

Fitness to Practise Committee, 24 May 2012

Audit of final fitness to practise decisions

Executive summary and recommendations

Introduction

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

Following the Council's decision, at its February 2010 meeting the Fitness to Practise Committee considered and approved a proposed mechanism to review fitness to practise decisions. The audit format is based on the practice note 'Drafting Fitness to Practice Decisions', which provides guidance to panels on the content that should be included in written decisions. The first three audits of final fitness to practise decisions covered the period from April 2010 to August 2011. All the audits have been carried out by the Policy and Standards Department.

This audit analyses decisions made between 1 September 2011 and 31 March 2012.

Decision

The Committee is invited:

- to discuss the results of the audit; and
- to agree the actions proposed by the Fitness to Practise Department on page 16.

Background information

- Fitness to Practise Committee paper, Audit of final fitness to practise decisions, January – August 2011, www.hpc-uk.org/assets/documents/1000371C20111013FTP09-auditoffinalFTPdecisions.pdf

Resource implications

None at this time

Financial implications

None at this time

Appendices

Audit form for final/review hearing decisions

Date of paper

14 May 2012

1. Introduction

1.1 About the audit

At its meeting in December 2009, the Council agreed with the recommendation resulting from the review by the Executive of the CHRE's review into the conduct function of the General Social Care Council, namely that the Executive should consider mechanisms by which the HPC could be satisfied with the quality of decisions reached by practice committee panels. Following that decision, the Fitness to Practise Committee considered and approved a mechanism to carry out the review of fitness to practise decisions. The format for the audit is based on the practice note 'Drafting Fitness to Practise Decisions', which provides guidance to panels on the content that should be included in written decisions. Three audits of final fitness to practise panel decisions using this format have been carried out by the Policy and Standards Department between April 2010 and August 2011.

The fourth audit—documented in this paper—was carried out between 1 September 2011 and 31 March 2012, and applies the same process as the previous audits. The audit assesses Fitness to Practise panel adherence to the applicable law and to HPC policy in particular areas. The focus of the audit is on monitoring whether panels have followed correct process and procedure including whether sufficient reasons have been given for their decisions. The audit flags any areas where further policy development or consideration is required, but does not go as far as to 'second guess' the judgements reached by the panel – such as concluding that the sanction applied was disproportionate or insufficient. The audit also does not question whether particular decisions are right or wrong, as this would jeopardise the independence of panels which operate at arm's length from the Council and the Executive.

The learning points from the audit will be fed back into operational policy development and into training and appraisal processes. The next audit of final fitness to practise decisions will be carried out between April and October 2012.

1.2 About this document

This document summarises the audit results. The document starts by explaining the audit process, how the data from each decision has been handled and analysed, and provides the statistics for each question of the audit. Section 3 provides a summary of emerging themes identified the responses. Section 4 discusses the emerging policy issues identified during the audit, and also notes some notable areas of change or improvement since the previous audit was carried out. Section 5 contains the Fitness to Practise Department's response to the learning points from the audit and makes some recommendations for future action.

2. Analysing the decisions

2.1 Method of recording and analysis

The audit period covered decisions made between 1 September 2011 and 31 March 2012. The analysis includes final hearings, restoration hearings, discontinuance hearings, and Article 30 review cases—reviews of conditions of practice orders and suspensions. Interim order cases (apart from two which were discontinuance orders) and cases which were adjourned and did not reach a final decision during the audit period were not included, as the audit has been designed to only audit final hearings rather than cases where decisions are still pending.

The Policy and Standards Department has been responsible for carrying out the audit. The audit process and analysis were carried out by the department's policy officer. The auditor's understanding of the HPC fitness to practise procedures is based on the relevant practice notes and policy summaries.

As each decision was emailed to the Policy and Standards Department from the Fitness to Practise panels, the relevant details were captured by the auditor in Access using the approved audit questions. At the end of the audit period, the statistics for each question were collated and analysed to identify emerging trends and potential areas for further policy development. For the Committee's information, the full set of audit questions are appended to this paper.

2.2 Quantitative analysis and results

A total of 237 decisions from 236 hearings were analysed as part of the audit, of which 172 were final hearing cases, and 65 were Article 30 reviews. The majority of cases (220) were considered by conduct and competence panels, with a smaller number considered by health panels (16), and one discontinuance case was heard by an investigating panel. The total number of hearings is slightly less than the number of decisions audited, as there was one hearing that related to two registrants, which made two separate decisions on sanction.

This section provides indicative statistics for the answers to the audit questions. Where necessary, contextual explanation has been provided following the results of some questions to clarify the way the audit question was interpreted by the auditor and the reason for particular results. The aggregated statistics below do not include individual case details.

2.2.1 Procedural issues

If the Registrant was not there and unrepresented, did the panel consider the issue of proceeding in absence?

Yes	No	Not recorded	Not applicable (registrant present)
91 (39%)	1 (0.5%)	1 (0.5%)	144 (60%)

During the audit period, there were 91 hearings where the registrant did not attend or was not represented.

Of those hearings where the registrant was not present, there were only two cases where the panel did not consider the issue of proceeding in absence of the registrant, or that decision was not recorded.

- One consent order hearing
- There was one discontinuance hearing where the registrant's attendance was not recorded in the final decision.

Did any other procedural issues arise?

Yes	No
97 (41%)	140 (59%)

Other procedural issues noted by the auditor included amendments to, or withdrawals of allegations; applications for hearings to be heard in private; submissions of 'no case to answer', and joinder of separate allegations. For further discussion of emerging issues from this question, please refer to section 3.

Was Legal Assessor advice disregarded?

Yes	No
0 (0%)	237 (100%)

During the audit all the cases considered during the audit period panels had due regard to the advice of the relevant legal assessor.

Was the three-stage test applied?

Yes	No - not applicable (review hearings/discontinuance orders/consent orders)
146 (61%)	91 (39%)

For this question, the auditor interpreted the question to mean cases where the three-stage test was explicitly applied. In interpreting the results of the audit in relation to whether the three-stage test was applied consistently, the Committee should be aware that there are a number of decisions where the three-stage test does not need to be applied. These cases include review hearings, where the findings of facts, misconduct or lack of competence, and

then impairment have already been established. In consent order cases, the facts are already accepted as proven, and the three-stage test is not necessary.

The table below breaks down the number of cases where the three-stage test was not applied by the type of decision hearing. The results show that there were no cases considered during the audit period that did not apply the three-stage test when it should have been applied.

Type of decision hearing	Number of cases (from 91)
Review hearings	66
Consent orders	7
Other	18

The 'other' category refers to a case where alternative orders were made outside the range of the usual sanctions, and the three-stage test was not required. These cases were:

- One health panel case where it appeared that the three-stage test may have been applied, but it was not expressly written in the order.
- One case where the hearing went not well founded prior to the hearing of evidence as the sole witness could not attend and their evidence was dismissed as hearsay.
- Thirteen discontinuance orders. Discontinuance orders are made on occasions when after the Investigating Committee has determined that there is a 'case to answer' in respect of an allegation, objective appraisal of the evidence gathered after the decision is made shows that there is little prospect of proving the allegation.
- Three cases where registrants had gained their entry to the Register fraudulently.

Evidence by way of mitigation considered?

Yes	No
179 (77%)	58 (23%)

Evidence by way of mitigation was not considered in 58 (23%) of cases. Mitigation may have been submitted in some of the other cases, but was not necessarily mentioned by panels in their decisions. Cases where mitigating evidence was not considered included the three consent order cases where the allegations had been accepted by the registrant. In the other cases the registrant in question had not engaged with the fitness to practise process and/or had not provided any mitigating evidence for the panel to consider.

2.2.2 Drafting

Is the decision written in clear and unambiguous terms (does it avoid jargon, technical, or esoteric language)?

Yes	No
237 (100%)	0 (0%)

The auditor interpreted this question to mean that the language used in the decision was appropriate to the context. In some decisions, there were only a few instances of unclear wording or terms, so the auditor decided not to include those in this category. This issue is discussed in more detail in section 3 of this paper.

Is it written in short sentences?

Yes	No
237 (100%)	0 (0%)

As for the previous audit question, the auditor interpreted the phrase to mean that the sentence length was appropriate for the subject. Most decisions during the audit period generally showed appropriate sentence lengths for the subject being discussed – in some decisions, while the sentences were not necessarily short, the concepts and reasoning required a more complex sentence structure which was generally appropriate in that context.

Is it written for the target audience?

Yes	No
237 (100%)	0 (0%)

The auditor interpreted the phrase ‘target audience’ to mean members of the public and profession. Generally, the decisions from the audit period were also pitched appropriately to the target audience. Part of the interpretation of this question is linked to the previous two questions in consideration of the general tone of the decision, the words used, the length of sentences, and whether it would be able to be understood by a person who did not have specialist knowledge.

Was the factual background of the case included in the decision?

Yes	No
233 (97%)	4 (3%)

A small number of decisions (4) did not include the factual background of the case, comprising two discontinuance hearings, one review hearing, and one voluntary consent order hearing where facts had been previously established. Compared with the results of the first two audits where up to 12 per cent of decisions did not include the factual background of the case, significantly more review and consent order decisions now include a summary of the facts of the allegations.

If a review hearing, does the decision make reference to previous facts?

Yes	No	Not a review hearing
66 (29%)	0 (0%)	171 (71%)

Is it a stand alone decision?

Yes	No
237 (100%)	0 (0%)

All the decisions made in during the audit period could be considered as 'stand alone' decisions. This means the decision 'stands alone' as a document of a hearing and decision-making process, and does not need additional explanatory material to be understood.

Are there adequate reasons for the decision?

Yes	No
237 (100%)	0 (0%)

In interpreting this question, the auditor did not go behind the decision, but instead assessed whether the reasoning process shown in the decision was adequate given the ultimate conclusion the panel reached.

Conclusions on submissions (adjourned, facts, admissibility)?

Yes	No
237 (100%)	0 (0%)

All decisions made during the audit period made adequate conclusions on the information presented during the hearing.

Does it clearly set out the finding of facts (including disputed and undisputed facts and if disputed, why the decision was made)?

Yes	No
237 (100%)	0 (0%)

Not all cases need to set out a finding of facts – for instance, the convention for consent orders is that the facts have been admitted in total by the registrant in question, and are not always included in the decision. However, all decisions in this audit did set out the findings of facts, including consent order decisions.

What standards were referred to?

127 (54%) decisions made reference to some form of standards, with the remaining 110 decisions (48%) not referring directly to any standards. The following table sets out which standards were referred to in those decisions which referenced them – some decisions (23) referred to more than one set of standards, so the total number of references is greater than the number of decisions that mentioned specific standards.

Standards referred to	Number of references
Standards of conduct, performance, and ethics	109
Standards of proficiency	31
Standards of another organisation	9

2.2.3 Order

What was the panel's decision?

Sanction	Number of orders made (from 238)*
Striking off	41 (17%)
Suspension	59 (25%)
Conditions	29 (12%)
Caution	38 (16%)
Mediation	0 (0%)
Not well founded	35 (15%)
No further action	11 (5%)
Consent order	7 (3%)
Other	18 (7%)

*The total number of orders is larger than the total number of hearings, as there was one hearing where two orders were made. There was also one other hearing where the decision was striking off, with a partial discontinuance order. These orders have been counted separately for the purposes of the statistics above.

The 'other' category refers to cases where alternative orders were made outside the range of the usual sanctions. These orders were:

- One case of restoration to the Register. Cases for restoration to the Register are heard when a former registrant who was previously struck off reapplies to the Register after five years have elapsed.
- Two cases of removal from the register due to fraudulent entry
- 15 discontinuance orders or partial discontinuance orders. Discontinuance orders are made on occasions when after the Investigating Committee has determined that there is a 'case to answer' in respect of an allegation, objective appraisal of the evidence gathered after the decision is made shows that there is little prospect of proving the allegation.

How long was the sanction imposed for?

The length of sanction question only applies to three types of sanction – suspension, conditions, and caution orders. This section sets out the lengths of sanctions orders set during the audit period, relevant to each type of sanction order made.

Because the length of sanction that can be imposed varies between the different types of sanctions, the relevant provisions from the indicative sanctions order regarding length of sanction are included below for the Committee’s information, along with the results for that sanction.

Suspension

The indicative sanctions policy states that *“a suspension order must be for a specified period not exceeding one year. [...] Suspension for short periods of time (i.e less than a year) is a punitive step which panels generally should not use...however, short term suspension may be appropriate where a lesser sanction would be unlikely to provide adequate public protection, undermine public confidence, or be unlikely to have a suitable deterrent effect upon the registrant in question and the profession at large.”*

Length of suspension	Number of orders (total 59)
6 weeks	1
5.5 months	1
6 months	2
9 months	3
10 months	1
12 months/1 year	51

The small number of cases where the panel imposed a shorter period of suspension seems to be generally consistent with the guidance in the indicative sanctions policy. The shorter periods of suspension were generally applied by panels in cases where there was a specific reason for doing so.

These cases were:

- A five and a half month suspension order made in an early review of a conditions of practice order, as the registrant had not been informing employers of the conditions imposed on their practice. The suspension period imposed was set to fulfil the remainder of the time of the original conditions of practice order would have run;
- A six month suspension made by a health panel to allow for new medical reports to be produced;
- A suspension order of nine months to allow a registrant to be able to go through the process of applying for a consent order for voluntary removal from the Register;
- A ten month suspension order made to allow the registrant to continue their recovery before returning to work;

- Three other shorter periods of suspension (between six to nine months) to give the registrants concerned time to engage with the fitness to practise process. Some of these periods of suspension were imposed prior to the option of striking off being considered at the next review.

There was only one case where the auditor was concerned that the order was not made in line with the sanctions policy. That case was:

- A six week suspension order given to a registrant so they could ‘reflect on their actions’.

Conditions

The indicative sanctions policy states that *“a conditions of practice order must be a specified period not exceeding three years. [...] In some cases it may be appropriate to impose a single condition for a relatively short period of time to address a specific concern.”*

Length of conditions order	Number of orders (total 29)
6 months	2
10 months	1
12 months/1 year	10
14 months	1
15 months	1
18 months	8
2 years	5
3 years	1

Generally the conditions orders imposed seemed to be consistent with the guidance in the indicative sanctions policy. The longer conditions of practice orders were imposed for registrants with a greater need for support to reach full competence, with shorter sanctions imposed for registrants where panels were of the view that there were a few issues that could be readily addressed in a shorter time.

Caution

The indicative sanctions policy states that *“a caution order must be for a specified period of between one year and five years...In order to ensure that a fair and consistent approach is adopted, panels are asked to regard a period of three years as the ‘benchmark’ for a caution order and only increase or decrease that period if the particular facts of the case make it appropriate to do so.”*

Length of caution order	Number of orders (total 38)
12 months/1 year	4
2 years	7
3 years	14
4 years	3
5 years	10

As with the other sanction orders, panels seemed to be generally consistent in their application of the guidance in the indicative sanctions policy with regard to the length of sanction, with the majority of caution orders falling between two to four years in length. There were two decisions where the auditor was concerned that the sanctions policy had not necessarily been applied appropriately in relation to caution orders. These cases are discussed further in section 3.

Does the order accord with sanction policy?

Yes	No	Not applicable
176 (74%)	3 (1%)	59 (25%)

Only orders that applied a sanction are included in this category, including consent orders. This question does not include decisions that were not well founded/no case to answer, or where the case was discontinued or the panel decided that no further action was necessary. For further discussion of the cases that did not accord with sanction policy, please refer to section 3.

Does it state the operative date of the order?

Yes	No	Not applicable
188 (79%)	0 (0%)	50 (21%)

All relevant cases where a sanction order was imposed stated the operative date of the order. In this category are included all sanction orders, plus orders for restoration to the register and of 'no further action' in cases of a review of a sanction order the panel decided that the registrant had met all the (usually conditions) set.

Does it state the end date of the order?

Yes	No	Not applicable
126 (53%)	0 (0%)	112 (47%)

All relevant cases where a sanction order that could expire was imposed stated the end date of the order. Only sanction orders that would expire are included in this category – suspensions, conditions of practice, and caution orders. The other sanction orders such as consent orders, and orders to strike off, do not have end dates, and in cases that went not well founded, there was no sanction order. Restoration orders are also excluded from this question.

Conditions orders

Conditions were imposed in 29 cases.

The following tables analyses the conditions set and whether they accord with the guidance in the indicative sanctions policy.

If conditions are imposed:

Are they realistic (is the registrant able to comply)?

Yes	No
29 (100%)	0 (0%)

In most of the decisions made, the conditions were realistic and able to be complied with – however, in some cases, the conditions were only realistic if the registrant was able to fulfil certain other aspects – such as being able to find a suitable position of employment that allowed them to fulfil the conditions set. These issues are discussed further in section 3.

Are they verifiable (are dates on which information is due specific and clear)?

Yes	No
29 (100%)	0 (0%)

Are they imposed on anyone other than the registrant?

Yes	No
0 (0%)	29 (100%)

Generally the orders imposed were guidance in the indicative sanctions policy in that they were realistic in the conditions set, and that those conditions were verifiable.

The third question in relation to conditions was more difficult to assess, as while the majority of conditions set imposed some form of supervisory requirement on the registrant, although not by any named person. The auditor interpreted the third part of this question to refer to decisions where persons other than the registrant were required directly by the panel to carry out an action to enable the registrant to meet conditions. Where the registrant was responsible for organising other people to carry out certain actions to meet the conditions set, then the auditor understood that to mean that those conditions were only imposed on the registrant.

3. Emerging themes

This section discusses the emerging themes from specific audit questions, and where necessary provides more detailed results to reveal trends and potential areas for further consideration.

3.1 Procedural issues

The audit showed that generally the procedural advice provided for fitness to practise panels is followed. The following issues were identified as part of the audit process.

As noted in the previous section, there were a wide range of other procedural issues considered by panels during the period of the audit, with procedural issues considered in 41 per cent of the cases considered. The following table sets out the number of instances of different types of procedural issues. In some cases, a number of different procedural issues were considered, so the total number of issues raised does not tally with the number of hearings (97) where procedural issues were considered.

Procedural issues	Number of instances
Request for hearing to be held in private	29
Amendments/corrections/withdrawal of allegations	31
HPC application for discontinuance order	15
Application of no case to answer	4
Application to consider two separate allegations in the same hearing (joinder)	2
Application for adjournment of hearing by registrant	6
Other	12

The 'other' category includes:

- A case where the main witness for a case decided they did not wish to appear to give evidence – panel decided to continue without them;
- early reviews of conditions of practice orders;
- applications from either HPC or a registrant to submit further evidence at the start of the hearing;
- submissions that evidence was hearsay;
- summoning witnesses;
- agreement by a panel to treat a witness as a vulnerable witness; and
- one consideration of an issue of potential conflict of interest by a panel member.

Most procedural issues were relatively straightforward such as applications for hearings to be heard in private, minor amendments to allegations, or joinder of separate allegations.

3.2 Application of sanction policy

Generally, the auditor was satisfied that the sanction policy had been applied consistently, with relevant policy applied in 97 per cent of cases where a sanction was imposed. There were three cases where the auditor was concerned that certain aspects of relevant sanction policy had not been applied. The cases where the auditor had concerns are set out below.

One case related to a suspension order. The guidance on suspension orders states:

“Suspension for short periods of time (i.e less than a year) is a punitive step which panels generally should not use...however, short term suspension may be appropriate where a lesser sanction would be unlikely to provide adequate public protection, undermine public confidence, or be unlikely to have a suitable deterrent effect upon the registrant in question and the profession at large.”

- There was once case in the audit that applied a six-week suspension order for the registrant to ‘reflect on their conduct’ prior to continuing their current work. This is not in accordance with the policy on suspension orders.

Two of the cases where the auditor had concerns related to caution orders. The guidance on caution orders states:

“A caution order may be the appropriate sanction for slightly more serious cases, where the lapse is isolated or of a minor nature, there is a low risk of recurrence, the registrant has shown insight and taken remedial action. A caution order is unlikely to be appropriate in cases where the registrant lacks insight and, in that event, conditions of practice or suspension should be considered.”

In the following decisions, the auditor was concerned that the policy on caution orders was not applied consistently or appropriately:

- There were two cases where the auditor considered that the lapses shown were not isolated or of a minor nature, or that the registrant had shown limited insight.

3.3 Drafting

Most decisions generally used simple language appropriate to the context – in some decisions, the nature of the allegation and the concepts involved were technical and complex. In those decisions the auditor judged that it was appropriate for the issues to be discussed using the appropriate technical terms which were generally explained as necessary. While there were no cases where the auditor felt that the language was consistently sufficiently unclear that it did not meet the ‘clear and unambiguous’ test, there were a few decisions where there was some occasional use of overtly legal terminology or inadequately explained acronyms. In 15 decisions in particular, the auditor felt that the language chosen was particularly jargon-heavy and habitually showed the use of terminology that was unnecessarily complex.

Another area of note in the previous audit periods was the standard of proof reading and editing before decisions are released in their final version. The decisions sent for audit are the final decision made by the panel, but in the first three audits, 22-28 per cent of decisions analysed contained identifiable spelling, grammar, and/or formatting mistakes, with some gradual improvement shown in the more recent audits. While the general standard of drafting has improved since the first audit period, 56 decisions (24 per cent) in this audit still showed some minor errors, including incorrect dates or misspelling of registrants' names. A few decisions appeared to be unfinished and included editorial marks and some missing details.

4. Emerging policy issues

Emerging policy issues identified in the audit are about the process applied by fitness to practise panels.

4.1 Realistic prospect test

There were three cases heard during the audit period that the auditor felt perhaps should not have reached the stage of a final hearing. In all these hearings it was quickly established that the facts of the case were unsubstantiated, and either the HPC could not provide evidence to support the allegations, or in one case the allegations were not supported by the person who had made them.

4.2 Providing witnesses

In one case during the audit period there were concerns about the provision of evidence by the HPC. In its decision the hearing panel was critical of the HPC's actions in calling—or failing to call—appropriate witnesses, which led to some allegations being unable to be substantiated.

4.3 Drafting of allegations

There was one case during the audit where the HPC asked for an amendment to an allegation at the start of the hearing because unless the amendment requested was made, the HPC would be unable to prove the paragraph. The panel decided that making such an amendment would be unfair to the registrant. While this was one instance, it highlights the importance of accurate drafting of allegations.

5. Learning points and recommendations

The Fitness to Practise Department make the following comments in relation to the report:

- The reputation of the HPC and the confidence of the public is affected by the published outcomes of cases. As part of the quality assurance systems associated with the new case management system, the Fitness to Practise Department has introduced a system of proof

reading of all published decisions. This should minimise the number of grammatical or spelling issues. All substantive decisions are now signed off by the Hearings Manager prior to publication.

- As the decisions are produced by the panel and read out in public, and cannot then be changed before distribution on HPC's website, efforts are being made with Panel Chairs and Legal Assessors through the refresher training to ensure the appropriate amount of time and attention is paid during the drafting process.
- The nature of fitness to practise hearings means that there will be complex concepts or evidence discussed. These need to be represented in the decision so an interested—but not expert—reader can understand the significance to the decision. Panel training continues to focus on questioning and use of technical terms or acronyms. We will continue to monitor this.
- The number of cases where there is discontinuance is small relative to the total number of cases, but is an important method of managing cases fairly. As we develop the ways that we apply this approach we expect the numbers of cases to increase, but overall to remain small. In most cases where discontinuance has been applied, only part of the case is discontinued. The new assurance and development team will perform separate thematic reviews of cases where there is full and partial discontinuance to understand if there are similarities between cases with full and partial discontinuance, whether there were issues that could have been resolved differently or earlier in the process, and to ensure any learning is included in future guidance to panels, or training of fitness to practise staff.
- Recognising the importance of good case management and directions have on outcomes, the Fitness to Practise Department has been developing the existing systems. The new fitness to practise structure has resource dedicated to case advancement, and is applied when more intense intervention is required to move the case onwards through the process. All case teams hold case management conferences, and team members have had allegations drafting training in the last twelve months led by an expert lawyer. As new staff members join the HPC, they will have the same induction and refresher training.
- Similarly, an expanded role of ICP co-ordinator has been introduced to support and advise panels at the Investigating Committee stage. The aim is to provide guidance to ensure consistent quality of decision making on case to answer, and to—where necessary—amend allegations that will be heard at the final hearing. Again, the assurance and development team will review any changes to allegations and share learning where appropriate, as well as tracking these cases through the process to see if this has any impact on the length of time it takes to hear the case.
- The use of preliminary meetings to seek directions from a panel has increased this year, and is used where there is complexity or potential

conflict over case matters that may be resolved prior to a final hearing. Analysis of these preliminary matters will also be reflected in future learning and training.

- The Fitness to Practise Department continues to include where appropriate any feedback from CHRE learning points relating to appropriateness of sanction and level of detail or language used in the published decision in order to make all documents comprehensive, stand alone and readable by a wide range of stakeholders.

Appendix

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 three 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
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	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)?	Yes/No/Comments
- are they verifiable (are dates on which information is due specific and clear)?	Yes/No/Comments
- are they imposed on anyone other than the registrant?	Yes/No/Comments

4. Policy issues

Are there any emerging policy issues?

Audited by:

Date: