Impact Assessment Screening Tool

Name of policy or process:	Draft CET exceptions policy replacing the 'Exceptional circumstances in completing CET requirements policy' with a 'CET Exceptions' policy
Purpose of policy or process:	A policy which allows registrants to have consideration of exceptional circumstances to be taken into account when the Registrar decides whether to remove a registrant's name or registered specialty from the register for failure to meet the CET requirements as defined by the relevant legislation.
Team/Department:	Policy
Date:	9/3/21
Screen undertaken by:	Marie Bunby
Approved by:	*Tba*
Date approved:	*Tba*
Instructions:	- Circle or colour in the current status of the project or policy for each row. **Do not miss out any rows**. If it is not applicable – put N/A, if you do not know put a question mark in that column. - This is a live tool, you will be able to update it further as you have completed more actions. - Make sure your selections are accurate at the time of completion. - Decide whether you think a full impact assessment is required to list the risks and the mitigating/strengthening actions. - If you think that a full impact assessment is **not** required, put your reasoning in the blank spaces under each section. - You can include comments in the boxes or in the space below. - Submit the completed form to the Compliance Manager for approval.

A) Impacts	High Risk	Medium Risk		Low Risk	? or N/A
1. Reserves	It is likely that reserves may be required	It is possible that reserves may be required		No impact on the reserves / not used	
2. Budget	No budget has been allocated or agreed, but will be required.	Budget has not been allocated, but is agreed to be transferred shortly	Budget has been allocated, but more may be required (including in future years)	Budget has been allocated and it is unlikely more will be required	
3. Legislation, Guidelines or Regulations	Not sure of the relevant legislation	Aware of all the legislation but not yet included within project/process	Aware of the legislation, it is included in the process/project, but we are not yet compliant	Aware of all the legislation, it is included in the project/process, and we are compliant	
4. Future legislation changes	Legislation is due to be changed within the next 12 months	Legislation is due to be changed within the next 24 months	Legislation may be changed at some point in the near future	There are no plans for legislation to be changed	
5. Reputation & Media	This topic has high media focus at present or in last 12 months	This topic has growing focus in the media in the last 12 months	This topic has little focus in the media in the last 12 months	This topic has very little or no focus in the media in the last 12 months	
6. Resources (people & equipment)	Requires new resource	Likely to complete with current resource, or by sharing resource	Likely to complete with current resource	Able to complete with current resource	
7. Sustainability	Less than 5 people are aware of the process/project, and it is not recorded centrally nor fully	Less than 5 people are aware of the project/process, but it is recorded centrally and fully	More than 5 people are aware of the process/project, but it is not fully recorded and/or centrally	More than 5 people are aware of the process/ project and it is clearly recorded centrally	
	No plans are in place for training, and/or no date set for completion of training	Training material not created, but training plan and owner identified and completion dates set	Training material and plan created, owner identified and completion dates set	Training completed and recorded with HR	N/A
8. Communication (Comms) / Raising Awareness	No comms plan is in place, and no owner or timeline identified*	External comms plan is in place (including all relevant stakeholders) but not completed, an owner and completion dates are identified	Internal comms plan is in place (for all relevant levels and departments) but not completed, and owner and completion dates are identified	Both internal and external comms plan is in place and completed, owner and completion dates are identified	
	Not sure if needs to be published in Welsh	Must be published in Welsh, Comms Team aware.		Does not need to be published in Welsh.	

Please put commentary below about your Impacts ratings above:

4. Future legislation changes – CET Rules are expected to change in the next 12-24 months but this will not have an impact on operationalising this policy for the current CET cycle.

5. Reputation and media – the overall topic of CET has growing focus in the media in the last 12 months but not the topic of exceptional circumstances.

B) Information Governance	High Risk	Medium Risk		Low Risk	? or N/A
1. What data is involved?	Sensitive personal data	Personal data	Private / closed business data	Confidential / open business data	
2. Will the data be anonymised?	No	Sometimes, in shared documents	Yes, immediately, and the original retained	Yes, immediately, and the original deleted.	
3. Will someone be identifiable from the data?	Yes	Yes, but their name is already in the public domain(SMT/Council)	Not from this data alone, but possibly when data is merged with other source	No – all anonymised and cannot be merged with other information	
4. Is **all** of the data collected going to be used?	No, maybe in future	Yes, but this is the first time we collect and use it	Yes, but it hasn't previously been used in full before	Yes, already being used in full	
5. What is the volume of data handled per year?	Large – over 4,000 records	Medium – between 1,000-3,999 records		Less than 1,000 records	
6. Do you have consent from data subjects?	No	Possibly, it is explained on our website (About Us)	Yes, explicitly obtained, not always recorded	Yes, explicitly obtained and recorded as part of registration processes	
7. Do you know how long the data will be held?	No – it is not yet on retention schedule	Yes – it is on retention schedule	Yes – but it is not on the retention schedule	On retention schedule **and** the relevant employees are aware	
8. Where and in what format would the data be held? (delete as appropriate)	Paper; at home/off site; new IT system or provider; Survey Monkey; personal laptop	Paper; Archive room; office storage (locked)	GOC shared drive; personal drive	other IT system (in use); online portal; CRM; Scanned in & held on H: drive team/dept folder	
9. Is it on the information asset register?	No	Not yet, I've submitted to Information Asset Owner (IAO)	Yes, but it has not been reviewed by IAO	Yes, and has been reviewed by IAO **and** approved by Gov. dept.	
10. Will data be shared or disclosed with third parties?	Yes, but no agreements are in place	Yes, agreement in place	Possibly under Freedom of Information Act	No, all internal use	
11. Will data be handled by anyone outside the EU?	Yes	-	-	No	
12. Will personal or identifiable data be published?	Yes – not yet approved by Compliance	Yes- been agreed with Compliance	No, personal and identifiable data will be redacted	None - no personal or identifiable data will be published	

B) Information Governance	High Risk	Medium Risk		Low Risk	? or N/A
13. Individuals handling the data have been appropriately trained	Some people have never trained by GOC in IG.	All trained in IG but over 12 months ago		Yes, all trained in IG in the last 12 months	

Please put commentary below about reasons for Information Governance ratings:

Application of this policy involves the handling of sensitive personal data as registrants give details about the exceptional circumstances that have prevented them from meeting their CET requirements, which often involves information about their physical and mental health, or the health of their family members.

IG training has not been provided throughout the organisation for over 12 months, but all staff have received a data protection refresher training document by email in November 2020. Training plan in place and expected to be provided in next 12 months.

C) Human Rights, Equality and Inclusion	High Risk	Medium Risk		Low Risk	? or N/A
Main audience/policy user	Public			Registrants, employees or members	
Participation in a process (right to be treated fairly, right for freedom of expression)	Yes, the policy, process or activity restricts an individual's inclusion, interaction or participation in a process.			No, the policy, process or activity does not restrict an individual's inclusion, interaction or participation in a process.	
The policy, process or activity includes decision-making which gives outcomes for individuals (right to a fair trial, right to be treated fairly)	Yes, the decision is made by one person, who may or may not review all cases	Yes, the decision is made by one person, who reviews all cases	Yes, the decision is made by a panel which is randomly selected; which may or may not review all cases.	Yes, the decision is made by a representative panel (specifically selected). No, no decisions are required.	
	There is limited decision criteria; decisions are made on personal view	There is some set decision criteria; decisions are made on 'case-by-case' consideration.	There is clear decision criteria, but no form to record the decision.	There is clear decision criteria and a form to record the decision.	
	There is no internal review or independent appeal process	There is a way to appeal independently, but there is no internal review process.	There is an internal review process, but there is no way to appeal independently	There is a clear process to appeal or submit a grievance to have the outcome internally reviewed and independently reviewed	
	The decision-makers have not received EDI & unconscious bias training, and there are no plans for this in the next 3 months.	The decision-makers have previously received EDI & unconscious bias training but not in the last 12 months and no further training is currently booked.	The decision-makers are not involved before receiving EDI & unconscious bias training.	The decision-makers have received EDI & unconscious bias training within the last 12 months, which is recorded.	

C) Human Rights, Equality and Inclusion	High Risk	Medium Risk		Low Risk	? or N/A
Training for all involved	Less than 50% of those involved have received EDI training in the last 12 months; and there is no further training planned	Over 50% of those involved have received EDI training, and the training are booked in for all others involved in the next 3 months.		Over 80% of those involved have received EDI training in the last 12 months, which is recorded.	
Alternative forms – electronic / written available?	No alternative formats available – just one option	Yes, primarily internet/computer-based but paper versions can be used		Alternative formats available and users can discuss and complete with the team.	
Venue where activity takes place	Building accessibility not considered	Building accessibility sometimes considered		Building accessibility always considered	N/A
	Non-accessible building;	Partially accessible buildings;	Accessible buildings, although not all sites have been surveyed	All accessible buildings and sites have been surveyed	N/A
Attendance	Short notice of dates/places to attend	Medium notice (5-14 days) of dates/places to attend		Planned well in advance	N/A
	Change in arrangements is very often	Change in arrangements is quite often		Change in arrangements is rare	N/A
	Only can attend in person	Mostly required to attend in person		Able to attend remotely	N/A
	Unequal attendance / involvement of attendees	Unequal attendance/ involvement of attendees, but this is monitored and managed.		Attendance/involvement is equal, and monitored per attendee.	N/A
	No religious holidays considered; only Christian holidays considered	Main UK religious holidays considered	Main UK religious holidays considered, and advice sought from affected individuals if there are no alternative dates.	Religious holidays considered, and ability to be flexible (on dates, or flexible expectations if no alternative dates).	N/A
Associated costs	Potential expenses are not included in our expenses policy	Certain people, evidencing their need, can claim for potential expenses, case by case decisions		Most users can claim for potential expenses, and this is included in our expenses policy; freepost available.	N/A

C) Human Rights, Equality and Inclusion	High Risk	Medium Risk		Low Risk	? or N/A
Fair for individual's needs	Contact not listed to discuss reasonable adjustments, employees not aware of reasonable adjustment advisors.	Most employees know who to contact with queries about reasonable adjustments		Contact listed for reasonable adjustment discussion	N/A
Consultation and Inclusion	No consultation; consultation with internal employees only	Consultation with employees and members	Consultation with employees, members, and wider groups	Consultation with policy users, employees, members and wider groups.	

Please put commentary below for Human Rights, Equalities and Inclusion ratings above:

Much of this section is marked 'N/A' as application of the exceptional circumstances policy does not require physical attendance – it is an electronic/paper-based review system.

The policy allows the Registrar to decline to remove a registrant who has failed minimum legal requirements, so we need to be assured that there are no adverse impacts in terms of equality, inclusion and human rights.

We have considered equality impact assessment on the basis of a) amendments to the existing policy and b) operationalising the existing policy in 2019.

A) Equality impact assessment: on the basis of amendments to the existing policy

When considering any change of policy, we have considered the impact on those with protected characteristics as follows (we will seek further information in this area through any consultation to amend the policy so that we can further assess the impact):

- Age – we would not collect the registrant's age on the exceptional circumstances application form and do not consider that the change in policy will adversely impact registrants of a particular age range.

- Disability – by nature of the questions on the application form, we may collect some information about the registrant's status in relation to disability. The policy is likely to have a positive impact on those with a disability as it could have a positive impact on their ability to remain on the register. We do not consider that the amendments will have an adverse effect.

- Gender reassignment – we would not collect this information on the application form. We consider that the changes to the policy would not adversely impact on anyone in respect of gender reassignment.

- Marriage and civil partnership – we would not collect this information on the application form. We consider that the changes to the policy would not adversely impact on anyone in respect of marital or civil partnership status.

- Pregnancy and maternity – absence caused by maternity leave is listed in the policy as one of the examples of an exceptional circumstance. We have updated this policy to set out our expectations for those registrants on maternity leave who have been unable to complete their CET requirements – this could have a positive impact on their ability to remain on the register.

- Race – we would not collect this information on the application form. We consider that the changes to the policy would not adversely impact anyone in respect of race.

- Religion or belief – we would not collect this information on the application form. We consider that the changes to the policy would not adversely impact anyone in respect of religion or belief.

- Sex – we would not collect this information on the application form. We consider that the changes to the policy would not adversely impact anyone in respect of sex. In fact, they may have a positive impact on some registrants as paternity leave is mentioned as well as maternity leave.

- Sexual orientation – we would not collect this information on the application form. We consider that the changes to the policy would not adversely impact anyone in respect of sexual orientation. We have updated this policy to set out our expectations for those registrants on paternity leave who have been unable to complete their CET requirements – this could have a positive impact on same sex couples who have children.

B) Equality impact assessment: operationalising the existing policy in 2019 following the 2016-18 CET cycle

In March 2020, we carried out an EDI analysis of when the policy was last used (operationalised) in 2019 at the end of the 2016-18 CET cycle to see whether certain groups with protected characteristics were more likely to be accepted or rejected and/or if they were more likely to apply under the policy. Results are summarised below:

- Age
  - The proportion of accepted and rejected applications was similar for all but one of the age categories, with some variation in the 55 and over categories where there were four accepted and 12 rejected.
  - The age categories of those registrants applying under the exceptional circumstances policy was very similar to the overall registrant profile.

- Disability
  - Numbers in this category were too small to be statistically significant as only four registrants declared having a disability. Of these, one application was accepted and three were rejected.
  - More registrants with a disability applied under the exceptional circumstances than the overall registrant profile - 5% of registrants applying under the exceptional circumstances policy declared a disability compared with 1% of the overall registrant profile.

- Gender reassignment – we did not hold any information on gender reassignment in respect of those registrants applying under the exceptional circumstances policy.

- Marriage and civil partnership
  - The proportion of accepted and rejected applications was similar for each of the marital status categories, with small variations for those who were single or in a civil partnership, but numbers in those categories were too small to be statistically significant.
  - The marital status categories of those registrants applying under the exceptional circumstances policy was very similar to the overall registrant profile.
- Pregnancy and maternity
  - The proportion of accepted and rejected applications was similar for the two categories: we accepted 80% of applications for those who were pregnant or on maternity/paternity leave and 73% of applications for those who were not pregnant or on maternity/paternity leave.
  - Registrants who were pregnant or on maternity/paternity leave were much more likely to make use of the exceptional circumstances policy – 24% of all exceptional circumstances applicants in comparison with the overall registrant profile of 9%.
- Race
  - The proportion of accepted and rejected applications was varied with 46% of white applicants being accepted and 57% of BAME applicants being accepted. This varied slightly within the BAME categories, with those from a Pakistani/Pakistani British background being more likely to have their application accepted at an acceptance level of 70%. Other backgrounds were all around 50%.
  - There were slight variations in registrants applying under the exceptional circumstances policy in comparison with the overall registrant profile – 44% of applicants were from a BAME background compared to 39% of the overall registrant profile, and 44% of applicants were from a white background compared to 49% of the overall registrant profile.
  - A slightly higher proportion of registrants from a Pakistani/Pakistani British applied under the exceptional circumstances policy (13%) than our overall registrant profile (9%).
  - It should be noted that no applicants from a black/black British background, although this group makes up only 2% of our overall registrant profile.
- Religion or belief
  - The proportion of accepted and rejected applications for different religions was varied, positively skewed towards Muslim registrants. Accepted applications were as follows: 45% for Christian registrants; 71% for Muslim registrants; 33% for Hindu registrants; 40% for Sikh registrants (although this category was too small to be statistically significant); 50% for those with no religion; 50% for those who prefer not to say.
  - The categories of those registrants applying under the exceptional circumstances policy was similar to the overall registrant profile.
- Sex
  - The proportion of accepted and rejected applications for men were very similar.

- o There was significant variation in the proportion of accepted and rejected applications for women with 42% of applications accepted and 58% rejected.
- o The gender of those registrants applying under the exceptional circumstances policy was very similar to the overall registrant profile.

- Sexual orientation
  - o The proportion of accepted and rejected applications for heterosexual/straight applicants was very similar at around 50%. This was the same for those applicants who preferred not to say. Only one applicant was classed as 'other' and this application was accepted.
  - o The categories of those registrants applying under the exceptional circumstances policy was almost identical to the overall registrant profile.

Overall we feel that this analysis paints a positive picture but that there are some areas where further information is required, for example, in the older age groups, registrants with a disability, and sexual orientation. It should be noted that because overall numbers of exceptional circumstances applications were low and therefore sub-groups were small, it is difficult to draw strong conclusions from some of the findings from the data. We will ask about impacts on groups with protected characteristics during the public consultation to add to this evidence base.

Policy – Impact Assessment

<u>Step 1: Scoping the IA</u>

Name of the policy/function:	CET Exceptions policy (previously 'Exceptional circumstances in completing CET requirements')
Assessor:	Marie Bunby
Date IA started:	5/9/19
Date IA updated:	15/4/21
Date IA completed:	
Date of next IA review:	
Purpose of IA:	To ensure the policy is protecting the public and will not detriment particular groups of registrants with protected characteristics.
Approver:	
Date approved:	

Q1. Screening Assessment

- Has a screening assessment been used to identify the potential relevant risks and impacts? Tick all that have been completed:
  - ☑Impacts
  - ☑ Information Governance (Privacy)
  - ☑ Human Rights, Equality & Inclusion
  - ☐ None have been completed

Q2. About the policy, process or project

- What are the main aims, purpose and outcomes of the policy or project?
- You should be clear about the policy proposal: what do you hope to achieve by it? Who will benefit from it?

Aims: We are reviewing the exceptional circumstances policy to ensure it is appropriately protecting the public and maintaining the public interest.
Purpose and Outcome: Ensure protection of the public and that registrants are treated fairly in considering whether they have met their CET requirements and might be eligible for being considered under the exceptional circumstances policy.
Who will benefit: The public and registrants.

Q3. Activities or areas of risk or impact of the policy or process

- Which aspects/activities of the policy are particularly relevant to impact or risk? At this stage you do not have to list possible impacts, just identify the areas.

Activity/Aspect
• Public protection and public interest
• Fairness to registrants (including EDI)

Q4. Gathering the evidence

- List below available data and research that will be used to determine impact of the policy, project or process.
- Consider each part of the process or policy and identify where risks or implications might be found for: 1) Impacts; 2) Information Governance and Privacy implications; and 3) Human Rights, Equality and Inclusion.

Available evidence – used to scope and identify impact
- We have carried out an EDI analysis of the use of the exceptional circumstances policy at the end of the 2016-18 CET cycle to see whether certain groups with protected characteristics were more likely to apply under the policy and/or if they were more likely to be accepted or rejected. This data is summarised on pages 9-11.   - We will also ask for further evidence during the public consultation.

Q5. Evidence gaps

- Do you require further information to gauge the probability and/or extent of impact?
- Make sure you consider:
    1) Impacts;
    2) Information Governance and Privacy implications; and
    3) Human Rights, Equality and Inclusion implications.

If yes, note them here:
When we consult on the policy, we will be able to further understand the impact of any changes. The consultation will include questions related to the impact on protected characteristics.

Q6. Involvement and Consultation

Consultation has taken place, who with, when and how:
Senior Management Team (SMT); internal staff using the policy; Policy Steering Group. We will undertake further public consultation on the amended policy.
Summary of the feedback from consultation:
Suggestion that the policy can be difficult to operationalise and that it should refer to public protection in greater detail.
Link to any written record of the consultation to be published alongside this assessment:
N/A. Public consultation has not yet taken place.
How engagement with stakeholders will continue:
We will consult on any changes to the policy.

Step 2: Assess impact and opportunity to promote best practice
- Using the evidence you have gathered what if any impacts can be identified. Please use the table below to document your findings and the strand(s) affected.
- What can be done to remove or reduce any impact identified?
- Consider each part of the process or policy and identify where risks might be found for equality, human rights and information governance and privacy.
- Ensure any gaps found in Q5 are recorded as actions and considerations below.

Use the table below to document your strengthening actions (already in place or those to further explore or complete).

Activity/ Aspect	Potential/actual Impact	Strengthening actions to remove or reduce impact. For actions, include timeframes.
Public protection	Risk that if we do not ensure that our policy adequately protects the public there will be a negative impact on patient safety (due to a registrant being able to remain on the register when they have not fully completed their CET requirements).	We have reviewed the policy to ensure that it includes appropriate reference to public protection. We expect to have updated the policy by the next time it is due to be implemented (Feb 2022).
Fairness to registrants	Risk that if we do not operationalise the policy fairly to all registrants who apply under it, that we would be criticised for our decision-making or our decisions over-turned at the Registration Appeals Committee.	- Applications are reviewed on a case-by-case basis but we have analysed the learning from previous cases to ensure that we make consistent decisions. - The Registrar reviews all cases and makes the final decision to ensure consistency of decision-making.
Fairness to registrants	Risk that policy might have unknown impacts on those with protected characteristics.	To help inform thinking in this area we have carried out an analysis of the use of the exceptional circumstances policy in the 2016-18 CET cycle to see whether certain groups with protected characteristics were more likely to apply under the policy and/or if they were more likely to be accepted or rejected. Results are outlined on pages 9-11 of this impact assessment. Further information will be collected through public consultation.
Public interest	Public confidence in our registrants, and in the GOC as a regulator, and registrants' standards of education and training, could be undermined by the GOC's retention of registrants	By focussing on the registrant's ability to practise safely, we can demonstrate that our decisions are properly based on our statutory objectives.

Activity/ Aspect	Potential/actual Impact	Strengthening actions to remove or reduce impact. For actions, include timeframes.
	who fail to meet statutory minimum CET requirements.	

Step 3: Monitoring and review

Q6. What monitoring mechanisms do you have in place to assess the actual impact of your policy?

We have already carried out an EDI analysis of the last time the policy was used for the 2016-18 CET cycle. We will carry out another analysis after the policy is used again at the end of the 2019-21 CET cycle.

Please provide a review date to complete an update on this assessment (three months from initial completion).

Review date: 9/8/21 (this date is more than three months to take into account the time we will need to analyse the information from the public consultation)