

Fitness to Practise Committee – 3 June 2010

Fitness to Practise website information

Executive summary and recommendations

The IPSOS Mori Social Research Institute research into the 'Expectations of Complainants' considered by the fitness to practise committee in February 2010 made a number of recommendations as to how the HPC could improve its communications with registrants, employers and key stakeholders. That recommendation particularly recommended that 'reasons behind the details of all hearings being provided on the internet are explained' as well as ensuring information regarding the fitness to practise process was clear and accessible.

We also have received anecdotal and other feedback from a number of sources regarding the publication of information. The most frequent questions are why some information is published and why some is not. Alongside with a wider review of the information provided on the website and in literature, the Executive proposes to make it clearer on the website the reasons for this.

Attached to this document as appendices is a paper detailing previous Council and Committee discussion on this topic and a table setting out the information that is published to aid the Committee in their understanding of policy in this area.

The Executive are also progressing with the project to provide a podcast on FTP proceedings. It is hoped this medium may be more accessible than text based information and provide accessible information to all stakeholders.

Background information

None

Decision

The Committee is asked to discuss this paper.

Resource implications

None

Financial implications

None

Appendices

A - Website Information policy.

B - Table of published information.

Date of paper

20 May 2010

Health Professions Council
Council – 29th March 2007

Website Information

Executive Summary and Recommendations

Introduction

In January 2007 the three fitness to practise committees considered a paper from the Executive regarding the scope and nature of the information that is provided in relation to Fitness to Practise cases on the HPC website. This paper is attached for the Council's information. The Committees were asked to make a recommendation to Council regarding the information that was included on the website. The Committee were provided with three options which were as follows:

1. No change
2. No Information
3. Middle Ground

All three committees felt that it was not appropriate to provide no information on the website.

The Health Committee was the first fitness to practise committee to meet in January 2007 and they felt that it was important to ensure consistency in approach across all healthcare regulators. The Director of Fitness to Practise was asked to raise this at the FTP manager's forum operated by the Council for Healthcare Regulatory Excellence (CHRE). The forum discussed this issue and the policy of the other healthcare regulators is to publish information relating to hearings (including the allegations) 28 days (maximum) in advance of the date of the hearing.

The Health Committee felt unable to make a recommendation between option one and three until the other practice committees had met and discussed the issue.

The Investigating Committee also discussed the matter in full and could not reach a consensus on the most appropriate option and agreed to wait for the decision reached by the Conduct and Competence Committee.

The Conduct and Competence agreed that option three (as detailed in the attached paper) was the best balance between public protection, openness and transparency, and respecting the rights of individual registrants who were subject to an allegation. The Committee recommended that details of hearings be placed on line 28 days in advance of the date fixed for hearing. The Committee also felt that the Council's powers in respect of interim orders ensured that the public would be adequately protected before the date of a hearing was placed on line.

The Executive was asked to collate this information and ask Council to make a decision in relation to the information included on the HPC website.

The Council is therefore asked to approve the recommendation made by the Conduct and Competence Committee in relation to the level of information that is included on the HPC website.

Transcripts

The Committees were also asked to consider a recommendation from the Executive regarding transcripts.

All three Committees agreed with the recommendation that transcripts should not be placed on the HPC website and that all historic transcripts should be removed from the website. The Conduct and Competence Committee agreed that a message should be placed on the website stating that if a member of the public required a copy of the transcript they should contact the fitness to practise department directly. This is line with ensuring that information is publically available.

Decision

Post Case to Answer Information and Hearing Dates

1. The Council is asked to approve the recommendation of the Conduct and Competence Committee and agree that:
 - a) Hearing dates and the notice of allegation should be placed on the HPC website four weeks in advance of the date of the hearing; and
 - b) Remove all cases which do not comply with the recommendation set out above from the HPC website until four weeks before the date of the hearing.

Transcripts

1. The Council is asked to approve the recommendation of the three fitness to practise committees to remove historic transcripts from the website and cease with the practice of placing transcripts on-line.

Background Information

If the Council does approve the recommendation set out above, the Executive will place information on the website informing the public and other stakeholders of this decision.

Resource implications

None

Financial implications

None

Appendices

Website Information paper presented to the three fitness to practise committees in January 2007.

Date of paper

13th March 2007

Type of Case	Information published	Rationale
Allegation – No Case to Answer	None	Article 26(8) of the Health Professions Order prohibits the publication of no case to answer decisions.
Allegation – Case to Answer	No information available on the HPC website. Information regarding cases which have been case to answered is available through FTP alerts which are issued bi-monthly.	Council approved the policy regarding the publication of case to answer decisions in March 2007. Previously all information regarding case to answer decisions were placed on the website. The revised policy seeks to strike a proportionate balance between public protection and the rights of the registrant
Allegation – Further information required	None	A decision has not been reached as to whether there is a case to answer.
Cases listed for interim order	The date of and time of the interim order application is listed in the complaints section of the HPC website as soon as it is listed for hearing. Applications for interim order are generally made within seven days of the decision to apply for such an order	Such hearings are public hearings and do not fit with the usual notice period provided for substantive hearings.
Cases considered by interim order panels	Whether the panel has granted the application to impose an interim order	To avoid prejudicing the substantive hearing which considers the case
Case listed for Conduct and Competence and Health Committee Panel hearings	Four weeks before the date listed for the hearing, the date, time, venue and allegation are posted in the complaints section of the website. Alerts are also updated. If a case has been part heard we also list the dated scheduled to hear the reconvened case	Council approved the policy regarding the listing of hearings in March 2007
Conduct and Competence Panel hearings – well founded	The publicly pronounced decision and order is posted on the website and is archived in	The decision and annotation of the register are matters of public record

determinations	accordance with the 'Fitness to Practise and Regulatory Activity' retention policy approved by the Council in October 2009	
Conduct and Competence Committee Panel hearings – not well founded determinations	No information is published unless the registrant provides their consent to do so.	Article 29(1) of the Health Professions Order prohibits the publication of not well founded decisions
Health Committee Panel hearings –well founded determinations	The publicly pronounced decision and order is posted on the website and is archived in accordance with the 'Fitness to Practise and Regulatory Activity' retention policy approved by the Council in October 2009	The decision and annotation of the register are matters of public record
Health Committee Panel hearings – not well founded determinations	No information is published unless the registrant provides their consent to do so.	Article 29(1) of the Health Professions Order prohibits the publication of not well founded decisions
Case listed for Investigating Committee Panel hearing	Four weeks before the date listed for the hearing, the date, time, venue and allegation are posted in the complaints section of the website. Alerts are also updated. If a case has been part heard we also list the dated scheduled to hear the reconvened case	Council approved the policy regarding the listing of hearings in March 2007
Investigating Committee Panel decisions –proven	The publicly pronounced decision and order is posted on the website and is archived in accordance with the 'Fitness to Practise and Regulatory Activity' retention policy approved by the Council in October 2009	The decision and annotation of the register are matters of public record
Investigating Committee Panel decisions – not proven	No information is published unless the registrant provides their consent to do so.	Article 26(8) of the Health Professions Order prohibits the publication of not well founded decisions of the Investigating Committee

Cases listed for review	Four weeks before the date listed for the hearing, the date, time, venue and allegation are posted in the complaints section of the website	Council approved the policy regarding the listing of hearings in March 2007
Review hearing decisions	The publicly pronounced decision and order is posted on the website and is archived in accordance with the 'Fitness to Practise and Regulatory Activity' retention policy approved by the Council in October 2009	The decision and annotation of the register are matters of public record