

Fitness to Practise Committee 21 October 2010

2010-11 Fitness to Practise Department work plan update

Executive summary and recommendations

Introduction

The attached appendix is intended to provide the Committee with an update on the progress that has been made in relation to the 2010-11 Fitness to Practise work plan and the work associated with the recommendations arising out of expectations of complainants research.

Decision

The Committee is asked to note the paper, no decision is required.

Background information

The Fitness to Practise Committee approved the Fitness to Practise department work plan at its meeting in February 2010

Resource implications

None

Financial implications

None

Appendices

Fitness to Practise Department work plan update
Expectations of Complainants work plan update

Date of paper

4 October 2010

Fitness to Practise work plan update 2010-11

Ensure accessibility and improve communication and information provision

Activity	Start date	End date	Progress report
Expectations of Complainants	April 2010	December 2010	See separate appendix
Fitness to Practise Annual Report	April 2010	September 2010	The annual report was published on 14 September 2010
Practice Notes	Ongoing	Ongoing	<p>The Council approved new and updated practice notes on the following topics at its meeting in July 2010.</p> <ul style="list-style-type: none"> - Review of Striking Off Orders: New Evidence and Article 30(7) - Conducting Hearings in Private - Finding that Fitness to Practise is “Impaired” - Case Management and Directions - Hearing venues <p>The Fitness to Practise Committee will be asked to consider at its October 2010 new or updated practice notes on:</p>

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2009-01-08	a	F2P	STRAT	Fitness to Practise Workplan 2009-10	Draft DD: None	Internal RD: None

			<ul style="list-style-type: none"> - Discontinuance - Misuse of the HPC Collective mark - Assessors and Expert witnesses
Standard Letters review	April 2010	July 2010	A review of the standard letters used by the FTP department was undertaken over the course of the summer. A number of letters have been updated, created and as part of the Case Management system project, renamed.
Attendance at Employer Events	December 2010	March 2010	Employer events are expected to take place in February 2011. Members of the department have attended a range of other events. FTP provide 16 days of employee time to other events and exhibitions attended by the HPC.

Effective Management and Development of Legislative and New Operational requirements

Activity	Start date	End date	Progress report
Implementation of Integrated case management system	March 2010	September 2011	See separate paper on FTP Committee agenda for October 2010
Transfer of the Hearing Aid Council	April 2010		<p>The transfer of the regulatory responsibility from the Hearing Aid Council took place as expected on 1 April 2010.</p> <p>Eleven cases were transferred to the HPC. Eight of those cases were within the remit of the Conduct and Competence Committee, Two had not yet been considered by an Investigating Committee and one case where the HPC equivalent of a suspension order had been imposed.</p> <p>Between April and July 2010 12 new allegations/enquiries were</p>

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			received regarding Hearing Aid Dispensers. 56 per cent of those cases were from members of the public There has been 0 complaints about misuse of title and 1 about misuse of function. This amounts to 2 per cent of the total number of complaints received between April and July 2010.
Implementation of the requirements of the Protection of Vulnerable Groups and Safeguarding Vulnerable Groups Act	April 2010		See separate paper on FTP Committee agenda for October 210
Review the approach the FTP team take towards Freedom of Information Act and Data Protection Act requests including evidence management	April 2010	July 2010	Work is ongoing in this area
Partner systems review	April 2010	December 2010	This project has been put on hold
Revalidation	Ongoing	Ongoing	Data has been provided to the Policy team about fitness to practise cases where the case was well founded. This included data about profession, date of birth, gender, route to registration, location of the incident and employment status. The Policy Team are working on the analysis of this data with a consultant.

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Consistent and effective decision making

Activity	Start date	End date	Progress report
Work with the partner department to review the appraisal system used for panel members and panel chairs	April 2010	April 2011	Work on the appraisal tool was undertaken during August with the Partner department. The tool is now formatted in the same manner as the Education Partner appraisal tool. Appraisal themes have been reviewed and refreshed and the new form is now in use for future appraisals.
Panel Chair, Legal Assessor and Panel Member review and training days	Ongoing	Ongoing	Training for new partners and refresher training for existing partners has continued to take place. Training for new legal assessors took place in May 2010 with a review day for all legal assessors scheduled to take place in October 2010. Refresher training for panel chairs took place in April 2010. 45 partners have now received the second cycle of refresher training (over two sessions) with the remainder scheduled to receive it over the course of 2010-11
Monitor updates in regulatory law	Ongoing	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,
Quarterly newsletter for fitness to practise partners	April 2010	March 2011	A quarterly newsletter continues to be circulated to all FTP partners raising a range of issues, updates and areas of learning
CHRE learning points	Ongoing	Ongoing	As and when they are received, CHRE learning points (as appropriate) are provided in the FTP newsletter. A separate paper is on the FTP Committee agenda on the action that has been taken in relation to the recommendations from CHRE's audit of the initial stages of HPC's FTP processes.
Qualitative review of decisions	Ongoing	Ongoing	There is a paper on this subject on the FTP Committee agenda for October 2010
Implement mechanisms	Ongoing	Ongoing	There is a paper on this subject on the FTP Committee agenda for

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to quality control decisions			October 2010
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Ensure processes and procedures are working to their best effect

Activity	Start date	End date	Progress report
Alternative methods to resolve complaints/disputes	April 2010	December 2010	There is a paper on this subject on the FTP Committee agenda for October 2010
Review occupational therapists health declarations	January 2011	March 2011	Work in this area is scheduled to begin in January 2011
Review mechanisms of dealing with drink drive or drug convictions	August 2010	March 2011	There is a paper on this subject on the FTP Committee agenda for October 2010
Operating guidance and decision making templates	Ongoing	Ongoing	<p>Operating Guidance on the following subjects have been produced:</p> <ul style="list-style-type: none"> - Joinder - Consumer complaints - Instructing registrant assessors for ICP - Misuse of HPC logo - Protection of function offences - Attending ICP's - Case investigating reports <p>New/updated templates have been produced on</p> <ul style="list-style-type: none"> - Consent

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			<ul style="list-style-type: none"> - Signposting - Taking complaints over the phone - Taking complaints in person - Protection of title offences <p>A paper on the revisions made to the Investigating Committee process and paper work is on the FTP Committee agenda for October 2010.</p> <p>We are in the middle of reviewing the documentation provided to final hearing panels. This includes the provision of a skeleton argument on all cases.</p>
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Ensure Effective Management of Resources

Activity	Start date	End date	Progress report
Reappointment and Ongoing reappointment of partners	April 2010	July 2010	<p>FTP partners were required to undergo a reappointments exercise in order for their contracts to be extended (or not). This process was concluded in July 2010. We are reviewing our needs going forward given the requirement in the legislation that FTP partners are appointed for a maximum of 8 years (with the period of appointment for partners appointed before July 2007 to begin in July 2007).</p> <p>11 new legal assessors have been appointed and trained and are now being used.</p> <p>Chiropodists and Dietitians Partners were recruited due to</p>

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			insufficient numbers. Recruitment for new lay panel members is currently ongoing.
Review "human resources" within the FTP department	April 2010	April 2010	A newly created position of Investigations Manager was created this year. This post was filled by Zoe Maguire who is now responsible for the management of the lead case managers. We have also appointed two case support officers whose role it is to provide administrative support to the case managers. We are currently reviewing our requirements relating to ISA and Audit.
Ongoing skills audit of the FTP team	Ongoing	Ongoing	<p>A series of workshops have been organised for Case Managers and Case Support Officers at which training on a specific areas of the process is given by Jonathan Bracken and the Lead Case Managers. Three have taken place since April, and a further three are planned over the course of the autumn/winter. The topics covered are:</p> <ul style="list-style-type: none"> - Use of article 25(1) - Drafting allegations - Standard of acceptance for allegations - ICP decisions - Consent orders - Risk assessment and interim orders <p>Other training undertaken by members of the team includes:</p> <ul style="list-style-type: none"> - BTEC in investigative practice - Presenting with impact - Advocacy - Introduction to supervision and team leadership - Project management - Assertiveness and confidence - Microsoft Excel - PA skills - Health Professions Order - Time management <p>The Hearing Team are attending a two day course on</p>

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			<p>'Assertiveness' at the end of September 2010. The Lead Hearings Officer also attended the 'Presenting with Impact' course.</p> <p>Different members of the Hearing Team have also been to visit suppliers for hearings and other regulator's proceedings to try to improve communication and look for ways to make efficiencies in our work where possible.</p> <p>On 11 October 2010 a day has been arranged for FTP employees to try to understand more about Council Members, their role and their particular profession. Four Council Members are attending to give presentations to the FTP team.</p>
Operational Forecasting	Ongoing	Ongoing	This is an ongoing area of work
Budgetary Controls	Ongoing	Ongoing	We have engaged Blake Laphorn to act on HPC's behalf to present ten fitness to practise cases.

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Update on expectations of complaints work

Activity	Timescale	Update
Review website information policy	May 2010	Paper and approach considered and agreed by Fitness to Practise Committee in June 2010
Review information provided on the website	April – December 2010	Content currently being prepared with new information due to go live in October 2010
Keep under review standard of acceptance for allegations	Ongoing	<p>Revised practice note approved by Council in May 2010.</p> <p>Remains under review. Work being undertaken in relation to self referrals and updating the Health and Character Policy</p>
Alternative mechanisms to resolve disputes	April – December 2010	<p>Literature review commissioned and Committee due to consider a paper at its meeting in October 2010.</p> <p>A paper reviewing decisions reached by panels of the Investigating Committee and final hearing panels due to be considered by the Committee in October 2010</p> <p>Update on the use of “learning points” in Investigating Committees provided as a paper for the Committee in October 2010</p>
<p>Review and update Existing Publications and produce new publications where necessary</p> <ul style="list-style-type: none"> - The fitness to practise process: Information for employers - What happens if a complaint is made against me? - How to make a complaint about a health professional - Information for 	April – September 2010	<p>Seminar took place on 3 June 2010 on the expectations of complainants research. This seminar also included reviewing a policy statement on the meaning of fitness to practise.</p> <p>Policy statement on fitness to practise approved by Council at its meeting in July 2010.</p> <p>New Brochures due to be published in October 2010</p> <p>Referral forms updated and in use from</p>

witnesses - Reporting a concern form		October 2010
General review of relationship with employers including: - a referral form for employers - self-referral form for registrants	June – December 2010	Referral forms updated and in use from October 2010. Report on the meetings that have taken place with Ambulance Trusts provided as a paper for the Committee meeting in October 2010 Employer events taking place in February with content to be confirmed.
Standard letters review	April – July 2010	Case Management standard letters reviewed and updated
Hearings DVD	April – September 2010	Web information due to go live in October/November 2010
Annual review of witness and complainant feedback	February 2011	Form has been redesigned and included in the witness brochure. Forms also being distributed by reception when witnesses attend hearings at HPC