

**Health Professions Council
Fitness to Practise Committees
Fitness to Practise Department Workplan**

Executive Summary and Recommendations

Introduction

This paper sets out the Fitness to Practise Department's workplan for 2007-2008.

Decision

The Committees are asked to:

- discuss the workplan attached to this paper ;
- agree the priorities, projects and principles outlined; and
- agree to keep the document under review, and request that the Executive amend the workplan accordingly.

Background information

None

Resource implications

The resource implications of the attached workplan are assumptions which are already part of the HPC budget for 2007-2008

Financial implications

The assumptions are accounted for in the 2007-2008 budget

Appendices

None

Date of Paper

5th April 2007

Fitness to Practise Work plan 2007-2008

Contents

- Introduction..... - 2 -
 - This document - 2 -
 - Resources..... - 3 -
 - Recruitment in 2007/2008 - 3 -
 - Financial..... - 4 -
 - Responsibilities - 5 -
- Fitness to Practise Activities 2007-2008..... - 8 -
 - Fitness to Practise Allegations and Hearings Management..... - 8 -
 - Health and Character Declarations - 8 -
 - Prosecution of Offences..... - 9 -
 - Registration Appeals..... - 9 -
 - Other Activities..... - 10 -
 - Publications - 10 -
 - Website - 10 -
 - Panel recruitment, selection and training..... - 10 -
 - Information Technology - 10 -
 - Committee Work..... - 11 -
 - Liaison with stakeholders - 11 -
- Achieving the Fitness to Practise Department Objectives 2007-2008 - 13 -
 - Fitness to Practise Objective 1 - Accessibility, Communication and Information Provision - 13 -
 - Fitness to Practise Objective 2 –Decision Making - 14 -
 - Fitness to Practise Objective 3 – Processes and Procedures..... - 14 -
 - Fitness to Practise Objective 4 - Resources - 15 -
 - Fitness to Practise Objective 5- Risk Management..... - 15 -

Introduction

This document

This document sets out the priorities for the financial year April 2007-2008 and addresses how the Fitness to Practise department will grow, develop, improve and progress. It provides a basis against which the work of the Fitness to Practise department can be planned and measured.

The Fitness to Practise department, due to the nature of its work, will also have to manage high profile cases which attract media interest and allegations which may require an immediate interim order. The fitness to practise annual report(s) provide historic details. It is important that departmental planning allows for timely responses to unpredictable situations when they arise. Unpredictable situations include CHRE referrals to the High Court and appeals against both registration appeals and fitness to practise decisions.

The focus in 2007-2008 will be to improve and develop existing processes and ensure that the department achieves best practise. However, this document will also need to be reviewed to take into account the requirements of the White Paper and we await the publication of detailed implementation plans by the Department of Health.

The Fitness to Practise department work plan reflects not only the strategy of the practice committees but also operational requirements and improvements necessary to run the fitness to practise process and also those processes which lie outside the work of the practice committees.

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Resources

The fitness to practise department (as at 31st March 2007) consists of 14 employees

Kelly Johnson	Director of Fitness to Practise
Eve Seall	Fitness to Practise Manager
Merle McKinley McNair	PA to the Director of Fitness to Practise
Sabrina Adams	Case Manager
Mick Calligy	Case Manager
Nick Grassby	Case Manager
Zoe Maguire	Case Manager
John Lucarotti	Case Manager
Ciara O'Dwyer	Case Manager (from 30th April 2007)
Simon Thompson	Case Officer
Gemma Lee	Case Officer
Victoria Adams	Hearings Officer
James Bryant	Hearings Officer
Vacancy	Hearings Officer
Emma Bowman	Team Administrator.

There are currently two temporary staff working within the fitness to practise department.

Recruitment in 2007/2008

It is expected that the following new positions will be recruited for in 2007-2008:

- Six Case Managers (including 3 senior case managers)
- 1 Hearings Officer
- 1 Administrator

By the end of 2007 it is anticipated that there will be 23 employees within the fitness to practise department and we will be based on the second and third floors of Park House.

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Financial

There is a fitness to practise budget of approximately £3,542,000 in 2007-2008. This is an increase of approximately 37% from 2006-2007. This budget is based on an estimated 468 new allegations being received in 2007-2008, 405 cases which will require instruction over the course of the financial year, 202 full cases heard by panels comprising of 316 days of hearings, 90 Article 30 review cases and 48 interim order panels. It is anticipated that there will be 375 days of hearing. It is also projected that there will be 12 days of registration appeals panels, 350 new health and character declarations and approximately 250 new complaints about protection of title. The budget estimate also includes CHRE and registrant appeals to the High Court. The budget is also predicated on fitness to practise case managers presenting interim orders, article 30 review hearings and some registration appeals.

The budget is broken down in the following way:

Budget Line	Total
Payroll	£632,00
Fares and Subsistence	£49,000
Property Services (Security)	£2,520
Office Services	£190,990
Communications	£14,500
Partners	£765,560
Projects	£10,000
Specific Department Costs (Legal Services, Insurance, Training and Transcripts	£1,875,000

Ensuring fitness to practise has the resources (financial, employee and IT systems) is key to planning in the years ahead.

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Responsibilities

The Director of Fitness to Practise is responsible for the overall management of the team, the development and implementation of the strategy and work plan and the development and management of new projects. The Director of Fitness to Practise also has specific responsibilities as set out in the Scheme of Delegation.

The Fitness to Practise Manager is responsible for the day-to-day running of the department which includes case and hearing allocation, case tracking, weekly planning (including reviewing statistics and implementing the rota) and reviewing service level standards.

Each Case Manager has a case load for which they are responsible for the investigation of allegations-including vulnerable witness assessments and taking witness statements, preparing and presenting cases at investigating panels. They are also responsible for the presentation of interim orders and the management of a case load post the case to answer stage. One case manager is also responsible for the management of a registration appeals case load. Case Managers have also begun to present registration appeals before registration appeals panels.

Case Officers are responsible for investigating complaints about misuse of title, preparing cases for registration panels and a small fitness to practise case load. Their fitness to practise case load consists of conviction cases, simple misconduct and incorrect entries.

Hearings Officers are responsible for arranging all fitness to practise hearings including review of orders and interim orders. They also act as clerk to the tribunal. They undertake all follow-up work after a hearing and some elements of HPC's witness support provisions. It is anticipated there will be approximately 375 days of hearing in 2007-2008. This includes registration appeals, interim order panels and review hearings.

The Team Administrator provides support to the department across all of its activities. This includes hearing preparation, some elements of the witness support provisions and maintenance of the fitness to practise alerts system. She also undertakes research as required by the Director and Fitness to Practise Manager.

The PA to the Director of Fitness to Practise undertakes all diary management and secretarial duties for the Director. She is also responsible for the logging and tracking of all invoices to ensure that costs billed were incurred.

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The Director is currently undertaking a review of the structure of the fitness to practise department so as to ensure that resources are managed to their best effect. A key challenge in 2007-2008 is to ensure that resources are managed to appropriately and effectively.

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Fitness to Practise Activities 2007-2008

There are four main processes which generate the majority of the department's work. The following paragraphs summarise this work and the supporting activity to ensure this work is done. Fitness to Practise department activity for 2007-2008 is also summarised here.

1. *Fitness to Practise Allegations and Hearings Management*

Management of fitness to practise allegations and hearings will continue to be the biggest area of the departments work. In 2007-2008 approximately 700 cases will require attention and management. This includes interim orders, hearings, investigating allegations and Article 30 review cases. We are expecting 375 days of hearings. Key areas of work in this area include the improvement of existing processes, improving accessibility and communication, reducing reliance on external lawyers, ensuring consistency in decision making, reviewing all existing material, equality and diversity requirements, trends analysis, the production of the fitness to practise annual report and risk management.

It is also important to ensure that resources are effectively managed so as to ensure the increased demands on the department match the capacity within the department. This includes ensuring employees are appropriately trained and resources are accurately predicted.

2. *Health and Character Declarations*

The process by which HPC manages health and character declarations on admission, readmission and renewal to the register and self-referrals by registrants was approved by the Education and Training Committee in June 2005. We anticipate that HPC will receive approximately 250 declarations in 2007-2008 with the busiest points in the summer months as new graduates apply for registration and around the renewal cycle. By June 2007 the process will have been in existence for two years. This is a key opportunity to review the processes that are in place to manage this process and the decisions that have been taken by registration panels. The review of decisions will also aid in the development of guidance for education providers and other stakeholders in this process. We will work with policy and standards department on this piece of work. It is also expected that the requirements of the Safeguarding Vulnerable Groups Acts will be implemented by Autumn 2008. The requirements of this Act will need to be considered in any review of both this and the fitness to practise process.

Date	Ver.	Dept/Cmte	Doc Type	Title	Status	Int. Aud.
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3. Prosecution of Offences

Article 39 of the Health Professions Order 2001 sets out offences that can be prosecuted under that order. The offences identified there include:

- Misuse of title
- Fraudulently procuring an entry in to the register
- Failure to provide documents or to attend a hearing.

The Council approved its policy in relation to prosecutions in March 2005. It provides that before a matter can be prosecuted a number of steps have to be taken – including initial letters explaining the process and cease and desist notifications. It also provides that the public interest and evidential tests have to be met before a case can be prosecuted. Since the closure of the register to the 12 original professions in July 2005 a 653 complaints have been received about the misuse of title - mainly in the area of chiropody and podiatry. It is anticipated that a review of the prosecutions policy and procedures will begin in July 2007. This is a key point as by that stage the policy would have been in operation for two years. Areas to consider include the provisions of the Enterprise Act.

4. Registration Appeals

The management of the registration appeals case load is the other key area of work in the fitness to practise department area. It is important to continue to ensure that this process is efficient and effective, ensuring documents are properly managed and where appropriate, cases are presented by case managers. The review of the process will also take into account any revisions to the processes that are necessitated when HPC begins auditing the CPD profiles of its registrants.

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Other Activities

There are a number of other activities which support the processes operated by the Fitness to Practise department. The following paragraphs summarise these activities.

Publications

A number of publications are produced by the fitness to practise team – ranging from the fitness to practise annual report and brochures explaining the processes, through to practice notes on sanctions, interim orders and allegations, and other documents such as those explaining the registration appeals process. A review of the fitness to practise brochures will take place in April 2007 and the annual report covering 2007-2008 will be published in September 2007. The indicative sanctions policy will also be reviewed in May 2007.

Website

The department is responsible for information provided on line regarding fitness to practise hearings as well as the information online about the fitness to practise and protection of title processes.

Panel recruitment, selection and training

In 2007-2008 the department will work with the Partner Manager in the process to reappoint panel members, legal assessors and panel chairs. A close eye will need to be kept on the number of partners so as to ensure that there are enough individuals to sit on HPC panels. Two review days will take place for Legal Assessors and Panel chairs. These review days are used to update legal assessors and panel chairs on regulatory law updates, provide feedback on CHRE learning points and look at ways to improve decision making.

Information Technology

In 2006-2007 the department worked with the IT department on the implementation of the Fitness to Practise database. This is a lotus notes database designed to log, track and provide reports on all fitness to practise cases. Work continues in 2007-2008 on refinements and enhancements and developments to the reporting capability of the database. Other databases have been designed and developed by the Fitness to Practise team – including the registration appeals, health and character and prosecution of offences databases, and most recently, a database to store witness support information. This area of work is linked to the improvements and developments that are planned in the witness support programme. Work continues in improving the reporting capabilities and usefulness of all databases used by the fitness to practise team.

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Committee Work

The fitness to practise department works with a number of committees – including the three fitness to practice committees on fitness to practise issues and the Education and Training Committee with regards to the health and character process. In 2007-2008 we plan to review the statistics and information that is provided to the practice committees so as to ensure that the information that is provided is meaningful and useful

Liaison with stakeholders

We will continue to work with all stakeholders to improve understanding and accessibility and feedback trends that have arisen out of fitness to practise cases. We will work with the communications department in relation to providing information to employers and other key stakeholders. The Director of Fitness to Practise also sits on the FTP managers forum operated by CHRE and attends learning points meetings.

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DRAFT

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Achieving the Fitness to Practise Department Objectives 2007-2008

We have identified a number of objectives that will require action and completion in 2007-2008. We will undertake the following activities in support of these objectives.

Fitness to Practise Objective 1 - Accessibility, Communication and Information Provision

A key area of work for the fitness to practise department is ensuring that its policies, procedures and decisions are communicated in a clear, open and transparent fashion. To this end we will:

- produce the Fitness to Practise annual report – including analysis of statistics, decision making and case studies;
- undertake an audit against our existing practices and procedures as part of the Equality and Diversity project and implement recommendations that arise out of this review;
- review the Equal Treatment Practice note;
- collect, collate and review demographic data from those involved in the fitness to practise process
- contribute to the CHRE working group on common datasets;
- review the brochures produced to explain the fitness to practise process;
- implement standard of acceptance for allegations;
- implement Case Directions;
- refine and further develop the process for taking complaints over the telephone;
- review and develop the witness support process;
- provide feedback and learning points from fitness to practise cases (linked to the trends analysis);
- review all documentation produced by the fitness to practise department;
- work with the communications department to provide key messages from the work of the fitness to practise department (including employer events and a greater contribution to the HPC newsletter);and
- review the provisions of the Data Protection and Freedom of information acts as they apply to the fitness to practise area.

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Fitness to Practise Objective 2 –Decision Making

In order to ensure that decision making is consistent and effective we will undertake the following activities:

- feedback learning points from CHRE learning points meetings to those involved in the fitness to practise process;
- undertake a trends analysis of fitness to practise and health and character decisions;
- review and develop the indicative sanctions note;
- closely monitor updates in regulatory law;
- review days for legal assessors and panel chairs

Fitness to Practise Objective 3 – Processes and Procedures

In order to ensure that the processes in place are working to their best effect we will:

- review the Health and Character process (including Bichard recommendations);
- review Prosecution of Offences procedure;
- review and develop the process through which registration appeals are managed and presented (including CPD appeals);
- continue the review of the fitness to practise process – including the development of processes to dispose of case via consent (subject to approval by the health and conduct and competence committees);
- further develop how a case load is managed and implement risk assessment;
- work with the registrations department with regards to checking fraudulent applications; and
- ensure the department is equipped for any impact CPD audits will have on the fitness to practise department.

Date	Ver.	Dept/Cmte	Doc Type	Title	Status	Int. Aud.
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Fitness to Practise Objective 4 - Resources

To ensure that resources are used to their best effect we will:

- review the structure of the fitness to practise department;
- reduce reliance on external lawyers (including taking witness statements and the presentation of a variety of cases);
- ensure appropriate training and guidance material is provided to the fitness to practise team;
- undertake a whole scale review of the statistics that are produced by the fitness to practise team in order to further aid the day-to-day management of the department;
- refine and further develop service level standards;
- undertake risk assessment for fitness to practise cases;
- develop the reporting and usage capabilities of databases and systems used by the fitness to practise department;
- work with the partners team on the process to reappoint and train panel members;
- review how hearings are arranged and fixed (including the use of external venues);
- move to two floors in Park House when the building work is complete;
- ensure budgetary controls are in place to ensure the proper management of the fitness to practise budget;
- develop and further refine the model of investigation (including the further development of particulars) and implement risk assessment for fitness to practise cases;
- develop systems for operational forecasting; and
- review the watchlist.

Fitness to Practise Objective 5 - Risk Management

The Fitness to Practise department manages a number of risks in relation to its functions. The key areas of risk in the fitness to practise area are as follows:

- legal cost over-runs;
- legal challenge to HPC operations;
- exceptional tribunal costs;
- witness non-attendance;
- physical assault by hearing attendees; and
- registration appeals.

Date	Ver.	Dept/Cmte	Doc Type	Title	Status	Int. Aud.
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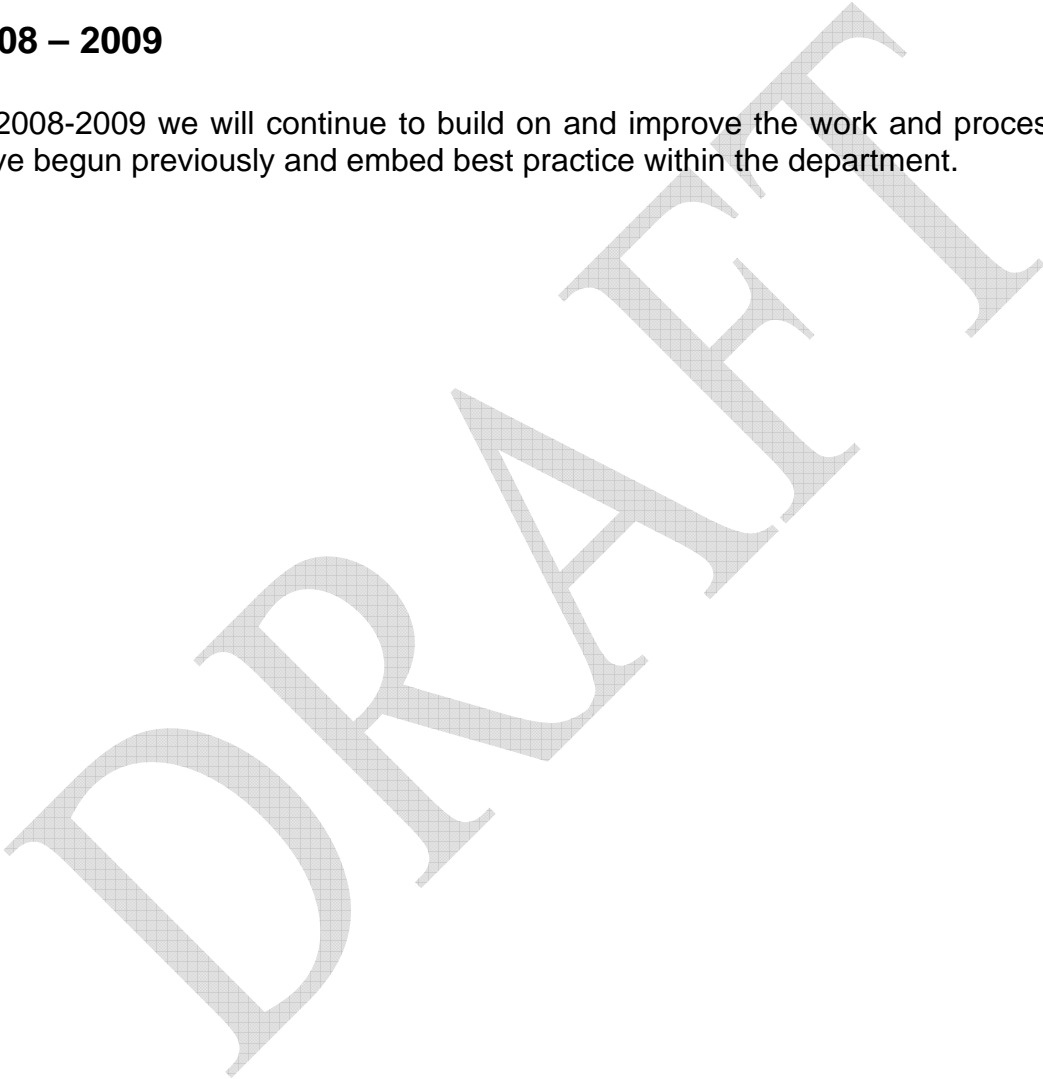
We implement the appropriate measures and steps to ensure that these risks are appropriately mitigated against. They will include:

- Service level agreements with key suppliers
- Costs per case information for fitness to practise case

An internal audit was conducted on the Fitness to Practise department by PKF (HPC’s internal auditors). The audit rated the processes operated by the department as sound. Work will continue in ensuring the department meets best practice in this area.

2008 – 2009

In 2008-2009 we will continue to build on and improve the work and processes that have begun previously and embed best practice within the department.



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Appendix 1:

Fitness to Practise Activities Table 2007- 2008

The table below sets out the fitness to practise department's timetable in achieving the tasks set out in the work plan above.

Also provided is the fitness to practise forecast for 2007-2008.

DRAFT

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1 Accessibility, Communication and Information Provision

Activities	Rationale	Dependencies/Other Departments involvement	HPC Objective	Start Date	Completion Date	Lead
Fitness to Practise Annual Report	Requirement of the Order	Employee Time Fitness to Practise Database (accurate statistics)	Improve Influence Promote	January 2008	April 2008	KJ/ES
Equality and Diversity Audit and implementation of recommendations	Best practice	Day-to-day operations	Improve	May 2007	September 2007 (for audit) Ongoing for implementation of recommendations	FTP Team
Equal Treatment practice note	Ensure document is relevant and up to date	Legislative developments Day-to-day operations Policy and Standards	Improve	August 2007	September 2007 (to practice committees)	KJ
Collect, collate and review demographic data	To effectively monitor and audit processes	Day-to-day operations IT (to make necessary changes to systems) Response from complainants and registrants	Improve	April 2007	Ongoing	KJ/ES/EB
CHRE Common Dataset working group	To ensure consistency across regulation	Day-to-day operations CHRE	Improve Influence	February 2007	Final meeting scheduled in	CHRE

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		President	Promote		June 2007	
Brochures	To ensure accessibility of material provided to complainants and registrants Best Practice	Day-to-day operations Communications (particularly publications manager) Policy and Standards (Temporary Registration)	Improve Influence Promote	April 2007	May 2007	KJ
Standard of Acceptance for Allegations – including complaints over the telephone Write guidance for FTP team	Best Practice Improve accessibility	Day-to-day operations Policy and Standards (Language Line)	Improve	April 2007	Ongoing	KJ initially then FTP team
Implement Case Directions – including communicating these to all those involved	Best Practice Fairness in proceedings	Day-to-day operations	Improve	April 2007	Ongoing	KJ ES Fitness to Practise Team
Witness Support review and refinement	Best practice Fairness	Day-to-day operations	Improve Promote	Collation of questionnaires began in October 2007	Paper to Practice Committees September 2007	SA ES EB
Trends Analysis and Feedback from Messages	Consistency Reduce number of cases	Day-to-day operations Communications Department	Improve Influence Promote	Ongoing	Ongoing	KJ
Communication with Employers	Stakeholder engagement	Day-to-day operations Communications Department	Improve Influence Promote	Ongoing	Ongoing	KJ Communications

Date	Ver.	Dept/Cmte	Doc Type	Title	Status	Int. Aud.
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2 Decision Making

Activities	Rationale	Dependencies/Other Departments involvement	HPC Objective	Start Date	Completion Date	Lead
CHRE learning points	Best practice	Day-to-day operations	Improve	Ongoing	Ongoing	KJ
Trends Analysis in Fitness to Practise and Health and Character processes, and in equality and diversity as it relates to FTP	Improved consistency Feedback to stakeholders Best practice	Day-to-day operations	Improve	April	Ongoing (analysis of Paramedic cases by September 2007)	KJ
Review Indicative Sanctions Note Updates in regulatory law	Regulatory Law updates frequent Best practice	CHRE	Improve Influence	May 2007	July 2007	KJ
Review days for legal assessors and panel chairs	Dissemination of information Improved decision Making Best Practice	HR (Partners)	Improve Influence Promote	June 2007	Further review day December 2007	KJ ES Yasmin Hussain

3 Processes and Procedures

Activities	Rationale	Dependencies/Other Departments involvement	HPC Objective	Start Date	Completion Date	Lead
Review Health and Character Process and provide guidance as necessary	Process in place for two years Recommendations of Bichard	Day-to-day operations Policy and Standards White Paper	Improve Influence Promote	Workplan to ETC by June 2007	March 2008	KJ ST ES Michael Guthrie
Review Prosecution of Offences	Process in place for two	Day-to-day operations	Improve	July 2007	March 2008	KJ

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	years					ES ST
Registration Appeals –including preparation and presentation	Best practice Management of resources effectively Impact of CPD	Day-to-day operations	Improve	August 2007	Ongoing	KJ ES MC
Review of FTP Processes (including consent)	Best practice	Day-to-day operations	Improve	Ongoing	Ongoing	KJ ES

DRAFT

Date	Ver.	Dept/Cmte	Doc Type	Title	Status	Int. Aud.
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4 Resources

Activities	Rationale	Dependencies/Other Departments involvement	HPC Objective	Start Date	Completion Date	Lead
Fitness to Practise Structure	Effective management of resources	Human Resources	Improve	April 2007	Ongoing	KJ
Reduction in reliance on external lawyers	Effective management of resources	Day-to-day operations	Improve	Ongoing	Ongoing	KJ
Training FTP Team	Effective management of resources	Day-to-day operations	Improve	Ongoing	Ongoing	KJ
Review of Statistics	Effective management of resources Role of FTP Committees	Day-to-day operations	Improve Influence	April 2007	May 2007	KJ ES
Service Level Standards	Management of resources	Day-to-day operations	Improve	Ongoing	Ongoing	ES
Risk Assessment	Effective management of cases		Improve	Ongoing	Ongoing	Case Managers ES
Information Technology	Essential for management of process		Improve	Ongoing	Ongoing	ES
Partners Reappointment	Essential to the process	Human Resources (Partners)	Improve	April 2007	July 2007	KJ YH
Arrangements for hearing fixing	Effective management of resources	Day-to-day operations	Improve	April 2007	Ongoing	ES
Model of Investigation and particulars	Improves decision making Requirements of the order	Day-to-day operations	Improve	Ongoing	Ongoing	KJ ES Case Managers
Operational Forecasting	All rationale set out above		Improve	Ongoing	Ongoing	KJ

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5 Risk Management

Activities	Rationale	Dependencies/Other Departments involvement	HPC Objective	Start Date	Completion Date	Lead
Risk Management	Risk Management	All	Improve	Ongoing	Ongoing	All

DRAFT

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