

**CONFIRMED**

**The Health Professions Council**

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MINUTES of the second Fitness to Practise (FtP) Forum held at **10.30am on Wednesday 23 April 2008** in the new Council chamber at Park House, 184 Kennington Park Road, London SE11 4BU.

**Present:**

Mr K Ross (Chairman)  
Mr O Altay  
Dr N Callaghan  
Mrs M Clark-Glass  
Ms H Davis  
Mr J Donaghy  
Mr P Douglas  
Mrs S Drayton  
Miss C Farrell  
Mrs D Haggerty

Professor T Hazell  
Dr Shah Khan  
Professor C Lloyd  
Miss M MacKellar  
Mr W Munro  
Mrs J Pearce  
Mr D Proctor  
Miss P Sabine  
Professor A Turner  
Mr N Willis

**In attendance:**

Mrs A Abodarham, Hearings Manager  
Mr C Bendall, Secretary to Committees  
Mr J Bracken, Bircham Dyson Bell  
Mr R Brown, Lead Case Manager  
Ms R Bull, Scheduling Officer  
Dr A van der Gaag, President  
Dr J Gulland, University of Strathclyde  
Miss K Johnson, Director of FtP  
Ms Z Macquire, Lead Case Manager

Mr S Mars, Policy Officer  
Ms N O'Sullivan, Secretary to Council  
Mr S Rayner, Secretary to the  
Committee  
Mr G Ross-Sampson, Director of  
Operations  
Mr M Seale Chief Executive  
Ms E Seall, Head of Case Management  
Mr G Smith, Council Member

### **Item 1.08/01 Apologies for absence**

- 1.1 The Chairman welcomed members and other attendees to the meeting.
- 1.2 Apologies were received from Mrs P Blackburn, Mr R Clegg, Professor D Waller and Mr M Woolcock.

### **Item 2.08/02 Approval of agenda**

- 2.1 The following papers were tabled by the Executive to support items already on the agenda:  
  
Item 7, enclosure 4 - MORI report on opinion polling  
An additional annexe to paper FtP 4/08 was provided as background information to the external review of complaint literature.  
  
Item 18, enclosure 15 - Fitness to Practise (FtP) forecast  
Additional data was provided which had been omitted from the original despatch.
- 2.2 The following paper was tabled by the Executive as an additional item  
  
Item 20, enclosure 19 - Preliminary hearings practise note  
Minor changes to the practise note were submitted to be cleared in order that it could be put to use immediately instead of waiting for the September meeting.  
  
An updated agenda was tabled to reflect the above changes.
- 2.3 The forum agreed the approved agenda.

### **Item 3.08/03 Signing of agreed 12 September 2007 FtP Forum minutes**

- 3.1 It was agreed that the minutes of the first meeting of the FtP Forum (the Forum) should be confirmed as a true record and signed by the Chairman.

### **Item 4.08/04 Matters arising from 12 September 2007 FtP Forum**

- 4.1 The Forum received a paper to note from the Executive detailing the actions agreed during the first meeting on 12 September 2007.
- 4.2 The Forum noted the completion of the agreed actions.

### **Item 5.08/05 Chairman's report**

- 5.1 The Chairman had nothing to report.

## Item 6.08/06 Director of FtP report

- 6.1 The Forum received a paper from the Executive with the details of FtP decisions made between January and March 2008, and of significant other meetings and work undertaken by the department in this time.
- 6.2 The committee noted that the completion of the case management team and a Freedom of Information Act 2000 (FoIA) case brought before the Information Commissioner tribunal were the most significant developments for the FtP Department since the FtP Committees met in February.
- 6.3 The Forum noted the report.

## Item 7.08/07 External review of complaints literature

- 7.1 The Forum received a paper from the Executive introducing a report, which had been commissioned by HPC in October 2007, into existing research on complaints mechanisms by Dr J Gulland of the University of Strathclyde.
- 7.2 The Forum was asked to:
1. consider the report;
  2. approve the publication of the report as an HPC monograph;
  3. consider:
    - a. whether and, if so, how to take this research forward;
    - b. the issues to be addressed by any further research; and
    - c. the issues which may need to be addressed by the FtP Department arising from the research.
- 7.3 Dr Gulland presented the report, explaining that findings had been separated into four areas:
- barriers to complaining
  - satisfaction with complaints procedures
  - types of complaint
  - examples of good practice
- 7.4 As a conclusion Dr Gulland recommended the following areas for possible future work, and then invited comments from the Forum:

- Overlap between different complaints mechanisms
- Expectations of complainants
- HPC specific barriers to complaining

- 7.5 The Forum commended Dr Gulland for the quality of the report.
- 7.6 The Forum noted that complainants may have seen the negative consequences of a loss of anonymity during a complaints process as a barrier to complaint. There was evidence to suggest that this loss of anonymity did have an impact in certain professions. There was a significant amount of literature to support this view. The Forum noted that the social class of a complainees was likely to have had a significant impact on their likelihood of complaining and that the National Consumers Council had conducted research in this area.
- 7.7 The Forum noted that expectations held about an organisation were critical in reaching a decision about whether or not to make a complaint. The expectations of HPC held by registrants were a challenge that could be addressed by future work.
- 7.8 The Forum noted that local determinants of access to service were critical when developing an approach to complaints management. There was not a standard method for determining the responsibility for dealing with complaints in different sizes and types of professional environments.
- 7.9 The Forum noted that the report did not provide evidence of barriers to complaint which were specific to HPC. The Forum noted that that data would need to be collected for another year before it could be analysed for trends.
- 7.10 The Forum noted that the research demonstrated that the HPC's FtP data was the most comprehensive data available on complaints about the HPC's registrant professions and further research on this database might be valuable.
- 7.11 The Forum recommended the following to the FtP Committees:
1. To approve the publication of the report as a HPC monograph.
  2. That the Director of FtP should be asked to return to the Forum with a proposal for further action.

### **Item 8.08/08 FtP annual report 2007-2008**

- 8.1 The Forum received a paper from the Executive inviting it to consider the draft FtP annual report 2007-2008 and recommend to the FtP Committees that they recommend that the Council approve the document.

8.2 The Forum noted that there had been an increase of complaints made by registrants although the total number of complaints remained comparatively low. The Forum noted the FtP Committee Panel decisions. The Forum noted the extra information on proposals for work in the next year.

8.3 The Forum had the following suggested amendments to the draft report:

- Charts 1.2 and 2.2 are describe similar subjects, and should be the same type.
- The data in graph 1.4 on complaints by profession would be better displayed in a series of pie charts.
- The Convictions section on page 15 should explain whether those found to have convictions remain registered.
- Table 5.2 should be titled “Summary of hearings when allegations are found proved.”
- Title on page 49, “Review hearings” to be changed to “Review of conditions of practice orders”.
- Statistics should not be derived from small numbers and included in charts.
- Pies charts should be used with caution as they do not show trends.

8.4 The Forum noted that there was no information about abuse of title in the draft report. This was Council business, and would have been more appropriately addressed in that section.

8.5 The Forum recommended the following to the FtP Committees:

To recommend to the Council that it approve the FtP annual report 208-2009 subject to editorial amendments.

### **Item 9.08/09 Equality and diversity scheme demographic data reports**

9.1 The Forum received a paper from the Executive inviting it to consider the demographic data collected during the first year of the HPC equality and diversity scheme and asking it to recommend the following to the FtP Committees:

1. Data is collected from registrants and complainants for a further one year and;
2. A report is provided to the FtP Committees in April 2009.

- 9.2 The Forum noted that there had been a low response rate to the monitoring forms, and that the approach would need to be developed to increase the rate.
- 9.3 The Forum recommended that the FtP Committees approve the following resolutions:

That data is collected from registrants and complainants for a further one year and;

A report is provided to the FtP Committees in April 2009.

#### **Item 10.08/10 Case to answer practice note**

- 10.1 The Forum received a paper from the Executive introducing a practise note intended to provide guidance on “case to answer” determinations by Investigating Committee Panels. The Forum was invited to discuss the practice note and recommend that the Investigating Committee approve said practise note.
- 10.2 The Forum noted that there is an intention to produce a plain English version, and a flow chart to help registrants understand the process.
- 10.3 The Forum recommended that the Investigating Committee approve the practice note.

#### **Item 11.08/11 Preliminary hearings practice note**

- 11.1 The Forum agreed to take the tabled paper FtP19/08 at item 11 as it was similar to the case to answer practice note item, and would be presented by the same official.
- 11.2 The Forum received a paper from the Executive introducing amendments to the practise note on preliminary hearings by FtP Committee Panels. The Forum was invited to discuss the amendments and recommend that the FtP Committees approve the practice note.
- 11.3 The Forum had no comment to make on the draft.
- 11.4 The Forum recommended that the FtP committees approve the practise note.

#### **Item 12.08/12 Equal treatment practice note**

- 12.1 The Forum received a paper from the Executive introducing amendments to the practice note on equal treatment by FtP Committee Panels. The

Forum was invited to discuss the amendments and recommend that the FtP Committees approve the practice note.

- 12.2 The Forum noted that the changes made to the practice note were not substantial and were in line with legislation.
- 12.3 The Forum recommended that the FtP Committees approve the practice note.

### **Item 13.08/13 Internet social networking**

- 13.1 The Forum received a paper from the Executive inviting it to discuss advice from the solicitors, Bircham, Dyson, Bell on the issue of how information from social networking sites such as Facebook should be dealt with at the case to answer stage of Investigating Committee Panels. The Forum was invited to recommend that the Investigating Committee approve the incorporation of the advice into FtP operational guidance.
- 13.2 The Forum commended the work, noting that it added clarity to the distinction between what is public and what is private space.
- 13.3 The Forum noted that the focus of changing the guidance had been on misconduct, for instance on breaking patient confidentiality, and not directly about the validity of using the internet in work time for personal purposes.
- 13.4 The Forum recommended that the Investigating Committee approve the advice and its incorporation into operational guidance.

### **Item 14.08/14 CHRE guidance on clear sexual boundaries**

- 14.1 The Forum received a paper from the Executive providing background to the work undertaken by the CHRE project group on guidance on sexual boundaries, how this relates to HPC work in this area and how the Executive proposes to implement the recommendations from the documents relevant to HPC. The work was undertaken in response to a request by the April Health Committee.
- 14.2 The Forum noted the report.

### **Item 15.08/15 Panel/legal assessor feedback forms for FtP Committee Panels**

- 15.1 The Forum received a paper from the Executive inviting it to note feedback forms which are being introduced at Conduct and Competence and Health Committee Panels. The forms are designed to be completed

by legal assessors and panel members with the results intended to improve Panel work and strategy in this area.

15.2 The Forum noted the feedback forms.

#### **Item 16.08/16 New Publications**

16.1 The Forum received a paper from the Executive inviting it to note three new brochures on the fitness to practise process produced in response to the review of the 2007-2008 FtP work-plan:

- What happens when a complaint is made about me?
- How to make a complaint about a health professional
- The fitness to practise process: information for employers

16.2 The Forum noted that case managers had received training in arranging for translations to be made of the guidance as and when required.

16.3 The Forum requested that the Executive review the language in future editions of the guidance to clarify the treatment of information and whether it can be treated confidentially.

16.4 The Forum noted the three brochures.

#### **Item 17.08/17 Health and character review**

17.1 The Forum received a paper from the Executive inviting it to note the Health and character review report produced in response to request by the Education and Training Committee.

17.2 The Forum noted the Health and character review.

#### **Item 18.08/18 PKF audit report**

18.1 In 2006/2007 PKF Auditors conducted a review of the Fitness to Practise Department. In accordance with the 2007/2008 internal audit programme PKF undertook a follow up review into the FtP Department and the new FtP database. The Forum received a paper from the Executive inviting it to note the follow up report at the request of the September 2007 Investigating and Health Committees.

18.2 The Forum noted the auditors report.



### **Item 19.08/19 FtP 2008-2009 forecast**

- 19.1 The Forum received a paper from the Executive setting out the model for forecasting cases and employee numbers used by the FtP department.
- 19.2 The Forum noted the forecast.

### **Item 20.08/20 2007-2008 review of FtP Committee action points**

- 20.1 The Forum received a paper from the Executive detailing all action points agreed by the individual FtP Committees and by the Forum over the period 12 April 2007 to 11 April 2008.
- 20.2 The Forum noted the action point review.

### **Item 21.08/21 Any other business**

- 21.1 There was no other business

### **Item 22.08/22 Date and time of next FtP Forum meeting**

- 22.1 The next FtP Forum will be held at:  
  
Wednesday 17 September 2008, 1030am
- 22.2 Dates of 2008-9 FtP Committee meetings are listed below:

#### Health Committee

Wednesday 17 September 2008, 1030am (FtP Forum)  
Friday 7 November 2008, 1100am  
Thursday 5 February 2009, 1100am  
Friday 24 April 2009 1030am, (FtP Forum)

#### Investigating Committee

Wednesday 17 September 2008, 1030am (FtP Forum)  
Friday 14 November 2008, 1100am  
Thursday 12 February 2009 1100am  
Friday 24 April 2009 1030am, (FtP Forum)

#### Conduct and Competence Committee

Wednesday 17 September 2008, 1030am (FtP Forum)  
Friday 21 November 2008 1100am  
Thursday 19 February 2009 1100am  
Friday 24 April 2009 1030am (FtP Forum)

**Chair:**

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**Date:**

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