

## **Amendment to member fees policy (cancellation fees)**

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**Meeting:** 26 February 2020

**Status:** For decision

**Lead responsibility:** Dionne Spence (Director of Casework & Resolutions)

**Paper Author(s):** David Reeder (Hearings Manager)

**Council Lead(s):** There is no Council lead for this work

### **Purpose**

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1. This paper seeks Council approval to amend the cancellation fees section contained within the member fees policy.

### **Recommendations**

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2. Council is asked to approve the recommended changes to section 8 of the member fees policy [see annex one] which was considered by the Remuneration Committee (REMCO) on 31 January 2020.

### **Strategic objective**

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3. This work contributes towards the achievement of our strategic objective to drive for cost efficiencies and value for money.
4. This work is not included in our 2019/20 Business Plan and is intended to clear up uncertainty in relation to policies.

### **Background**

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5. In May 2019, a 15-day Fitness to Practise Committee event concluded on day four with further listed dates during June, July and August not being required. This led to a discussion with committee members as to what, if any, cancellation fee they were entitled to.
6. Our policy is clear on the payment of fees for events that are cancelled at short notice. It is silent on any fees owed when an event concludes earlier than anticipated. Our current practice is that members will be paid in full once an event concludes early, for example if the event concludes on day four of five, then day five would be paid in full despite members not sitting.
7. As the hearing concluded after the event started, we classed the remaining days as a continuation of a hearing rather than a cancelled event. This meant that we paid for 11 unused days which resulted in a total payment of around £18k despite members

receiving notice that we would not require them for follow up dates which were listed two, six and 13 weeks later.

8. Following this, we contacted other regulators to see how they operate cancellation fees. Committee members were then consulted on a proposal to amend the cancellation fees policy.
9. REMCO considered this proposal on 31 January 2020. They were provided with a detailed comparison of other regulators' policies, the cancellation fees consultation conducted with members and a value for money assessment of the three options.

## Analysis

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10. A consultation was undertaken with our committee member pool with options being drawn up following a benchmarking exercise with other healthcare regulators.
11. The members were given a choice of three options and asked which option they preferred, whether they had any comments, an alternative cancellation fee policy for us to consider and any exceptional circumstances that needed to be built into the policy. 33 responses were received with 64% preferring option 3.
12. The recommendation is based on option 3 and is as follows:  
  
*Hearing Panel members may have a hearing cancelled at short notice. As Hearing Panel members need to commit to attendance at a hearing which can be a number of days or weeks long, if a hearing is cancelled the following will apply:*
  - *Pay half a day fee for events that are cancelled within five calendar days of the scheduled hearing commencement date [capped at seven calendar days]*
  - *Pay a full fee for events that conclude earlier than anticipated [capped at day 1-2; half a fee for days 3-5; no fee thereafter]*
  - *Pay half a day fee for split event days that are within 28 days of an early finish [no fee thereafter]. Split events are defined as events scheduled over non-consecutive days.*
13. The options put forward all ensured improved value for money and fairness to members who have set aside time to sit on hearing events. It also addressed our approach to split events (single events that have been scheduled over several non-consecutive weeks or months).
14. Members raised that if the cancellation policy was too restrictive, particularly with hearings that finish early, there was the potential that committee members who work full time and / or support dependents may be unwilling to commit to hearings and take the risk of cancellation.

15. We believe that this risk will be addressed through our new case management meeting process which we are trialling from 3 February 2020. This encourages both parties to prepare their cases efficiently, to cooperate with the GOC and each other and keep delays to a minimum, making the best use of hearing time. We accept that events concluding much earlier than anticipated does not demonstrate value for money or provide confidence in our process.
16. We acknowledge that there may be exceptional circumstances where the cancellation policy should be departed from, for example unexpected ill-health. Any decision to depart will rest with the Director of Casework and Resolutions.

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**Finance**

17. All costs associated with the payment of cancellation fees are within the approved Hearings budget.

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**Risks**

18. Failing to have a clear cancellation policy will have a detrimental effect on the management of FTPC processes, stakeholder relationships and our budget.

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**Equality Impacts**

19. An impact assessment has not been completed for this specific recommendation however exceptional circumstances can be applied for.

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**Devolved nations**

20. There are no implications for the devolved nations.

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**Communications**

21. The decision will be shared with committee members and the updated policy will be published on the website.

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**Next steps**

22. The revised policy, if approved, will be implemented with immediate effect.

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**Attachments**

Annex 1: Proposed changes to Member Fees Policy