

# Getting in and out of trouble: How performance issues are managed

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# What is the Performers List?

- Statutory Instrument
- National
- Compulsory
- Different from the GMC Register

# What do you need to get on the Performers List?

- To be a GP!
- Share demographics
- Chronology of experience
- 2 referees
- Appraisal
- Indemnity
- Details of any sanctions
- Office holder in a body corporate
- Enhanced CRB
- OH assessment

# Things to declare

- Criminal Convictions or Cautions anywhere in the world.
- Any regulatory action anywhere in the world
- Investigation by NHS business authority

# Circumstances warranting automatic removal from the performers list

- Convicted of Murder
- Disqualified by the GMC
- No longer registered with the GMC
- Death

# Can you practice as a GP and not be on the performers list?

- Yes if you are a GP registrar

Or

- If you are in a recognised post-registration programme

# How can you get into difficulty with the performers list regulations?

- Complaint
- Whistleblow
- Data
- Breaking the law

# The Performance Advisory Group (PAG)

“Considers all complaints or concerns about a named clinician to determine if an investigation needs to occur”



# PAG Structure

- Senior Manager from NHSE who chairs
- Discipline Specific Practitioner
- Senior Manager from operations or nursing for patient safety
- Lay member
- Additional non-voting members invited by the chair (eg LMC)

# What can the PAG do?

- Trigger a formal investigation
- Refer to Occupational Health
- Refer to PLDP
- Refer to NCAS

# How do you make a PAG complaint go away?

- Say sorry and show insight
- Identify your learning needs and carry them out
- Discuss it within your practice
- Add it to your PDP
- Discuss it with your appraiser

# Performers List Decision Panel

- Lay chair
- Discipline Specific Practitioner
- Senior NHS manager for patient safety or experience
- NHSE Medical director or deputy
- LMC may attend at the invitation of the chair or at the request of the practitioner

# Urgent PLDP

- Only needs 2 members
- Usually to consider immediate suspension

# PLDP Outcomes

- Case closed and refer back to PLDP
- Back to PAG for monitoring
- Refer to contracts team
- Refer to GMC
- Refer to Police
- Refer to NHS Protect
- Agree an action plan and reporting process-set conditions

# Suspension

- Neutral Act
- Usually pending investigation or action by another body
- Paid as per Secretary of States determination

# How do you minimise risk of PAG/PLDP

- Be sensible
- Stay up to date
- Talk to colleagues
- Engage with appraisal
- Learn from mistakes
- Keep good records
- Don't be rude!



# Advantages of being a partner

- Power
- Income.....perhaps
- Looking after all your lovely staff
- Entertaining CQC
- Longevity/Continuity
- Protection-sickness/colleagues
- Can develop portfolio career/GPWSI

# Advantages of being Salaried

- No responsibility
- Guaranteed income
- Protected by employment law.....including dismissal
- Mobile
- Avoid continuity
- Can develop portfolio career.....may need employers consent
- Support

# Advantages of being a locum

- Freedom
- Don't have to talk to colleagues if something goes wrong
- Don't have to turn up to PLT
- Can enjoy the insurance market – sickness and pensions
- Can write your own tax return