



## Guide to case note reviews

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### 1 Introduction

Case note reviews provide an independent expert opinion on whether the management of a series of cases has met the relevant standards of care. A case note review may be requested by an employing organisation in the following circumstances:

- to ascertain if errors have been made by a pathologist
- to ascertain if the overall case management of a series of cases is within the normal range of clinical practice.

It is intended that this process be seen as giving a fair, independent, professional review that will support – but not replace – existing procedures for dealing with such issues.

The College also offers service and individual reviews (see the *Guide on invited reviews* for more information:

<https://www.rcpath.org/profession/professional-standards/performance.html>).

### 2 Arrangements for case note reviews

#### 2.1 The process

The review process, although not formal, must observe basic rules of fairness and openness. The pathologist(s) under review must consent to the review and understand the nature of the procedure to be followed. The reviewers must approach the task with a completely open mind. The evidence reviewed should be relevant to the issue in hand. The reviewers must not exclude relevant evidence.



## **2.2 The site of review**

The majority of case note reviews do not require a site visit and are purely a paper-based exercise. If a timetable for the review is required, it will be agreed by the employing organisation and the reviewer(s). The employing organisation is responsible for making the detailed arrangements for the review with the reviewer(s). The reviewer(s) will decide in consultation with the employing organisation where the review will take place. Where the review involves a large number of cases, it may be more practical to do this on site.

## **2.3 The review team**

The College will select an appropriate reviewer(s) based on specialty and subspecialty. Once the reviewer(s) has been identified, the name, address and means of contact for the reviewer(s) will be forwarded to the employing organisation's Medical Director.

The employing organisation should make the necessary administrative and contractual arrangements for the review, including payment of expenses and time. This will include a site visit if deemed necessary and/or transportation of copies of notes and documentation. The employing organisation should confirm the contact details for key personnel in the employing organisation involved in facilitating the review, this usually includes the Medical Director.

## **2.4 Conditions of the review**

The scope of each review is unique and will be agreed between College staff and the employing organisation before undertaking of the review. The scope must cover the cases that the employing organisation wish to be reviewed; this can be specific types of cases, a sample of an individual pathologist's reports or a sample of all cases reported, and the timeframe in which the review will be completed.

A standard Deed of Indemnity agreement is drafted by the Professional Standards Department. In this agreement, the employing organisation provides indemnity to the reviewers for the views they give. The indemnity agreement must be signed by all parties (the employing organisation, the reviewers and the College) and received by the Professional Standards Department at least 4 weeks before a review can take place.

## **2.5 Parameters for the review**

Reviewers will not normally address or comment on issues that fall outside the parameters of a case note review, especially if these relate to the practice of medical staff other than the pathologist whose cases are being reviewed. However, in the event that serious concerns are raised outside of the parameters of a case note review that the reviewers have reason to believe may affect patient safety, they should bring these to the attention of the Chief Executive or Medical Director during the course of the review and in the report.

## **2.6 Documentation**

All relevant documents given to the reviewers should also be made available by the employing organisation to the pathologist whose cases are being reviewed. Any information provided should, so far as possible, be anonymised. If it is not possible to anonymise information the employing organisation should ensure that:

- patient confidentiality is maintained and/or any necessary specific patient consent has been obtained
- only information pertinent to the review is sent to the reviewers.

The employing organisation is also asked to ensure that original case notes are retained on the employing organisation's premises at all times and must not be sent to the reviewers or to the College. Copies of case notes may be sent to reviewers but consideration must be given to confidentiality, transportation and disposal by the employing organisation.

Documentation should be sent by a secure means or, if sent electronically, should be password protected or encrypted. The documentation required will be specific to the review. The Chief Executive or Medical Director should make it clear to the reviewers whether the documentation made available to them during the course of a review should be returned to the employing organisation or securely destroyed at the end of the review. In the absence of such guidance, the College recommends that any documents are returned to the employing organisation and securely destroyed.

The reviewers must be aware of their obligations as a data processor. This includes the secure storage of materials related to the review and must take into consideration relevant data protection legislation; guidance on this can be provided by the College.

## **2.7 Interviewing the pathologist**

In exceptional circumstances, where further clarification of the review findings is required, the reviewer(s) may request a meeting with the pathologist whose cases are being reviewed. The need for such a meeting will be at the discretion of the reviewer and subject to agreement of all parties.

## **2.8 Confidentiality**

It is likely – indeed, probably inevitable – that the employing organisation, through its employees, and possibly the pathologist under review, will disclose sensitive and confidential information to the reviewers. The test of when information is confidential is whether it is in the public domain or readily accessible in the public domain. Using this test, it is highly likely that information about patients, their families, other members of staff, working relationships and so on will be confidential. It is imperative that, when confidential information is disclosed to the reviewers, disclosure is authorised by the people concerned. In short, they must know that that information is going to be disclosed to the reviewers and they must understand that the information may appear in some form in the report. The reviewers will, wherever possible, anonymise confidential information (and possibly put it into a confidential annex for strictly limited circulation). Nonetheless, this issue must be addressed in advance by the Chief Executive or Medical Director to avoid the possibility that confidential information is disclosed to the reviewers without consent, since that may expose both the employing organisation and the reviewers, as recipients, to legal action.

## **3 After the case note review**

**3.1** The signed report will be forwarded by the College within the timeframe agreed by the employing organisation and reviewer(s). The College will authorise the report and issue it to the employing organisation.

### **3.2 Status of reports and conclusions**

Reports are advisory and their conclusions are for consideration by the employing organisation concerned. The employing organisation is responsible for all costs, decisions and subsequent actions upon which it should seek appropriate legal advice. The Deed of Indemnity that all parties are asked to sign prior to a review does state that the College reserves the right to disclose (in the public interest but still in confidence) to a regulatory body, such as the General Medical Council, the Care Quality Commission or any other

appropriate recipient, the results of the review and any advice or recommendations made to the employing organisation.

- 3.3** The College's Director of Professional Standards, on behalf of the Professional Performance Panel, will write to the employing organisation for a written update of progress following the review. This should happen no later than 6 months after the case note review took place and be repeated at appropriate intervals while recommendations are being implemented.