to share experience and learning.

SECTION TWO: ACCESSING NCAS CASE MANAGEMENT SERVICES

How to contact NCAS

The NCAS core office hours are 9am to 5pm, Monday to Friday. Our contact numbers for referrals can be found on our website.

We provide a 24-hour service and our out of hours emergency contact number for all offices is 020 7062 1655. A recorded message will provide you with a mobile number on which to contact the on-call NCAS adviser.

NCAS' general contact number for general enquiries is 020 7062 1620.

Who contacts NCAS?

Most requests come from the employer/contracting body of the practitioner about whom there are concerns. Contact is usually made by a senior member of staff such as the Medical Director, Dental Adviser or Director of Pharmacy. However, we can receive initial contact from any representative of the employer/contracting body, providing they have the delegated authority to act on behalf of that body.

NCAS is keen to support Responsible Officers in their role. When handling concerns about doctors' performance that may come to their attention, either through local processes or through appraisal, Responsible Officers are required to have regard to advice provided by NCAS.

Some requests for help come from practitioners themselves ('self-referrals'). This may be because they are concerned about some aspect of their own practice, or perhaps because they feel the need to rebuild their skills after a career break.

Occasionally, requests come from whistleblowers and although NCAS is not set up primarily as a referral point for whistleblowers, we have procedures in place to respond to concerns raised by them.

Although we are not able to take referrals directly from members of the

public, if they contact us, we will advise them how to direct their concerns to the bodies best placed to help them.

If you are in any doubt about whether NCAS can help you or your organisation, please contact us to discuss. You are under no commitment to continue using us after the first contact, and if we are not able to help we can usually put you in touch with someone who can.

What type of concern?

NCAS deals with a wide variety of concerns about practice. About half of concerns coming to NCAS relate to clinical practice, for example, a practitioner's diagnostic or consultation skills, record keeping or prescribing. Two-thirds relate to behaviour and conduct, often relating to difficulty in communication with colleagues or patients. In about a quarter of cases there is some concern about a practitioner's health which may be affecting their performance. However concerns are rarely seen in isolation and are often present as a variety of concerns across domains of practice, health and behaviour.

When to make contact

We are keen that concerns about practice are identified and resolved early, to prevent harm to patients and increase the opportunity for the individual to return to safe practice. Our advice is therefore to contact us as early as possible and to provide us with as much information as you can about the case. We can discuss a case without the need for you to identify the individual practitioner in the first instance.

Who will deal with the case?

The NCAS adviser team comprises senior staff from a variety of backgrounds in the clinical, managerial and legal professions. All of them have considerable experience in handling concerns about professional practice. Advisers provide telephone or face to face advice and will confirm and supplement the advice given orally in a letter to you following the call. Advisers remain responsible for NCAS' contribution to the case throughout our involvement and, in addition, a designated member of our case management staff will support the progress of the case.

Informing the practitioner

We would strongly advise that a representative from the referring body talks with the practitioner about their concerns and the contact with NCAS except where this would compromise the investigation of the case (for example, where there is alleged fraud or criminal activity).

Information sharing

NCAS is a confidential service. By this we mean that we will not normally disclose the details of a case to a party other than the referred practitioner or their employer/contracting body, or even confirm that a case has been discussed with us. There are, however, circumstances where we will disclose information, such as where it is in the overriding public interest to do so or where we are otherwise legally required to do so; in those circumstances the principles of the Data Protection Act will guide disclosure. Further details about how NCAS uses and shares information can be found by reading our Privacy Notice which can be found on the NCAS website (<http://www.ncas.npsa.nhs.uk/about-ncas/privacy-policy/>).

NCAS has a legal services team which deals with enquiries about information sharing, and requests for information made under the Data Protection Act and/or the Freedom of Information Act. Enquiries can be made by email or telephone to the Information Access Manager.

Guidance from government health departments

Government health departments issue advice, guidance or regulations to health services on when they should use services such as those provided by NCAS and on procedures such as the exclusion or suspension of practitioners.

Information on any changes to the advice or regulations should be available from the relevant government website and you should check for the latest guidance.

SECTION THREE: NCAS SERVICES

Introduction

This section describes in more detail the services outlined in Section 1. The NCAS adviser can provide more information and advise on access to the appropriate service.

Case conferences and advice on local investigation

For some cases we offer to help plan or facilitate case conferences with the employer/contracting body and practitioner. Requests for advice about how to investigate performance concerns are amongst the most common coming to us. NCAS does not investigate but we regularly advise on how investigations should be approached.

Suspension or exclusion

NCAS offers advice on the use of suspension and exclusion of practitioners. We aim to ensure that these measures are used only when absolutely necessary and for the shortest time consistent with understanding and resolving the concern. NCAS also monitors the number of episodes, how they arise and how they are resolved.

If you are considering excluding an employed doctor or dentist who is subject to the Maintaining High Professional Standards framework, you should contact NCAS to discuss the situation before any move to formal exclusion is made. Primary care organisations are required to notify NCAS where they have suspended a practitioner on the Performers List.

Health Professionals Alert Notices

NCAS is developing, at the request of the Department of Health (England), a Health Professionals Alert Notices database (HPAN). HPAN will enable health care employers and contracting bodies to access information about current alert notices about any health care professional in an effective and timely manner. It will also facilitate the local management of alert notices to ensure that the information available is always up to date.

Mediation

NCAS employs several trained and accredited mediators who can help resolve conflict in the work environment and resolve employment disputes. Mediation is a formal process governed by accepted rules and procedures and so it is important that both parties understand and agree to the process.

Assessment services

We now provide a range of assessment services.

1) Performance assessment

An NCAS assessment offers a way forward in cases where an independent view on the practitioner's performance may be helpful. The purpose of an NCAS assessment is to clarify concerns and to identify factors that may be contributing to the difficulties, in order that they may be effectively addressed and resolved. NCAS assessment includes assessment of the practitioner's health, behaviour, clinical skills and context of practice. We produce a report with recommendations for improvement and resolution of the case. See our website for further information about our assessment process: www.ncas.npsa.nhs.uk/ncas-services/assessment.

2) Assessment of health

Where concerns about a practitioner include some health component, NCAS may advise the employing/contracting body to consider an assessment of their health. We can provide this or we can offer advice to referring bodies who may wish to commission their own occupational health assessment.

3) Assessment of behavioural concerns

Where there are concerns about an individual's behaviour we can offer an assessment to provide an independent view on whether there are behavioural factors that are causing concern and make recommendations for addressing any difficulties identified.

4) Assessment of communicative competence

An NCAS performance assessment may also include, where appropriate, an assessment of the practitioner's communicative competence. The purpose of this assessment component is to review, in the clinical context, a practitioner's ability to communicate effectively with patients and colleagues. In some circumstances, NCAS may be able to offer an assessment of communicative competence as a stand-alone assessment component.

5) Regulatory assessment

NCAS may carry out performance assessments on behalf of health profession regulators with a specification agreed between NCAS and the regulator. The assessment will include some or all of the components of the NCAS performance assessment, described on our website.

Back on Track services

NCAS can help referring bodies and practitioners to develop, implement and monitor a further training action plan to address concerns identified through local processes or by NCAS assessment. We can also provide action planning advice and guidance for practitioners who are returning to practice after a significant period of absence. See our website for the NCAS Good Practice Guide, *Back on Track*, which provides a clear framework for helping practitioners return to safe practice:

<http://www.ncas.npsa.nhs.uk/resources/good-practice-guides/back-on-track/> and for supporting templates see: <http://www.ncas.npsa.nhs.uk/resources/templates>

Team review

To help deal with concerns about the service provided by a clinical team NCAS has developed a specification for team reviews and established a panel of preferred providers. We can advise on whether a team review may be appropriate in a particular case and provide access to the list of preferred providers. The referring body will then contract directly with the providers and will need to pay for the review.

A team review considers aspects of team function but does not assess the quality of clinical care provided by the team. However, we can advise on bodies who can assess the clinical service.

See our website for further information: www.ncas.npsa.nhs.uk/ncas-services/team-reviews.

Local review

This service is still under development and should be available later in 2011.

The purpose of a local review will be to provide information about an individual's practice to enable the referring body to decide whether there is a problem that needs further investigation or assessment. It will be useful in identifying concerns at an early stage, ensuring that practitioners can be supported as necessary. However, it will not be suitable, in itself, for making a decision on an individual's fitness for purpose.

Local review will include a record review and an interview with the practitioner to explore issues arising from the record review. NCAS will train reviewers and will maintain a list of accredited reviewers whom referring bodies can commission directly to undertake a local review.

Supporting the development of local procedures

NCAS can advise on developing good local clinical governance procedures, including procedures to manage concerns about performance. Our web-based toolkit provides useful information: www.ncas.npsa.nhs.uk/toolkit. We may also direct people towards our education programme.

Education services

Our programme of workshops and conferences aims to share good practice and learning from our casework with all those who deal first-hand with concerns about performance. Workshops are interactive, often using case studies. We provide events at national, regional and local level and for audiences defined by specialty and sector interests as well as for multi-disciplinary groups. In particular, we are currently involved in supporting the development of training for Responsible Officers in handling concerns about the performance of doctors.

We work with organisations to tailor-make workshops and provide facilitators and speakers for workshops or conferences.

Our annual national conferences have a highly interactive format but with the broader aim of bringing colleagues up to date with our work and sharing the learning from new initiatives and policy developments.

For more details and a current schedule of educational events visit the website: www.ncas.npsa.nhs.uk/events. If you would like to be added to our mailing list for details about forthcoming events please send your contact details to ncas.education@ncas.npsa.nhs.uk.

NCAS web-based resources

We provide a range of resources through our website to assist in the local management of concerns about performance: www.ncas.npsa.nhs.uk/resources/.

Good practice guides are recent additions to our resources. They include:

- *Handling concerns about a practitioner's health* (2011)
- *The Back on Track Framework for Further Training - Restoring practitioners to safe and valued practice* (2010)
- *How to conduct a local performance investigation* (2010)
- *Handling performance concerns in primary care* (2010).

Notes

Notes

The National Clinical Assessment Service

Resolving concerns about professional practice

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Contact NCAS

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