



**NHS England Medical Appraisal
Policy**

**Annex E: Non-participation in
appraisal**

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Description	Policy for appraisal of licensed medical practitioners who have a prescribed connection to NHS England (circa 42,000 doctors from circa 700 designated bodies). It describes the framework for appraisal, with tools to support implementation contained within the annexes.	
Cross Reference	The Medical Profession (Responsible Officers) Regulations, 2010/2013 and the GMC (Licence to Practice and Revalidation) Regulations 2012	
Superseded Docs (if applicable)	Medical Appraisal Policy (v1) published October 2013	
Action Required	Responsible officers to ensure that Doctors with a connection to NHS England are appraised in accordance with this policy	
Timing / Deadlines (if applicable)	To be implemented as soon as reasonably practicable	
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Document Status		
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The NHS Commissioning Board (NHS CB) was established on 1 October 2012 as an executive non-departmental public body. Since 1 April 2013, the NHS Commissioning Board has used the name NHS England for operational purposes.

Annex E: Non-participation in appraisal

1.1 Background

All doctors with a licence to practise are required to participate meaningfully in annual appraisal in accordance with GMC revalidation regulations. In addition, doctors on the NHS England Performers List are required to do so under the NHS (Performers Lists) Regulations 2013. Doctors employed or engaged under different means by NHS England are required to do so within the terms of their contract of employment or terms of engagement.

In the majority of cases, most doctors participate actively in the system. In some cases, a process of dialogue between the doctor and responsible officer may be necessary to establish agreement about what constitutes meaningful appraisal within the terms of the guidance that exists. For a small minority who do not participate, clear processes are required to handle such non-participation under:

- the provisions of the National Health Service (Performers Lists) (England) Regulations 2013 if appropriate, in respect of their breach of the undertakings agreed and implicit in their inclusion in the Medical Performers List;
- the regulations and rules relevant to the relevant contract of employment or terms of engagement;
- the General Medical Council (Licence to Practise and Revalidation) Regulations 2012.

The procedure below:

- identifies the sequence of actions which will be taken to support participation with the appraisal system when there is apparent non-participation by a doctor.
- reminds practitioners of their professional responsibilities.
- advises practitioners as to the potential implications in the case of doctors:
 - where they are included in the Medical Performers List
 - where they hold employment contracts
 - where they are engaged under other terms of engagement
 - regarding revalidation and their licence to practise.

Failure to participate meaningfully in the process will place a doctor's inclusion on the Performers List, and/or their employment/engagement status, and potentially their GMC licence to practise at risk.

1.2 Procedure

The following procedure describes how NHS England operates in relation to apparent non-participation with medical appraisal.

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1. Each year, each doctor will be made aware of the requirement to have their annual appraisal by the last day of their agreed appraisal month (appraisal deadline). Doctors whose prescribed connection to NHS England is new will be made aware of the identity of their responsible officer, and the relevant appraisal officer. Account will be taken of the date of the most recent appraisal in determining the doctor's appraisal month, the last day of this being their appraisal due date. Where not already otherwise established, and where a different month is not agreed to be more appropriate, a doctor's appraisal due date will be the last day of their birth month.
2. In keeping with the appraisal process described in annex A, a doctor will receive at least one reminder (normally electronic) of the need to arrange their appraisal at least 56 days prior to the last day of the doctor's appraisal month (Reminder letter 1 is an example of such a letter).
3. If 28 days following the end of the doctor's appraisal month the appraisal officer has not received the appraisal output documents, the local systems will be checked to verify the current, or most recent, email and registered address for the doctor. After a further 7 days a second reminder letter will then be sent out by e-mail to the e-mail address held on record for the doctor, and by letter to the address given to NHS England as designated body by the doctor. (Reminder letter 2 is an example of such a letter)
4. If a response is received within 5 working days to the second reminder letter, and the doctor has either requested or has booked their appraisal within 28 days, the normal process is resumed. A new appraisal date will be set and the normal process resumed.
5. If no response is received to the second reminder letter, or a response is received advising that no appraisal has been booked, a third reminder letter (Reminder letter 3 is an example of such a letter) will be sent to the doctor 7 working days after the date of the second reminder letter (or as soon as the response is received). This letter will be sent from the responsible officer and will remind the doctor of their responsibilities, the potential consequences of failing to participate in the appraisal system, and the steps the responsible officer will take should the doctor continue to fail to engage. The third reminder letter will be sent by e-mail to the e-mail address held on record for the doctor, and by letter (recorded delivery) to the address given to NHS England as designated body by the doctor.
6. If a response is received to the third reminder letter, and the doctor has either requested or has booked their appraisal within 28 days, the normal process is resumed. A new appraisal date will be set and the normal process is resumed.

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7. If no response is received to the third reminder letter or a response is received advising that no appraisal has been booked, a fourth and final letter (Final reminder letter 4 is an example of such a letter) will be sent to the doctor 7 working days after the date of the third reminder letter (or as soon as the response is received). This letter will be sent from the responsible officer. It will advise that formal action under the NHS (Performers Lists) (England) Regulations 2013 disciplinary procedures/contract of employment disciplinary procedures, and/or notification of non-participation to the GMC is being considered and/or that because of failure to engage in the appraisal process, the doctor has been referred into the local NHS England practitioner performance processes. The fourth and final reminder letter will be sent by e-mail to the e-mail address held on record for the doctor, and by letter (recorded delivery) to the address given to NHS England as designated body by the doctor.
8. Having considered the facts, the relevant decision making group will then determine the appropriate course of action which may involve engaging the (Performers List) Regulations, disciplinary procedures, other locally or contractually appropriate processes and/or notification of non-participation to the GMC.

1.2.1 Reminder letter 1 – sent at 56 days before deadline for appraisal meeting

LOGO

Local office address and contact details

Date

Dear Dr xxxx

REMINDER: Your appraisal 20XX-XX

This is to remind you that are due to have your appraisal at the latest by xxxx. For your appraisal to be considered complete, your post appraisal paperwork needs to be in the office by xxxx + 28days.

If you do not think you need an appraisal this year please inform the office of the reasons in writing or by e-mail at the above address to avoid you receiving further reminders. You must inform us and/or Medical Performers List administrators about the circumstances that mean that you do not need to have your appraisal.

If you have mitigating circumstances, please advise the office so that we can consider invoking the formal process to postpone your appraisal. The enclosed document (Medical Appraisal Policy Annex D: Requesting postponement of appraisal) will help you to decide how to proceed. Should you have any queries, please do not hesitate to contact me.

Yours sincerely

Xxxxx xxxxx

Appraisal and Revalidation Office

Enclosed

Medical Appraisal Policy Annex D: Requesting postponement of appraisal

1.2.2 Reminder letter 2 – sent seven days after paperwork due (i.e. 28 +7 days after deadline for appraisal meeting)

LOGO

Local office address and contact details

Dear Dr xxxx

Failure to participate in the NHS England appraisal system

Our records indicate that you should have had your 20xx-20xx appraisal by DD/MM/YYYY. To date we have not received confirmation that your appraisal has been undertaken.

Please can you inform me if your appraisal has been undertaken and if so confirm the date and the name of your appraiser so we can follow up the documentation. If you have not had your appraisal please inform me of the reason for this by email within the next 5 working days. My email address/contact details are as shown at the top of this letter. I also attach details of the non-participation in the appraisal escalation process for your information (Figure 1).

As your local appraisal officer, I have to inform you that participation in the appraisal system provided by NHS England is a regulatory and/or contractual requirement for all doctors with a prescribed connection to the NHS England. Failure to participate without agreed postponement places you at risk of action being taken against you under the various provisions of the regulations and/or your contract.

Annual appraisal is viewed by NHS England as a valuable component of a doctor's professional development. Participation in annual appraisal is also a requirement to remain on the Medical Performers' List of NHS England. In addition, a satisfactory annual appraisal is now a GMC requirement for revalidation and non-participation places you at risk of the matter being referred to the GMC.

This letter has been sent by email and hard copy to the most recent address you have supplied to the NHS England XXX appraisal team.

Yours sincerely

XXXX XXXXX

Title (Appraisal Office to Responsible Officer)

cc Xxx Xxxx: Responsible Officer

1.2.3 Reminder letter 3 – sent seven days after reminder letter 2

LOGO

Local office address and contact details

Date

Dear Dr xxxx

Failure to participate in the NHS England appraisal system

Further to the letter dated INSERT DATE from INSERT NAME, Appraisal Officer, I am writing to express my concern that you have failed to respond and participate in the annual appraisal process.

I would remind you that it is a GMC requirement that you participate in the appraisal system provided by NHS England. You will also be aware that with the introduction of revalidation I will be required as your responsible officer to make a recommendation on your fitness to be relicensed. One of the questions I will be obliged to answer will be in relation to your participation with the appraisal process.

I therefore urge you to book your appraisal within 7 working days of the date of this letter and to make the necessary arrangements for your appraisal to be carried out as a matter of urgency. If there are any practical problems in arranging your appraisal please contact the local office without delay. I have requested the appraisal office to advise me should you fail to do so.

If I do not receive confirmation from you that you are taking urgent steps to arrange your appraisal by DD/MM/YYYY. I intend to refer your case to the INSERT NAME OF RELEVANT LOCAL DECISION MAKING GROUP to consider formal regulatory and/or contractual action as appropriate. If I do not receive confirmation from you that you are taking urgent steps to arrange your appraisal, your failure to participate will also be recorded in the local revalidation system and I will begin discussions with the local GMC Employer Liaison Adviser about your non-participation with the appraisal system. As annual appraisal is a GMC requirement I have to inform you that you are at risk of a formal referral to the GMC in respect of your revalidation.

I look forward to being advised that you have taken the appropriate steps to remedy the situation.

This letter has been sent by email and hard copy by registered mail to the most recent address you have supplied to NHS England XXX appraisal team. Should you have any queries, please do not hesitate to contact me.

Yours sincerely

Xxxxx xxxxx

Responsible Officer

1.2.4 Final reminder letter 4

LOGO

Local office address and contact details

Date

Dear Dr xxxx

Failure to participate in the NHS England appraisal system

Further to my letter dated INSERT DATE, a copy of which is attached for your information, I have been advised that you have still failed to comply with your regulatory requirement to engage in the annual appraisal system provided by NHS England in accordance with the provisions of Regulation 9(7) of the NHS (Performers Lists) Regulations 2004 and/or the GMC Revalidation Regulations 2011.

I am therefore writing to advise you that I have referred your case into the local NHS England practitioner performance processes to consider formal regulatory and/or Performers' List and/or contractual or other action as appropriate.

In addition, your failure to participate will also be recorded in the local revalidation system. As annual appraisal is a GMC requirement, I have to inform you that I will now discuss your case with the local GMC Employer Liaison Adviser, and that you are at risk of a formal referral to the GMC in respect of your revalidation.

I urge you to make immediate contact with me so that this matter can be resolved. This letter has been sent by email and hard copy to the most recent address you have supplied to the Medical Performers' List and to the local GMC Employer Liaison Adviser.

Yours sincerely

Xxxxx xxxxx

Responsible Officer
cc Local GMC Employer Liaison Adviser

1.3 Figure 1 Non-participation flowchart

