

Fitness to Practise Committee - 25 February 2010

Fitness to Practise Department Work plan 2010-2011

Executive summary and recommendations

### **Introduction**

The attached document sets out the Fitness to Practise work plan for 2010-11. Attached to that document as appendix is a progress report on the 2009-10 work plan.

### **Decision**

The Committee is asked to discuss and approve the attached work plan.

### **Background information**

Due the nature of the work of the Fitness to Practise department, departmental planning allows for timely responses to unpredictable situations (such as High Court cases and allegations which require interim orders) when they arise.

### **Resource implications**

The resource implications from the work plan for 2010-11 have been accounted for in the 2010-11 budget.

### **Financial implications**

The financial implications from the work plan for 2010-11 have been accounted for in the 2010-11 budget.

### **Appendices**

2010-2011 Fitness to Practise department work plan

### **Date of paper**

12 February 2010

# **Fitness to Practise Workplan 2010–2011**

Introduction.....	- 3 -
Resources .....	- 4 -
Financial Resources .....	- 5 -
Responsibilities .....	- 6 -
Main Operational Processes.....	- 8 -
Other Activities .....	- 9 -
Appendix 1: Fitness to Practice Activities Table 2010-2011 .....	- 13 -

## **Introduction**

This document sets out the resources, responsibilities and priorities for the financial year April-March 2010-2011. It addresses how the Fitness to Practise department will grow, develop, improve and progress and provides a basis against which the work of the Fitness to Practise department can be planned and measured.

As in previous years, the Fitness to Practise department due to the nature of its work, will also have to manage high profile cases which will attract media interest, respond to High Court appeals and manage allegations which require an interim order. It is important that departmental planning allows for timely responses to unpredictable situations when they arise.

## Resources

### Human Resources

It is anticipated that the fitness to practise directorate will increase from a permanent headcount of 35 employees in 2009-2010 to a permanent headcount of 42 employees in 2010-2011

Kelly Johnson	Director of Fitness to Practise
Beth Shaw	PA to the Director of Fitness to Practise

### Case Management

Eve Seall	Head of Case Management
-----------	-------------------------

Zoe Maguire	Lead Case Manager
Paul Robson	Lead Case Manager
Vacancy	Lead Case Manager
Vacancy	Lead Case Manager (New Position 2010-2011)

Sabrina Adams	Case and Witness Liaison Manager
Bahar Ala-Eddini	Case Manager
Nafeesah Aumeerally	Case Manager
Rachel Bull	Case Manager
Rodney Dennis	Case Manager
Jonathan Dillon	Case Manager
Cara Donald	Case Manager
Grant Edgeworth	Case Manager
Delwyn King	Case Manager
Gareth Llewellyn	Case Manager
Ciara O'Dwyer	Case Manager
Sonia Okoruwa	Case Manager
Joanna Power	Case Manager
Alan Shilabeer	Case Manager
Simon Thompson	Case Manager
Dominic Williams	Case Manager
Vacancy	Case Manager (New Position 2010-2011)

Vacancy	Case Support Officer (New Position 2010-2011)
Vacancy	Case Support Officer (New Position 2010-2011)
Vacancy	Case Support Officer (New Position 2010-2011)

## **Adjudication**

### Hearings Team

Alison Abodarham	Head of Adjudication
Anaru Smiler	Lead Hearings Officer
Salma Begum	Hearings Officer
James Bryant	Hearings Officer
Jason Rowbottom	Hearings Officer
Kabir Siddiqui	Hearings Officer
Akua Dwomoh-Bonsu	Hearings Officer
Vacancy	Hearings Officer (New Position for 2010-2011)
Ola Odusanya	Scheduling Officer
Vacancy	Scheduling Officer (New Position for 2010-2011)
Vacancy	Scheduling Officer

### **Administration Team**

Jameel Anwar	Administration Manager
Corrado Palmas	Team Administrator.
Gary Rope	Team Administrator
Cirene Chagas	Team Administrator

The Lead Case Managers and Administration Manager report to the Head of Case Management. In 2010-2011 we will have 4 case teams, each led by a lead case manager. Those case teams will comprise of a mixture of case managers and case support officer. The case support officer role is a new role for 2010-2011 and it is anticipated that the role will provide the case teams with the extra case and administrative support they will require from an increase in the number of allegations. Each case team reports to a lead case manager. The Head of Adjudication, Head of Case Management and PA to the Director of Fitness to Practise report to the Director of Fitness to Practise. A review of the organisational structure of the department will take place in 2010-2011 to ensure that it remains appropriate for the forecasted increase in resources.

## **Financial Resources**

It is anticipated that there will be a fitness to practise budget of approximately £7.1million.

### **Forecasting**

This budget is based on an estimated 820 new allegations being received in 2010-2011 (an increase of approximately 24% from 2010-2011). It is anticipated that case managers in case teams one, two and four will manage approximately 1200 cases over the course of the financial year

It is anticipated that there will be approximately 945 days of hearing in 2010-2011

(comprising of full hearings, consent applications, interim orders, review hearings, investigating panels and registration appeal panels). It is anticipated that approximately 373 cases will be concluded in 2010-2011, an increase of approximately 24% from 2009-2010. The budget is based on hiring external venues outside of London 150 days per year as approximately 15% of hearings are held in Northern Ireland, Scotland, Wales and other English venues every year.

It is anticipated that there will be an increase in the number of health and character cases due to the physiotherapists renewing their registration. We also anticipate a slight increase in the number of registration appeal cases and that the number of protection of title cases will remain steady.

The case forecasting model is attached to this document as appendix 2.

The budget estimate also includes CHRE and registrant appeals to the High Court, appeals against registration appeal decisions, protection of title field work and other tribunal related works. The costs of appeals that were made in previous financial years and but not concluded are also included in the 2009-2010 budget.

The budget is also predicated on fitness to practise case managers presenting interim orders, Article 30 review hearings, consent applications and some conviction FTP cases. Case Managers present all investigating panel and health and character cases to the investigating/registration panel.

## **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.

## **Case Management**

The Head of Case Management is responsible for HPC's Case Management function across the directorate's range of responsibilities. This includes the management, presentation and investigation of fitness to practise case, the investigation and management of protection of title offences and the management of registration appeals and health and character declarations. She manages the lead case managers in the department and the Administration Manager.

## **Case Teams**

There will be four case teams within the directorate in 2010-2011 each managed by a lead case manager. Each lead case manager has management, auditing and project responsibilities. The Case and Witness Liaison Manager sits within the case team and provides witness support to those witnesses involved in proceedings.

Case teams 1, 2 and 4 comprise of case managers who are responsible for the management and investigation of allegations and the presentation of fitness to practise cases and of case officers who provide case support to the case managers.

Case team 3 has responsibility for registration appeals, prosecution of offences, incorrect entry cases, conviction FTP cases and health and character cases.

### **Adjudication – Hearings Team**

The Head of Adjudication manages the hearings team and she is responsible for the management of this team. She is also responsible for partners as they affect the work of the fitness to practise department. The Lead Hearings Officer is responsible for the day –to- day work allocation of the hearings team. This includes allocating resources and ensuring availability of facilities.

Hearings Officers are responsible for arranging fitness to practise hearings including review of orders and interim orders. They also act as clerks to the tribunal. They undertake follow-up work after a hearing and some elements of HPC's witness support provisions.

In 2010-2011 there will be 3 full time scheduling officers who ensure a steady progress in the fixing of cases. The other hearings officers will continue to clerk and then fix cases on the days where they are not clerking.

### **Administration**

The Administration Manager manages the team administrators and ensures that the necessary administrative support is provided to the department.

The Team Administrators provides support to the department across all of its activities. This includes hearing preparation, some elements of the witness support provisions, logging and tracking invoices and maintenance of the fitness to practise alerts system.

The PA to the Director of Fitness to Practise undertakes all diary management and secretarial duties for the Director.

## **Main Operational Processes**

There are five main processes which generate the majority of the department's work. These are listed below. This work plan will be amended accordingly in line with increased operational requirements.

### **1. Fitness to Practise Allegations**

The investigation of allegations to the effect that a registrant's fitness to practise is impaired and the management of cases through to their conclusion. This includes witness liaison, instructing lawyers and preparing and presenting cases at investigating, interim order, final and review stage.

### **2. Hearings Management**

The organisation and scheduling of all fitness to practise and registration appeals hearings and all follow up work related to hearing outcomes

### **3. Health and Character Declarations management**

The process by which HPC manages declarations from registrants and applicants on admission, readmission and renewal to the register and via the self-referrals process.

### **4. Prosecutions of Offences**

The investigation and management of offences under Article 39 of the Health Professions Order 2001. This includes field investigation and prosecuting offences in the magistrates court.

### **5. Registration Appeals**

The management of cases where an applicant or registrant has appealed against a registration decision.



## **Other Activities**

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

### **1. 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 interim orders and allegations, and other documents such as those explaining the registration appeals process. These documents are updated and reviewed regularly.

### **2. Website**

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

### **3. Panel recruitment, selection and training**

In 2010-2011 the department will work with the Partners Team to appoint, reappoint, train and appraise panel members and panel chairs. We will also contribute to the major project to review the partner systems and procedures

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. The department will lead in the training of all new panel members, including two day training sessions for all new panel members, and the ongoing programme of refresher training. We will continue to send regular updates to all partners in the form of a newsletter on the work of the department and other relevant updates.

### **4. Committee Work**

We will continue to work with the Fitness to Practise Committee, Education and Training Committee, Finance and Resources Committee and Council as appropriate.

### **5. Liaison with stakeholders**

We will continue to work with all stakeholders (including employers of registrants) to improve understanding and accessibility and feedback trends that have arisen out of fitness to practise cases. We also review the information that we provide to those involved in the fitness to practise processes operated by the HPC. The department will continue to support the Communications department with representation at conferences and employer events and will continue to present to relevant

stakeholders on the fitness to practise process. We will continue to be involved in advisory groups (such as those run by CHRE and the Department of Health).

## **6. Transfer of new professions**

We will work to ensure the effective and efficient handover of fitness to practise cases from the Hearing Aid Council.

## **7. High Court cases**

We will continue to manage high court cases – this includes both cases when registrants appeal the decision to find their fitness to practise impaired and/or impose a sanction and when CHRE refer a case in accordance with Section 29(4) of the National Health Service Reform and Health Care Professions Act 2002. We will ensure that we disseminate outcomes as appropriate and make any necessary changes or improvement to fitness to practise processes.

## **8. Supplier Management**

We will closely manage our relationship with all our key suppliers, including keeping under review our contracts and service level agreements with these suppliers.

## **9. Major Projects**

Members of the fitness to practise department will also contribute to and be on the project team for the following major projects:

- Fitness to Practise Case Management System
- Partner Systems and Process review
- Transfer of the Hearing Aid Council
- Independent Safeguarding Authority

## **10. Other**

We will work with the Registrations department to ensure that common areas of work are effectively managed.

We will also ensure that we have the resources to meet the demands of the second CHRE audit of the initial stages of the fitness to practise process which will take place in December 2010. We will also review the learning from the first audit in continuing review of our processes and procedures.

We will also work with policy and standards department in responses to consultations, the CHRE performance review and in providing statistical information for research and work that that department is undertaking.

## **Achieving the Fitness to Practise Department Objectives 2009-2010**

The headline objectives for 2010-2011 are broadly the same as previous years but with different tasks to meet the objectives. Those objectives are as follows:

- **Ensure accessibility and improve communication and information provision** – we will continue to look at ways in which we can ensure that all stakeholders that come into contact with any element of the work of the Fitness to Practise Department receive a high quality of information and service.
- **Effective Management and Development of Legislative and New Operational requirements** – There are a number of legislative and operational projects and developments which will require the input, involvement and leadership of the fitness to practise department in 2010-2011. We will endeavour to ensure that those projects and developments are managed within agreed timescales.
- **Consistent and effective decision making** – We will endeavour to continue to improve the quality, consistency and effectiveness of decision making, both by panels and members of the department.
- **Ensure processes and procedures are working to their best effect** – We will continue review our way of working to ensure we meet the HPC's goal to ensure public protection whilst balancing the human rights of registrants.
- **Ensure effective management or resources** – We will undertake a number of activities to ensure we manage effectively the resources in place to support the work of the department.
- **Ensure effective management or risk** – The Fitness to practise directorate manages a number of risks in relation to its functions. We will ensure we will continue to manage these risks appropriately.

### **Equality and Diversity Impact Assessment**

We will ensure that as we complete our work plan and review the policies and procedures that are in place, we will ensure we will take into account any issues that could have an adverse impact and mitigate against this.

We will continue to aim to improve accessibility to the fitness to practise process.

## **Appendix 1: Fitness to Practise Activities Table 2010-2011**

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

## **Appendix 2: Fitness to Practise Forecast**

This document sets out the case, hearings and resource forecast for 2010-2011.

## **Appendix 3: Fitness to Practise Activities 2009-2010**

This document sets out fitness to practise department activities in 2009-2010.

## **Appendix 4: Risk Register**

This document sets out the risks managed by the fitness to practise department.

## Appendix 1: Fitness to Practice Activities Table 2010-2011

### Ensure accessibility and improve communication and information provision

Activity	Rationale	Description
Expectations of Complaints Research	Outcomes of Expectations of Complainants research and ensure HPC is providing appropriate information	<p>Review and update Existing Publications and produce new publications where necessary</p> <ul style="list-style-type: none"> <li>- The fitness to practise process: Information for employers</li> <li>- What happens if a complaint is made against me?</li> <li>- How to make a complaint about a health professional</li> <li>- Information for witnesses</li> <li>- Reporting a concern form</li> </ul> <p>General review of relationship with employers including:</p> <ul style="list-style-type: none"> <li>- a referral form for employers</li> <li>- self-referral form for registrants</li> </ul> <p>Review structure and content of fitness to practise section of the HPC website</p> <p>Hearings DVD explaining how HPC FTP procedures operate</p> <p>General review of contact with witnesses</p>

Fitness to Practise Annual Report	Legislative requirement	Production of 2010-2011 Fitness to Practise Annual Report
Practice Notes	<p>Aid to all parties that are involved in fitness to practise proceedings and ensure HPC proceedings remain open and transparent to all parties</p> <p>A Court of Appeal decision specifically referred to the provisions of Article 30(7), further guidance to panels is therefore required</p>	<p>Ensure all practice notes are kept up to date, remain fit for purpose and take account of relevant High Court or Court of Appeal Decisions</p> <p>Produce a practice note on how to apply Article 30(7) of the Health Professions Order 2001</p>

Standard letters review	This is a key part of the way the fitness to practise department communicates. It is also required as part of the implementation of the case management system	Review of standard letters to ensure they remain fit for purpose
Attendance at Employer events	Ensure awareness of how the fitness to practise process works	Attend and participate in the continuing series of employer events

## Effective Management and Development of Legislative and New Operational requirements

Activity	Rationale	Description
Implementation of an integrated case management system	Ensure HPC is able to continue to effectively manage all types of cases and hearing	<ul style="list-style-type: none"> <li>- Initiate phase 2 of project</li> <li>- Analyse and design configuration of system</li> <li>- Build and test system</li> <li>- Complete User Acceptance Testing</li> <li>- Migrate data and integrate Electronic Document Records Management System (EDRMS), reporting tool and bundling tool</li> </ul>
Transfer of the Hearing Aid Council	Legislative requirement	Effective transfer of cases from the remit of the Hearing Aid Council to the HPC
Implementation of the requirements of the Protection of Vulnerable Groups and Safeguarding Vulnerable Groups act	Legislative requirement	<p>Ensure HPC systems can capture and record barring numbers</p> <p>Review process of referring cases to the appropriate scheme</p>
Review the approach the FTP team take	Increasing number of requests	Ensure the department has a clear and consistent approach to the management of

towards Freedom of Information Act and Data Protection Act requests including evidence management		such requests and ensure evidence is managed in accordance with those principals
Partner Systems review	Ensure the effective management of the partner department	Contribute to the partner department's review of their processes and procedures
Revalidation	A major piece of work for the HPC	Provide relevant fitness to practise data to the revalidation project

### Consistent and effective decision making

Activity	Rationale	Description	Timescale	Role(s) responsible
Work with the partner department to review the appraisal system used for panel members and panel chairs	Ensure that the systems to appraise partners work to their best effect	See Activity	April 2010 –April 2011	Director of Fitness to Practise
Panel Chair, Legal Assessor and Panel Member review and training days	Ensure effective decision making and that information is properly disseminated	Prepare and present review and training days for FTP partners	April – Panel Chairs May – New Legal Assessors July – Legal Assessors  Ongoing for panel members	Head of Adjudication, Head of Case Management, Director of Fitness to Practise
Monitor updates in regulatory law	Ensure processes and polices accurately reflect changes in the law	Monitor updates in regulatory law to ensure that HPC policies and procedures properly reflect any relevant regulatory	Ongoing	Director of Fitness to Practise



		case law		
Quarterly newsletter for fitness to practise partners	Ensure effective decision making and that information is appropriately disseminated	Send out a quarterly newsletter to fitness to practise partners providing them with information on new practice notes, regulatory case law and CHRE learning points	April 2010 July 2010 September 2010 December 2010	Head of Adjudication
CHRE learning points	Ensure cases are appropriately managed and that decisions are well reasoned	Feedback learning points from CHRE's review of the initial stages of fitness to practise decision making and from their Section 29 role to improve HPC's processes and procedures and to improve decision making	Ongoing	Director of Fitness to Practise
Qualitative review of decisions	Ensure effective decisions and feedback any learning from this into policy documents and feedback for stakeholders	Feedback learning from decisions to registrants and stakeholders and relevant policy documents and ensure decisions are of a high quality	Ongoing	Director of Policy and Standards, Director of Fitness to Practise
Implement mechanisms to quality control decisions	Ensure effective and high quality decisions	Implement mechanisms to quality assure decisions made by panels and members of the directorate	Ongoing	Head of Case Management  Head of Adjudication

**Ensure processes and procedures are working to their best effect;**

Activity	Rationale	Description	Timescale	Role(s) responsible
----------	-----------	-------------	-----------	---------------------

Alternative methods to resolve complaints/ disputes		<p>Work with the policy and standards department to consider alternative mechanisms to resolve of complaints/ allegations including:</p> <ul style="list-style-type: none"> <li>- A literature review of alternative dispute resolution and of mediation</li> <li>- A review of what other “complaints” organisations do to resolve complaints</li> <li>- Implementation of sifting tools</li> <li>- Review other mechanisms for complainant support</li> <li>- Review whether panels should provide “learning points” when they no case to answer an allegation</li> </ul>	April – December 2009	<p>Director of Fitness to Practise</p> <p>Director of Policy and Standards</p>
Review occupational therapist health declarations	A high number of health declarations are from occupational therapists	Work with the professional body to ensure that there is an understanding amongst occupational therapists of the type of issues they need to declare to the regulator	March 2011	Head of Case Management
Review mechanisms of dealing with drink drive or drug convictions	Ensure that all cases are managed appropriately and investigated fully	Work with other organisations to assess whether any other information is requires in cases where registrants have been convicted of drink drive or drug offences	March 2011	Head of Case Management
Operating Guidance and decision	Ensure that all cases are managed	Produce operating guidance and templates as required to	Ongoing	FTP Managers

making templates	appropriately	aid the work of FTP employees and ensure the effective management of case		
------------------	---------------	---	--	--

## Ensure Effective Management of Resources

Activity	Rationale	Description	Timescale	Role(s) responsible
Reappointment of Partners	A number of partner contracts are due to expire in July 2010	Undertake an exercise to reappoint (or not) existing panel members	April – July 2010	Head of Adjudication and Director of Fitness to Practise
Ongoing recruitment of partners	Ensure that there are enough partners to undertake the work of the department	Ongoing exercise to recruit partners	Ongoing	Head of Adjudication
Review “human resources” within the FTP department	Ensure that resources are managed to their best effect	Undertake a review to ensure work is appropriately managed in situations where there is an unanticipated increase in workload or absence	April 2010	Director of Fitness to Practise
Ongoing Skills audit of the FTP team	Ensure that resources are being used to their best effect	Take steps to ensure that all members of the team are appropriately trained	Ongoing	Head of Adjudication and Head of Case Management
Operational Forecasting	As above	Ongoing forecasting of the number of cases and hearings that are expected	Ongoing	Director of Fitness to Practise
Budgetary Controls	As above	Ensure effective controls are in place to manage	Ongoing	Director of Fitness to Practise

		the fitness to practise budget		
--	--	--------------------------------	--	--

## Appendix 2: Fitness to Practise Forecast

		Final Position 2008-09	6 Month reforecast 2009-10	December reforecast 2009-10	Forecast 2010-2011
<b>Fitness to practise</b>					
<b>Allegations Management</b>	Allegations Received	483	660	757	818
	Ongoing Case Load	278	323	345	345
	Closed Cases (No ICP Panel)	115	146	174	194
	Allegations Managed	730	938	1035	1141
<b>ICP Cases</b>	Cases Considered	363	514	516	646
	Concluded at ICP	355	514	516	646
	Referral rate	57%	58%	60%	53%
	Cases referred	206	298	310	343
<b>Post ICP Cases</b>	Ongoing Case Load	185	234	240	210
	Total Cases Instructed	382	514	520	583
	Number of Outstanding Reviews	90	106	106	149
	Concluded Cases	175	280	280	373
	Adjourned/Part Heard	50	92	92	93
	Review cases heard	92	86	94	121
	Interim Order Panels	85	0	126	148
<b>Days of Hearing</b>	Total Days of Final Hearing		588	599	745
	Total Days of Interim Orders		0	42	49
	Total Days of Review Hearings		43	47	60

	Days of ICP	49	70	71	81
	Registration Appeals	10	7	6	10
	<b>Total All Hearings</b>	<b>59</b>	<b>708</b>	<b>765</b>	<b>945</b>
<b>Case Management Resources</b>	Allegations Managed per year		938	1035	1141
	Post Case to Answer Work				
	Review and consent Hearings presented In house		45	53	109
	Interim Orders Presented		0	115	135
	Conviction Casess		1	1	1
	Witness Assessments		10	10	10
	Witness Statements				
	Workload (Days of case)		79	203	293
	Review Hearings presentation and preparation		57	66	136
	Interim Orders presentation and preparation		0	115	135
	Conviction Cases presentation and preparation		2	2	2
	Witness Assessments		20	20	20
	Witness Statements		1	1	1
	Total Working days per Case Manager	210	210	210	210
	Case Managers required for presentation and preparation work	1	0	1	1
	Carry over of Pre-ICP Cases	278	323	345	345
Cases to Panel per month	355	514	516	646	

	Increase in allocation of work per month(total)	22	23	29	25
	Average length of case from receipt to ICP		7	7	6
	Case Managers required for allegations management		15	17	16
	Total Case Managers/Case Support Officers required		15	18	17
	Lead Case Managers required		3	4	3
<b>Hearings Officers and Rooms</b>	Working Days per Hearings Officer		210	210	210
	Lieu per year per Hearings Officer		14		15
	Days to Clerk per Hearings Officer		118		117
	Days to fix per Scheduler		354		473
	Hearings Officers required to clerk		5		7
	Schedulers Required		2		2.25
	Hearings to be Fixed		58		
	Review Hearings to be Fixed		18		
	Interim Orders to be fixed		-75		
	Room K				179
Room J				210	
Room D&G				164	
Room D				65	
Room G				65	
Rooms at EA				100	
Scotland, NI, Wales and other E				142	
External Venue				20	
<b>POT</b>					
	Cases received	383	322		375

	Carry over from previous year	103	103		103
	Cases closed	330	365		418
	Increase in cases per month				
	Average open per month		61		70
	Total cases managed	486	425		478
<b>Health and Character</b>					
	Cases received	383	611		740
	Outstanding H&C case load	50	75		75
	Cases closed	358	626		755
	Average open per month				
	Total cases managed	433	686		815
<b>Registration Appeals</b>					
	Cases received	55	50		50
	Outstanding Reg Appeal case load	27	29		29
	Cases to appeal panel	47	44		44
	Cases closed	49	44		44
	Total cases managed	82	79		79
<b>Case Team Three requirements</b>					
	Total Case Team 3case load	1001	1190		1372
	Cases per person per year (H&C, RA, POT)	286	298		343
	FTP cases managed	0	40		41
	COs required for case management	4	4		4
	Attendance at reg appeals	59	7		10
	Lieu days	3	3		3
	Field work	3	10		10
	Working days per Case Officer	210	210		210
	Case Officers required for other work	0	0		1

	<b>Total Case Managers required</b>	4	4		5
	<b>Lead Case Manager</b>	1	1		1
	<b>Total Case Team 3</b>	5	5		6
<b>Administration Work</b>					
	<b>ICP bundles - (number of ICP days)</b>	49	70		81
	<b>Final hearing bundles</b>	225	372		466
	<b>Review hearing bundles</b>	92	86		121
	<b>IO bundles</b>	85	0		148
	<b>Appeal Bundles</b>				
	<b>Alerts lists - every 2 months</b>	6	6		6
	<b>Website updated - every 2 weeks</b>	26	26		26
	<b>Catering orders - once a week</b>	52	52		52
	<b>Transcripts handled</b>	451	528		816
	<b>Hearing prep</b>	451	528		816
	<b>Travel bookings (how many on average per hearing) - 10 per month</b>	120	420		420
	<b>FTP cases to log</b>	483	660		818
	<b>H&amp;C cases to log</b>	383	611		740
	<b>POT cases to log</b>	383	322		375
	<b>RA cases to log</b>	55	50		50
	<b>Archiving - every 2 months</b>	6	6		6
	<b>Other general admin - calls, emails, assisting CMs (in hours)</b>		210		210
	<b>Invoicing</b>		6425		9907
<b>Admin time/people required</b>		in days			
	<b>Bundle days</b>		43		64
	<b>Alerts lists days - every 2 months, 1/2 day per list</b>	3	3		3



<b>Website updated days- every 2 weeks, 1 hour per week</b>	2	0		0
<b>Catering orders - 2 hour per week</b>	15	15		15
<b>Transcripts handled - 1 hour per week</b>	7	19		29
<b>Hearing prep - 30 mins per hearing</b>	32	38		58
<b>Travel bookings (how many on average per hearing) - 2 hours per booking</b>	34	120		120
<b>FTP cases to log - 1 hour</b>	69	94		117
<b>H&amp;C cases to log - 30 mins</b>	27	44		53
<b>POT cases to log - 30 mins</b>	27	23		27
<b>RA cases to log - 30 mins</b>	4	4		4
<b>Archiving - every 2 months, 1 day</b>	6	12		13
<b>Other general admin - calls, emails, assisting CMs - 2.5 hours a day per person</b>	186	90		90
<b>Invoicing</b>		214		330
<b>Admin manager time</b>		158		158
<b>Total days</b>	413	876		1081
<b>Total working days per administrator</b>	210	210		210
<b>Total people required</b>	<b>2</b>	<b>4</b>		<b>5</b>

## Appendix 3: Fitness to Practise Activities 2009-2010

This document sets out fitness to practise department activities in 2009-2010.

### Fitness to Practise work plan update

#### Fitness to Practise Objective: Ensure accessibility and improve communication and information provision

Activity	Start date	End date	Progress report
Fitness to Practise Annual Report 2009-10	January 2010	September 2010	Work on the annual report will begin in early 2010 and conclude when the report is published in September 2010. The report will be presented to the FTP Committee for discussion and approval on 3 June 2010 and Council on 7 July 2010.
Witness Support Brochure	July 2009	Mid March 2010	The brochure has been approved by the Plain English Campaign and content agreed. Correspondence with the printers has now begun about the print. The brochure is expected to be received by the HPC in mid March 2010.
Fitness to Practise Hearings DVD	July 2009	June 2010	We have reviewed other similar productions and have produced our detailed requirements. The production of the DVD itself is a project for 2010
Practice Note Manual	June 2009	June 2009	A manual of Practice Notes is now available at every hearing in Park House or available electronically at hearings held externally. All practice notes were reviewed, updated or produced over the course of the summer and approved by the Council at its October meeting.

<b>Activity</b>	<b>Start date</b>	<b>End date</b>	<b>Progress report</b>
Signposting document	April 2009	August 2009 (revised on an ongoing basis)	Internal guidance was produced for the FTP team and made available in August 2009. The document will be kept under review and updated on a regular basis to ensure it remains current.
Consumer Complaints	April 2009	On-going	Meetings have taken place with the Policy team and around signposting and further meetings are planned particularly in relation to hearing aid dispensers. A paper on consumer complaints was considered by the Fitness to Practise Committee at its meeting in October 2009.
Attendance at Employer Events	November 2009	December 2010	Department members attended the employer events on 24 and 26 November and 1 and 2 December 2009 in London, Cardiff, Belfast and Glasgow. Similar events will be organised by the Communications department for 2010-2011. A number of other events have been attended by various members of the department over the course of the year including Independent Living Scotland, British Dietetic Association Conference, Biomedical Science Congress and NHS Employers.
Document Review	April 2009	Ongoing	Standard documents are kept under review. Many letters were updated in June/July 2009 to take account of the regulation of practitioner psychologists and further changes will be made in preparation for the on-boarding of Hearing Aid Dispensers. A more extensive review of standard letters will take place in 2010 to coincide with the Case Management system project.
Development of Service Level Standards	Ongoing	Ongoing	The FTP department service standards were presented to the FTP Committee in October 2009. Service standards have been monitored by the department on a monthly basis since April 2008 with consideration given to whether the standards need amending in light of the performance of the department.

## Fitness to Practise Objective – Effective Management and Development of Legislative and New Operational requirements

Activity	Start date	End date	Progress report
Development of an integrated case management system	April 2009	April 2011	The project is proceeding in line with the project plan. All departmental processes have been documented and reviewed and a full review of the current systems has been undertaken. Vendor(s) have now been selected and the we are currently reviewing the terms and conditions for the solution. We are also developing our detailed functional and non functional requirements with a number of workshops having taken place between October 2009 and February 2010.
Transfer of the Hearing Aid Council	Ongoing	April 2010	Preparations are being made for the transfer of fitness to practice cases and meetings between the Hearing Aid Council and FTP representatives will continue to take place between now and 1 April 2010.
Transfer of the Practitioner Psychologists	Ongoing	July 2009	<p>Internal guidance was produced for the FTP team on the management of cases transferred from the BPS and AEP. Standard letters and IT systems were updated to incorporate the new profession. Panel members were recruited and the majority have now been trained. Practitioner psychologist FTP cases were transferred to the HPC on 1 July 2009. In total 44 cases were transferred at various stages of the process with a number of those cases now concluded. The action taken in relation to the retransferred cases is as follows:</p> <ul style="list-style-type: none"> <li>• 3 cases with BPS conditions of practice at the time of transfer have been reviewed and HPC conditions imposed</li> <li>• 1 case has been concluded and the registrant admitted to the register with conditions or practice</li> </ul>

			<ul style="list-style-type: none"> <li>• 1 case had a preliminary hearing in January 2010, with the final hearing listed to take place in May 2010</li> <li>• 3 cases were adjourned/part heard in January 2010 and have been re-listed to conclude in March 2010</li> <li>• 2 cases are listed for hearing in February and April 2010</li> <li>• 13 cases transferred from the BPS with ongoing investigations have been considered by the Investigating Committee. No case to answer was found in 11 cases, 1 case was referred back for further information and 1 case was referred to the Conduct and Competence Committee</li> <li>• 12 cases have been closed as they do not meet HPC's standard of acceptance for allegations</li> <li>• 10 cases are awaiting consideration by the Investigating Committee</li> </ul>
Implementation of the requirements the Protection of Vulnerable Groups and Safeguarding Vulnerable Groups Act	September 2009	On-going	<p>We have attended number of meetings and briefings with the Independent Safeguarding Authority and the Protecting Vulnerable Groups Scheme in Scotland.</p> <p>Preparations, such as changes to the FTP database were made for the requirements that come into effect in October 2009. A practice note was produced and approved for managing barring allegations. Work is on-going in relation to the requirements that will come into effect in 2010, this includes the development of a number of assessment forms for referral decisions to be made.</p>
Renewals Cycle Review	April 2009	October 2010	A definitive decision regarding the implementation of an alternative process will be made once until online renewals data has been gathered as this will have an influence on the decision whether or not to proceed with this project.
Improve Identity Checks	June 2009	Ongoing	The Registration Department have identified a third party provider to assist with validating registrant's qualifications and employment

			history, submitted with an application to the Register, and negotiations are underway to implement this new process
Initial Audit of Fitness to Practise decisions	November 2009	February 2010	<p>The CHRE audit was scheduled to take place between 30 November 2009 and 12 January 2010, however finished in the week of 21 December 2009.</p> <p>The CHRE report is due to be published at the end of February 2010. It is anticipated that the report will be on the Council agenda for March 2010.</p> <p>An audit was also conducted by PKF in relation to the risks managed by the department and a selection of cases and a report was considered by the Audit Committee in December 2009. A paper is due to be considered by the Fitness to Practise Committee in February 2010.</p>
Panel Member Appraisal	Ongoing		All panel chairs have been appraised. The Partners department are now sending out papers to other panel members for the 180 degree appraisals.

## Fitness to Practise Objective –Consistent and effective decision making

Activity	Start date	End date	Progress report
Review Indicative Sanctions Policy	June 2009	December 2009	The policy was discussed and approved at the October 2009 Council meeting. Reviews from across the directorate have been fielded.
Impairment Practice Note		July 2009	This practice note was approved in April 2009 and subsequently updated and approved by the Council in October 2009.
CHRE learning points feedback		Ongoing	We ensure we update our documents with any relevant learning points. We also provide feedback from CHRE learning points in the FTP newsletter. The lead hearings officer also provided feedback to the individual panel members and legal assessors where appropriate.
Monitor updates in regulatory law		Ongoing	We continually monitor this to ensure changes are appropriately reflected in all of our documents. We also provide feedback from this to the legal assessors.
Panel Chair, Legal Assessor and Panel Member Review Days		Ongoing	A review day for panel chairs is planned for early 2010. The last legal assessor review day took place in September 2009. All but 14 panel members have attended refresher training days and the next tranche of training for 2010 is currently being planned.
Appointment and training of new panel members, panel chairs and legal assessors		Ongoing	Seven panel chairs were appointed after interviews in April 2009. We have also appointed a number of new panel members. Practitioner psychologist panel members were appointed and trained and are have begun sitting on panels. Hearing Aid Dispenser panel members have also been trained.

			An advert for legal assessors closes on 05 February 2010 to cope with the increase in the number of hearings.
Quarterly newsletter for fitness to practise partners		Ongoing	A quarterly newsletter is circulated to all FTP partners raising a range of issues, updates and areas of learning.
<b>Activity</b>	<b>Start date</b>	<b>End date</b>	<b>Progress report</b>
Quality Assurance of Decisions		Ongoing	Mechanisms to formalise existing processes to quality assure panel decisions are currently being explored. In association with the work undertaken on not well found cases this work should feed into refresher training sessions and further review of FTP Practice Notes.



## Fitness to Practise Objective – Ensure processes and procedures are working to their best effect

Activity	Start date	End date	Progress report
Complainant Expectations research	April 2009	March 2010	A research brief was issued and IPSOS MORI commissioned to undertake the work. The research proposal was finalised interviews and discussion groups took place in October and November 2009. The research and a work plan for the implementation of the recommendation will be considered at the Fitness to Practise Committee in February 2010.
Develop and Implement Sifting tools	April 2009	December 2010	A review was undertaken and resulted in the redrafting of the Allegations practice note which will be considered by the Fitness to Practise Committee in February 2010.
Suspended registrants	October 2009	December 2010	This area of work will be taking place in early 2010.
Produce, develop and refine Fitness to Practise Operating Guidance	Ongoing	Ongoing	A number of FTP operational guidance documents have been drafted and updated. New guidance documents include public or private hearings, vexatious complaints, file structure, taking complaints over the phone and signposting.
Keep under review the length of time it takes cases to conclude	Ongoing	Ongoing	Monthly reports are produced on the length of time cases take to reach various stages in the FTP process. A paper will be considered by the Fitness to Practise Committee in February 2010.
Review Service Level Standards	Ongoing	Ongoing	As above

## Fitness to Practise Objective – Ensure Effective Management of Resources

Activity	Start date	End date	Progress report
Skills Audit	April 2009	Ongoing	Training has been identified and accounted for in the 2010/11 budget.
Long term training plan	April 2009	March 2010	<p>Members of the team have completed the following training this year to date:</p> <ul style="list-style-type: none"> <li>• Contact management (all)</li> <li>• Understanding psychological therapies (all)</li> <li>• Team away day focusing on communication and insight (all)</li> <li>• Time management</li> <li>• Leadership/management</li> <li>• Personal development</li> <li>• Equality and diversity</li> <li>• Advocacy</li> <li>• Transfer of psychologists</li> </ul> <p>Further training will take place in relation project management, facilitation and the on-boarding of hearing aid dispensers later in the year.</p> <p>An internal FTP induction programme has been developed to standardise the induction given to new employees.</p> <p>Generic and individual training needs for the coming year have been reviewed and incorporated into the budgets for 2010/11. This includes BTEC in investigative practice, assertiveness, time management and team leadership and management.</p>
Budgetary controls	Ongoing	Ongoing	We have completed the tender for transcription writer services.

## Appendix 4: Risk Register

THE HEALTH PROFESSIONS COUNCIL												
RISK ASSESSMENT February 2010												
											Fitness to Practise	
Ref	Category	Ref #	Description	Risk owner (primary person responsible for assessing and managing the ongoing risk)	Impact before mitigations February 2010	Likelihood before mitigations February 2010	Risk Score = Impact x Likelihood	Mitigation I	Mitigation II	Mitigation III	RISK score after Mitigation February 2010	RISK score after Mitigation September 2009
13	Fitness to Practise	13.1	Legal cost over-runs	FTP Director	4	4	16	Processes and strict arrangements with law firm suppliers	Professional Indemnity Insurance	Good process management for arranging hearings	Low	Low
			Links to 13.4, 15.2									
		13.3	Tribunal exceptional costs, FTP, Registrations and CPD Appeals	FTP Director	5	5	25	Quality of operational processes	Quality of legal advice	Legal insurance	High	High
		13.4	Rapid increase in the number of Tribunals and resultant legal costs	FTP Director	3	3	9	Accurate and realistic budgeting	Resource planning	-	Low	Low
			Links to 13.1									
		13.5	Witness non-attendance	FTP Director	4	2	8	Vulnerable witness provisions in the legislation	Witness support programme	Witness summons	Low	Low
		13.6	Employee/Partner physical assault by Hearing attendees	FTP Director	5	5	25	Advice sought from the Police	Adequate facilities security	Periodic use of security contractors and other steps	Low	Low
		13.7	High Number of Registration Appeals	FTP Director & Director of Operations, Head of Registrations	3	5	15	Training and selection of Registration Assessors, so reasoned decisions are generated	Quality of operational processes	-	Low	Low

