Guidance for the workplace
Performance Assessment
Contents
The Medical Council's Performance Assessment process .......................................................... 2
What does Performance Assessment involve? ................................................................................ 3
Who conducts the site-based aspects of a Performance Assessment? .................................... 3
What is required from the employer/ workplace? ........................................................................ 4
How is the Performance Assessment organised and who will keep me updated? ...................... 4
How are patients involved? ........................................................................................................ 4
What about confidentiality? ......................................................................................................... 5
What happens after the Performance Assessment? ...................................................................... 5
Will the workplace nominee/ employer be informed of the outcome of the assessment and of when the process has ended? ........................................................................ 6
What if serious/ potentially serious concerns are identified during the performance assessment? 6
What if the doctor does not co-operate with the performance assessment process? ............... 6
What if the employer/ workplace does not wish to facilitate the performance assessment process? .......................................................................................................................... 6
What is the legal framework underpinning the performance assessment process? ................. 7
How will this improve patient safety? .......................................................................................... 7
Further Information .................................................................................................................... 7
Registered Medical Practitioners (RMPs) have a legal duty to maintain their professional competence and the Medical Council has a legal duty to satisfy itself as to the ongoing professional competence of RMPs.

The Medical Council performs this duty through a range of Professional Competence Schemes. The majority of these schemes are operated through the various post-graduate training bodies, however the Medical Council operates a specific scheme referred to as Performance Assessment, which is used in certain circumstances.

Performance Assessment is designed to be a proportionate, developmental, non-punitive regulatory intervention. It allows for an independent assessment of the performance of a doctor within the wider context of their practice and seeks to identify areas for development.

The assessment focuses on the doctor’s knowledge and skills and the application of knowledge and skills in practice. The standard applied is that which can reasonably be expected of a doctor practising the same type of medicine at the same level.

Referral to the Performance Assessment scheme arises from the investigation of a complaint to the Medical Council. There are three possible routes of referral:

- Referral of a complaint to the scheme from the Preliminary Proceedings Committee of the Medical Council (section 61 of the Medical Practitioners Act 2007)
- On foot of an undertaking to be referred to the scheme given by the RMP to the Fitness to Practise Committee of the Medical Council (section 67 of the Act)
- Arising from a condition, to be referred to the scheme, attached to retention of registration (section 71 of the Act)
What does Performance Assessment involve?

The rules relating to Performance Assessment are provided for in a statutory instrument (S.I. No 741 of 2011) and include a range of ten activities, of which any one or more can be directed in a given case. The number and type of activities will be determined based on the individual case at hand.

The activities can include one or more of the following:

(a) Obtaining information from the doctor and/or a workplace nominee. This would include information about the doctor’s professional background, past and current work, their schedule and workload.

(b) An Occupational Health assessment

(c) Patient and/or peer feedback survey about the doctor

(d) Interview with the doctor in relation to knowledge and skill and/or its application

(e) Interview with relevant third parties

(f) Inspection of the workplace(s)

(g) Review of clinical records

(h) Direct observation of the doctor practising medicine

(i) Interview based on the practice observed in (h) and the records reviewed in (g)

(j) An examination of knowledge and skill

The activities highlighted in bold may, if required, involve facilitation by the workplace/employer.

The activities in italics are usually conducted together as part of a planned, site-based assessment.

Who conducts the site-based aspects of a Performance Assessment?

Where site-based activities are directed an Assessment Team is appointed to carry out the assessment. This team is comprised of three trained assessors; two medical practitioners and one non-medical assessor. Additional assessors may be appointed if required. The assessment team membership is ratified by the Registration and Continuing Practice Committee of the Medical Council. A Case Officer from the Medical Council is appointed to co-ordinate and progress the assessment and to act as the link person between the doctor, the assessment team and the Medical Council.
What is required from the employer/workplace?
This depends on the activities directed in the given case.

Where activities (a) and (c) are directed, the Medical Council’s assigned Case Officer requests the doctor to nominate a person in the workplace to act as a contact person who can assist with providing information and in carrying out the feedback surveys. We suggest that this person be at Clinical Director/GP Principal level within the workplace.

Where a site-based assessment is to be carried out, in addition to seeking a workplace nominee, the Professional Competence section of the Medical Council contacts the relevant General Manager/CEO to inform them that a Performance Assessment is to take place in their facility. The assessment team may need access to clinical settings where the doctor practises and to the medical records of a selection of patients whose care involved the doctor who is being assessed and the assessment team may need to be facilitated in observing the doctor’s clinical practice including interactions with patients. The employer/workplace is required, under section 93 of the Act, to facilitate the assessment team in carrying out the performance assessment. Doctors may find the performance procedures difficult or stressful, and we encourage employers to be mindful of this and support the doctor through the process.

How is the Performance Assessment organised and who will keep me updated?
Each Performance Assessment case is assigned a Case Officer who works closely with the doctor, the workplace nominee, the assessment team and the Medical Council. The Case Officer is the central channel of communication between all of these parties. The Case Officer notifies all relevant parties of the activities to be carried out, works with them to schedule the assessment activities and is present on-site during the assessment to support the smooth running of the process.

How are patients involved?
Patients may be involved in a number of ways. They may be asked to complete a survey to give feedback on a doctor. Patients may be asked if a Medical Council assessment team may observe their interaction with the doctor and the assessment team may look at patient records. The assessment team itself includes a trained patient representative who is not a doctor and who ensures that the patient’s point of view is taken into account at all times. The Case Officer will liaise with the workplace nominee regarding seeking consent from patients and will provide specific Medical Council consent forms for this purpose.
What about confidentiality?
It is recognised that doctors who are required to participate in the Medical Council’s performance assessment procedures and activities are likely to find the experience sensitive and challenging. It is important that the confidentiality of information relating to the procedures and activities is preserved and not disclosed to third parties except where this is necessary to perform or assist with the procedures and activities. This is a legal duty under Section 95 of the Medical Practitioners Act.

The doctor’s workplace and employers also have a duty to maintaining the confidentiality of patient data which they may control. The assessment visit may involve a review of patient records. Such a review is only ever conducted by trained and accredited assessors who are medical doctors and therefore subject to ethical duties under the Medical Council’s “Guide to Professional Conduct and Ethics for Registered Medical Practitioners” in relation to patient records and confidentiality. The assessors’ access to these records is enabled by rules which underpin the performance procedures and activities. Assessors are required to give a signed undertaking to maintain confidentiality in relation to information gained due to participation in the process.

The assigned Case Officer will discuss the confidentiality and notification aspects of the performance assessment with the workplace nominee and the named CEO/ General Manager all of whom will be required to document and sign that they will maintain confidentiality as required under section 95 of the Act.

What happens after the Performance Assessment?
When performance assessment activities have concluded, an assessment report is produced based on the activities which were undertaken. The report identifies areas of observed competence as well as areas for development. The report will include recommendations for addressing areas requiring development/ improvement. The doctor is required to develop an action plan based on the recommendations contained in the report. This report is to be submitted to the Medical Council for approval and ongoing monitoring of its implementation. When the Medical Council (through its Registration and Continuing Practice Committee) determines that the action plan has been implemented satisfactorily and that it is satisfied that the doctor is meeting their maintenance of professional competence requirements, it will notify the doctor that performance assessment procedures have ended.
Will the workplace nominee/ employer be informed of the outcome of the assessment and of when the process has ended?

Unless there are exceptional circumstances, the Medical Council will not provide the workplace nominee/ employer with details of the assessment report or of completion of the performance assessment process. This information is confidential to the doctor.

It is suggested that the relevant workplace nominee/ Clinical Director/ GM/ CEO puts in place a mechanism whereby a post-assessment de-briefing takes place to identify any supports required by the doctor and any risks identified during the course of the assessment and that an organisational risk management framework is in place to assess and manage any such issues.

What if serious/ potentially serious concerns are identified during the performance assessment?

If, during the course of the performance assessment, serious concerns are raised by the assessors about the doctor’s conduct, performance or health, there is a mechanism by which these can be considered and escalated within the Medical Council.

What if the doctor does not co-operate with the performance assessment process?

Should any doctor referred to, or undertake to be referred to performance assessment, fails, refuses or ceases to co-operate, the Act provides for the making of a new complaint under Section 91(6)(a).

What if the employer/ workplace does not wish to facilitate the performance assessment process?

Employers of doctors referred for performance assessment have a statutory duty, under section 93 of the Act, to facilitate their employees’ maintenance of professional competence. This includes the performance assessment process.
What is the legal framework underpinning the performance assessment process?
- The Medical Practitioners Act 2007 (Part 11)
- Statutory Instrument 741 of 2011 (Medical Council- Rules for the Maintenance of Professional Competence (No.2))

How will this improve patient safety?
The Medical Council’s performance procedures and activities are a way through which it protects the public by assessing the doctor’s knowledge and skills, and requiring the doctor to undertake any necessary follow-up actions. The process also supports doctors by assisting them to implement recommended changes or improvements arising from the assessment.

Further Information
To find out more about the role of the Medical Council and to read further detailed information about professional competence, visit our website www.medicalcouncil.ie.

For information specific to performance assessment please contact pccasemanagement@mcirl.ie or 01-4983404.