

Fitness to Practise Committee – 25 February 2010

Mechanisms to review decisions

Executive summary and recommendations

At its meeting in December 2009, the Council agreed with the recommendation resulting out of the review by the Executive of the CHRE's review into the conduct function of the General Social Care Council, that the Executive should consider mechanisms by which the HPC could be satisfied with the quality of decisions reached by practice committee panels.

As a result, the Executive recommends that the attached audit sheets for case to answer and final decisions should be approved by the Fitness to Practise Committee.

The approach set out in the audit sheets requires an assessment of panel's adherence to the applicable law and to HPC policy in a given area. As such, it is an audit of decision making within the reasonable range of decisions open to panels, rather than any form of second-guessing of individual decisions. If there is any concern raised regarding the quality of the decision reached (rather than the decision itself), this will be raised with the panels concerned and may be taken into account through the appraisal process. Any common themes will also be covered in ongoing refresher training and through the quarterly FTP newsletter to panel members.

Furthermore, such an assessment will also flag any areas of where further policy development or policy consideration is required.

In developing this approach to auditing decisions, the Executive has been careful to avoid the creation of any mechanism which would cast doubt upon the individual decisions reached by panels or which would undermine the independent and impartial nature of their decision making functions; and "arms-length" feature of the HPC Fitness to Practise process which the Council has strenuously safeguarded.

Decision

The Committee is asked to

- (a) approve the process for auditing decisions; and
- (b) instruct the Executive to provide a report on that review on a six monthly basis.

Background information

Panel member feedback forms are completed at the conclusion of substantive and review hearings. These forms cover issues such as logistical and procedural arrangements, quality of facilities and resources and whether there is any issue that the panel wishes to bring to the attention of the Council. Any relevant issues are taken into account on an ongoing basis.

Resource implications

The forms reviewing the case to answer decisions will be completed by the case manager and a review of those forms undertaken by the Policy and Standards team.

A policy officer within the Policy and Standards team will review the final hearing decisions.

Financial implications

None

Appendices

Review forms: Case to Answer and Final Decisions

Date of paper

15 February 2010

Audit Form
**Decisions as to whether there is “Case to Answer” made by
or on behalf of the Investigating Committee**

Case details

Case name	
Case reference	
Date of Decision	
Complainant Type	
Decision by	

1. Investigation

Allegation meets the Standard of Acceptance?	Yes/No [Identify the registrant/Identify complainant/provide allegation in sufficient detail/is it about fitness to practice]
Has the case previously been considered by another organisation (e.g. BPS/HAC)?	Yes/No
Expert or Clinical Advice sought?	Yes/No/Reasons
Legal Advice sought?	Yes/No/Reasons
Number of requests for information made	
Article 25 powers used?	Yes/No
Further clarification requested on receipt of registrants observation from complainant or another third party?	Yes/No
Should further clarification have been sought?	Yes/No/Reasons

2. Decision

What was the decision?	Case to Answer/No Case to Answer/Further Information
If further information was sought, was this a decision that could have been reached before the Investigating Committee met?	Yes/No/Reasons
Was the allegation amended?	Yes/No/Reasons
Has the realistic prospect test been applied to the whole of the allegation?	Yes/No

Facts	Yes/No
Ground	Yes/No
Impairment	Yes/No
Is this the decision clearly reasoned?	Yes/No/Comments

3. Other Considerations

If the decision was “no case to answer” is it appropriate to provide the registrant with any learning points?	Yes/No
If Yes, what is that learning	Comments
If it were possible, should consideration have been given to resolving this case in another way?	Yes/No/Comments

4. Policy issues

Are there any emerging policy issues?

Audited by:

Date:

Audit Form Final/Review Hearing Decisions

Case details

Case name	
Case reference	FTP
Panel type	Conduct and Competence/Health/Investigating/Review
Hearing date	
Legal Assessor	
Panel Chair	

1. Procedural issues

If the Registrant was not there and unrepresented, did panel consider issue of proceeding in absence?	Yes/No/Registrant or rep attended
Did any other procedural issues arise?	Yes/No/Comments
Was Legal Assessor advice disregarded?	Yes/No/Comments
Was the 3 stage test applied?	Yes/No/Comments
Evidence by way of mitigation considered	

2. Drafting

Is decision written in clear and unambiguous terms (does it avoid jargon, technical, esoteric language)?	Yes/No/Comments
Is it written in short sentences?	Yes/No/Comments
Is it written of target audience?	Yes/No/Comments
Was the factual background of the case included in the decision?	Yes/No/Comments
If review hearing, does decision make reference to previous facts?	Yes/No/Comments/Not review hearing
Is it a stand alone decision?	Yes/No/Comments
Are there adequate reasons for the decision?	Yes/No/Comments
Conclusions on submissions (adjourned, facts, admissibility)	Yes/No/Comments
Does it clearly set out the finding of facts (including disputed and undisputed facts and if disputed, why decision was made)	Yes/No/Comments

3. Order

What was the panel's decision?	Not well founded/ no further action/ mediation/ caution/ conditions/ suspension/ striking off
How long was the sanction imposed for?	
Does the order accord with sanction policy?	Yes/No/Comments
Does it state the operative date of the order?	Yes/No/Comments
Does it state the end date of the order?	Yes/No/Comments
If conditions imposed: - are they realistic (is the registrant able to comply)? - are they verifiable (are dates on which information is due specific and clear)? - are they imposed on anyone other than the registrant?	Yes/No/Comments Yes/No/Comments Yes/No/Comments

4. Policy issues

Are there any emerging policy issues?

Audited by:

Date: