

Fitness to Practise Committee

Public minutes of the eighth meeting of the Fitness to Practise Committee held as follows:

Date: Wednesday 22 February 2012

Time: 10:30 am

Venue: The Council Chamber, Health Professions Council, Park House, 184 Kennington Park Road, London SE11 4BU

Members: Pradeep Agrawal
Jennifer Beaumont
Malcolm Cross
John Donaghy
Julia Drown
Morag MacKellar
Penny Renwick
Keith Ross (Chair)
Annie Turner

In attendance:

Kelly Johnson, Director of Fitness to Practise
Zoe Maguire, Investigations Manager
Steve Rayner, Secretary to the Committee
Marc Seale, Chief Executive

Part 1 – Public Agenda

Item 1 Chairs introduction

- 1.1 The Chair welcomed the Committee and the members of the public gallery to the meeting.

Item 2 Apologies for absence

- 2.1 Apologies were received from Deep Sagar.

Item 3 Approval of agenda

- 3.1 The Committee approved the agenda.

Item 4 Declaration of members' interests

- 4.1 The Chair and Julia Drown declared an interest in item 13, regarding the HPC's interaction with the Council for Healthcare Regulatory Excellence (CHRE). At the time of the meeting, the Chair's wife was a member of the CHRE. Ms Drown was the Chair of the NMC Audit Committee. The Committee did not consider that this precluded the Chair or Ms Drown from discussions.

Item 5 Minutes of the meeting of 13 October 2011 (FTP 01/12)

- 5.1 The minutes were accepted as a correct record and signed by the Chair.

Item 6 Matters arising (FTP 02/12)

- 6.1 The Committee received a paper to note from the Executive summarising actions taken against matters arising from previous meetings.
- 6.2 The Committee noted the actions.

Item 7 Director of Fitness to Practise report (FTP 03/12)

- 7.1 The Committee received a paper for discussion from the Executive providing a summary of the work of the Fitness to Practise Department (the Department) from October 2011 to January 2012. The paper also included key statistical data on the fitness to practise (FTP) process.
- 7.2 The Committee discussed key activities for the Department, during which discussion, the following points were raised:

Stakeholder meetings

- 7.2.1 The Director had met with representatives of the Law Commission and attended other meetings with HPC colleagues to discuss the Commission's review of the legislative framework for the Regulators of

Health Professionals. The consultation on the review was due to be published in March.

Court Appeals

- 7.2.2 There were currently three registrant appeals to the High Court and one referral made by the Council for Healthcare Regulatory Excellence. In one other case, a complainant was seeking permission to judicially review the decision of an Investigating Committee Panel.
- 7.2.3 Two cases were pending with the Information Tribunal. In both cases the HPC's decision not to disclose information to was being challenged.

Management data

- 7.2.4 'Protection of title' cases were at lower levels than in the last two years. Reports from the GSCC were that they did not experience many 'protection of title' cases.
 - 7.2.5 Once live, the new Case Management System would have the capability of producing more detailed data on the FTP process.
 - 7.2.6 Allegations received from employers were higher for some professions than others. It was noted that this was most likely to be due to external factors. For example allegations from some professions would naturally be higher due to the scope of practise for those roles (i.e. access to controlled drugs).
 - 7.2.7 It would be useful to see data on the percentage of allegations from each profession which went to final hearing and whether there were common issues or conclusions that could be drawn from that comparison. The Committee noted that this data would be developed as part of the annual report process.
 - 7.2.8 Whilst the data on the percentage of allegations from each profession which went to final hearing would be useful for surface level analysis, it was still unlikely to produce statistically significant results, due to the sample sizes.
- 7.3 The Committee noted the management report.

Item 8 Fitness to Practise Department work plan (FTP 04/12)

- 8.1 The Committee received a paper for discussion/approval from the Executive setting out the draft FTP work plan for 2012-13. The paper included an update on the work plan for 2011-12 as an appendix.

- 8.2 The Committee noted that the Department's activity for 2011-12 had been delivered to within a 0.3% variance to the agreed budget for the year.
- 8.3 The Committee discussed the work plan for 2012-13, during which discussion the following points were raised:
- 8.3.1 With the delivery of two major projects and an increase of allegations and employees, there were parts of the workplan which may need to be moved to allow the Department to continue to operate effectively.
 - 8.3.2 There were parts of the workplan which were dependent on preliminary work, and may not therefore require the commitment of continuing resources. For example, ongoing development of Mediation would be dependent on the success of the pilot.
 - 8.3.3 In order to ensure that the Department had capacity to continue to deliver the increased case load, analysis of the projected FTP data would continue throughout the year. Analysis would be undertaken to identify the times of the year that exceptions were most likely to take place.
 - 8.3.4 The work-force of the Department was due to grow significantly in 2012-13. Nevertheless, the department had dealt with similar rapid growth robustly in the last few years.
 - 8.3.5 The Committee noted that the risk register was seen regularly by the Executive Management Team (EMT) and reviewed by the Audit Committee as part of its regulator business
 - 8.3.6 As mitigation against the risk of dealing with more high profile cases an enhanced media engagement strategy was being developed with the Communications department. This included a procedure for developing press statements, guidance for employees on dealing with the press, and media training for hearings officers.
- 8.4 The Committee found reassurance in the evidence that the 2011-12 work plan was broadly complete.
- 8.5 The Committee approved the FTP workplan for 2011/12.

Item 9 Investigating committee decision review (FTP 05/12)

- 9.1 The Committee received a paper for discussion from the Executive providing an analysis of an audit of decisions made by HPC investigating Committees between April and December 2011.
- 9.2 This was the third such review, which was developed to be presented to the Committee on a regular basis as a quality assurance mechanism; and to

inform improvements to the process by the Department. The Committee had considered similar audits in October 2010 and in May 2011.

- 9.3 The review provided analysis in four areas, which had been considered in respect of each investigating Committee decision: investigation; decision; other considerations; and policy issues.
- 9.4 The Committee noted that, although Article 25(1) had been quoted in only 16 decisions by the Investigating Committee during the audit period, the power had been found to be broadly effective. It was noted that the GSCC did not have a similar power to demand information.
- 9.5 The Committee noted that the graph on page five of the report was an indicator of the importance of certain standards. The reports were regularly reviewed by the Policy Department to contribute to work on standards.

Item 10 Transfer of regulatory functions from the GSCC to HPC (FTP 06/12)

- 10.1 The Committee received a verbal update from the Chief Executive regarding the regulation of social workers in England project.
- 10.2 At the Council meeting on 14 October 2010, the Council agreed that there would be a standing item on every Council and Committee agenda, whereby the Executive would update the meeting on the progress of the project. As the project was developing rapidly, a verbal report on progress would be made to each meeting.
- 10.3 A presentation by a social worker to an all-employee meeting had been well received.
- 10.4 The HPC and the GSCC had now signed a memorandum of understanding regarding the provision of advice by the HPC to the GSCC on conduct in the months leading up to the transfer. The HPC had been given access to the GSCC case files, and the operational process to provide advice to the GSCC had begun.
- 10.5 Cases which were assessed as being likely not to be complete by the transfer of the register were to be postponed, so that they could be delivered by the HPC in full after the transfer. This would allow the GSCC to concentrate resources on completing the current case load. The project to transfer casework would be funded by the Department of Health.
- 10.6 The Committee noted that, whilst the HPC would be providing advice on GSCC cases, the GSCC retained responsibility for the management of those until the transfer of the Register.
- 10.7 The Committee noted that this cooperation meant that the HPC would be familiar with the case load in the transfer. It was also evidence of the strengthening relationship between the two organisations.

Items to note

The Committee noted the following items:

Item 11 Public Protection (FTP 07/12)

Item 12 Equality and Diversity Scheme demographic data report (FTP 08/12)

Item 13 CHRE audit report update (FTP 09/12)

Item 14 Case management system update (FTP 10/12)

Item 15 Dates of Committee meetings 2012-13 (FTP 11/12)

Item 16 Any other business

16.1 There were no additional items for consideration this day.

Item 17 Date and time of next meeting:

17.1 10.30am on Thursday 24 May 2012.

Chair:

Date: