

## Fitness to Practise Committee 25 February 2010

### Actions List

### Executive Summary and Recommendations

#### **Introduction**

Attached is a table providing a progress report on the decisions as agreed at the last public meeting of the Committee.

#### **Decision**

The Committee is requested to note the document. No decision is required.

#### **Background information**

Please refer to previous papers and minutes for the background to decisions.

#### **Resource implications**

Various – productions of reports and the collection of data will have had a minor impact on the Fitness to Practise Process.

#### **Financial implications**

None

#### **Background papers**

None

#### **Appendices**

None

#### **Date of paper**

16 February 2010

## Matters arising from meeting of 22 October 2009

Ref.	Action point (and location in the minutes)	Action by	Comments
1.4	<p><b>Nomination and election of Chair</b></p> <p>Secretary to the Committee to submit the nomination of Keith Ross to the Council at its meeting of 10 December 2009.</p>	10 Dec 2010	<p><b>COMPLETE</b></p> <p>Nomination approved by Council</p>
6.2.2	<p><b>Length of time analysis</b></p> <p>Director of Fitness to Practise to provide more detailed analysis about why cases take the length of time they do to consider and conclude to a future meeting of the committee.</p>	Not specified	<p><b>COMPLETE</b></p> <p>Paper enclosed at item 10 of this agenda</p>
6.11	<p><b>Key operational drivers</b></p> <p>Director of Fitness to Practise to provide a summary of key operational drivers as part of the next report to the committee.</p>	16 Feb 2010	<p><b>COMPLETE</b></p> <p>Paper enclosed at item 9 of this agenda</p>
8.7	<p><b>Consumer complaints</b></p> <p>Megan Scott to provide an update to the February meeting</p>	16 Feb 2010	<p><b>Not yet complete</b></p> <p>Nothing currently to update. Policy will submit a report to a future committee as appropriate.</p>
9.2	<p><b>Case Management system</b></p> <p>Director of Fitness to Practise to arrange for an update on the project to be presented to the February meeting.</p>	25 Feb 2010	<p><b>COMPLETE</b></p> <p>Paper enclosed at item 14 of this agenda</p>

10.4	<p><b>Service Standards</b></p> <p>Director of Fitness to Practise to provide management commentary to future service standards reports to the committee.</p>	25 Feb 2010	<p><b>COMPLETE</b></p> <p>Commentary included as part of report at item 8 of this agenda</p>
6.8	<p><b>Afternoon workshop on key operational drivers</b></p> <p>The Committee held a workshop on the fitness to practise process on the afternoon of 22 October 2009. The workshop consisted of a presentation from the Director of Fitness to Practise, and then discussion, on the fitness to practise process, which is attached at Annexe A. In addition to the general request for key performance indicators included above at 6.11, the committee made a number of requests for information for future committees to help it fulfil its monitoring role. The details of these requests are included below.</p>		
<p><b>Decision making processes</b></p> <p>Further information on the review including workplan</p> <p><b>Complainant Expectations</b></p> <p>Further information on the work stream, including workplan</p> <p><b>PKF audit report</b></p> <p>Original report from the auditors including any internal conclusions</p> <p><b>Sifting Tools</b></p> <p>Further information on work in this area.</p>		All for 25 Feb 2010	<p><b>COMPLETE</b></p> <p>Reports attached to this agenda at enclosures 6, 11, 12, 18</p>
<p><b>FtP annual report</b></p> <p>After finalising the Annual report for 2009-10, the committee to discuss how to make the report more strategic in future.</p>		June 2010	<p><b>Not yet complete</b> – Secretary to ensure this is on the agenda for June.</p>

# Fitness to Practise: An Overview

## Contents

- What we do
- Who we are
- Overview of Fitness to Practise
- Key Drivers
- Overarching Challenges
- Key Drivers
- The Strategic Priorities

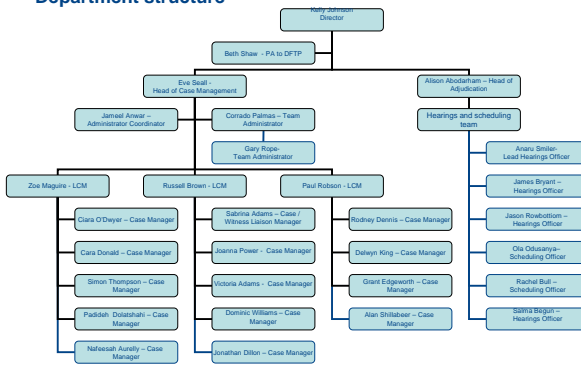
## What we do

- Investigation of allegations concerning fitness to practise
- Management of tribunals
- Health and character cases
- Registration appeals
- Prosecution of offences
- High Court appeals

## The Fitness to Practise team

- Head of Case Management – HPC’s Case Management function, management of lead case managers and administrators
- Head of Adjudication – HPC’s adjudication function partner liaison, management of hearings team, budget management and forecasting
- Case Teams 1 & 2 – Led by a Lead Case Manager, management, investigation and presentation of cases
- Case Team 3 - Led by a Lead Case Manager, Registration Appeals, Health and Character, Protection of Title, Incorrect Entry and Conviction FTP Cases
- Lead Hearings Officer – organise the logistics of FTP hearings
- Hearings officers – Fix and clerk FTP hearings
- Scheduling officers – Fix FTP hearings
- Administrators – Administrative support to the department
- PA – Diary management and secretarial duties to Director of FTP

## Department structure



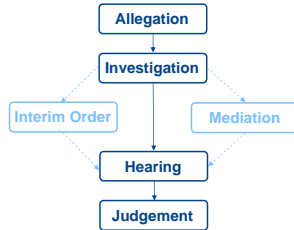
## Resources and Volumes

- 31 Employees
- £5.6million budget
- 700 new FTP complaints
- 450 Health and Character declarations
- 350 Protection of title complaints
- 65 Registration appeals
- 270 Concluded cases
- 2.1 days per final hearing

	Amount	% of budget
<b>Payroll</b>	£1,103,667	19.74
<b>Travel and Subsistence</b>	£48,645	1.00
<b>Property and Computer Services</b>	£19,500	1.00
<b>Office Services</b>	£238,440	4.26
<b>Partners</b>	£1,195,000	21.37
<b>Professional Fees</b>	£2,852,743	51.01
<b>Small Project Costs and Communications</b>	£47,088	1.00
<b>Specific Departmental Costs</b>	£87,317	1.56
<b>Total</b>	£5,592,400	

### Fitness to Practise: An overview of the process

- Allegation made
- Investigate allegation
- Interim order imposed
- Hearing convened
- Case considered by final hearing panel
- Sanction imposed



### The Investigating Panel

- investigations process
- case to answer test:
  - **“Realistic prospect”** that the Council will be able to establish at a hearing that the registrant’s fitness to practise is impaired

### Final Hearings

- Final Hearing
  - Well Founded?
  - Sanction?
  - Representation
- Hearing panels must include a member of the registrant’s profession **and** a lay person
- Process identical for all registrants
- Hearings are open to the public
- Witnesses
- HPC seen as independent and impartial

### CHRE and registrant appeals

- CHRE High Court Referrals
  - 5 since 2003
  - 2 withdrawn, 1 contested, 2 remitted back by consent
  - Learning Points
- High Court Appeals
  - 12 since 2003
  - 4 quashed, 2 remitted back by consent, 2 remitted back by High Court, 2 withdrawn and 4 outstanding
  - 1 application for judicial review
  - 2 applications to extend interim orders

### Key Drivers

- Accessibility and Information provision
- New operational and legislative requirements
- Consistency of decision making
- Quality of processes and procedures
- Management of resources and costs
- Length of time cases take to conclude

### Overarching Challenges

- Alternative mechanisms to resolve disputes
- What issues are the responsibility of the regulator
- Expectations of complainants and registrants
- Ensuring justice and fairness
- Length of time
- Costs
- What the data and information means

### Expectations of Complainants

- Purpose
- Features
  - Witness Feedback
  - Internal Analysis
  - Other Agencies
- Commissioned research
  - Stakeholders
  - Registrants
  - Complainants

### What are the strategic priorities for the Committee?

Fitness to Practise Committee – 22 October 2009

Any  
Questions