

Council, 4 December 2014

Audit of final fitness to practise decisions 01/04/14 – 31/08/14

Executive summary and recommendations

Introduction

The attached paper is a report of the audit of final fitness to practise hearing decisions, covering the period 1 April to 31 August 2014. The purpose of the audit is to review the quality of decisions reached by fitness to practise committee panels.

Decision

The Council is invited to discuss and approve the paper. No decision is required.

Background information

- Paper for Fitness to Practise Committee, 10 October 2013, (enclosure 6 at www.hcpc-uk.org/aboutus/committees/archive/index.asp?id=642)

Resource implications

None at this time

Financial implications

None at this time

Appendices

- Audit form for final hearing decisions

Date of paper

19 November 2014

Audit of final fitness to practise decisions 1 April – 31 August 2014

Contents

1. Introduction	4
2. Analysing the decisions	5
3. Emerging themes	18
4. Learning points and recommendations	22
Appendix audit form for final hearing	23

1. Introduction

About the audit

- 1.1 This audit of final hearing decisions 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. Six audits of final fitness to practise hearing decisions using this format have been carried out by the Policy and Standards Department between April 2010 and June 2013.
- 1.2 The seventh audit—documented in this paper—was carried out between 1 April and 31 August 2014, and applies the same process as the previous audits. The audit assesses Fitness to Practise panel adherence to the applicable law and to HCPC 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 decisions made. The audit flags areas where further policy development or consideration is required, but does not go as far as to question the decisions of the panel, as this would jeopardise the independence of panels, which operate at arm's length from the Council and the Executive.
- 1.3 The learning points from the audit will be fed back into operational policy development and into training and appraisal processes.

About this document

- 1.4 This document summarises the results of the seventh audit. The document is divided into the following sections:
 - **Section two** explains 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 three** provides a summary of emerging themes identified in the results and notes areas of change or improvement since the last audit.
 - **Section four** outlines the Fitness to Practise Department's response to the learning points from the audit and makes some recommendations for future action.
 - **Appendix one** contains the full set of questions each decision was audited against.

2. Analysing the decisions

Method of recording and analysis

- 2.1 The Policy and Standards Department has been responsible for carrying out the audit. The audit process and analysis have been carried out by one of the department's policy officers. The auditor's understanding of the HCPC fitness to practise procedures is based on the relevant practice notes and policy summaries.
- 2.2 This analysis includes final hearings, restoration hearings, cases of fraudulent entry to the register, full discontinuance hearings, and Article 30 review cases, reviews of conditions of practice orders and suspensions. Interim order cases and cases which were adjourned and did not reach a final decision during the audit period do not fall within the scope of the audit.

Statistical analysis

- 2.3 A total of 133 decisions were analysed as part of the audit, of which 84 (63 per cent) were final hearing cases, and 49 (37 per cent) were Article 30 reviews. 121 (91 per cent) cases were considered by conduct and competence panels, nine (7 per cent) cases were considered by health panels, and two (2 per cent) cases were considered by an investigating panel.
- 2.4 The auditor concluded that one (1 per cent) decision had specified the incorrect panel type which considered the case. This decision identified an investigating panel. However, this was a review of a conditions of practice order which would have been heard by a conduct and competence committee panel.
- 2.5 This section provides indicative statistics for the answers to the audit questions. The percentages calculated are rounded to the nearest whole number so may not always add to 100 per cent.
- 2.6 These statistics do not include individual case details but where necessary contextual explanation has been provided to clarify the way the audit question was interpreted by the auditor and the reason for particular results.

Procedural issues

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

Yes	No	Not applicable
39 (29%)	1 (1%)	93 (70%)

During the audit period, there were 93 instances where the registrant was present at the hearing or represented. There were 40 hearings where the registrant did not attend or was not represented.

Of the latter there was one case where the decision did not adequately reflect whether the panel had considered whether to proceed in the absence of the registrant. This hearing was a voluntary removal hearing. Though the panel may have considered the issue of proceeding in the absence of the registrant, this was not adequately recorded in the written decision.

2.8 Did any other procedural issues arise?

Yes	No
70 (53%)	63 (47%)

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'; admission and admissibility of further evidence; changing order of witnesses; applications for adjournment; discontinuance; actual or perceived bias of panel members; application to anonymise names; and to refer a case to the health committee. Further discussion of emerging issues from this question is provided in section three.

2.9 Was Legal Assessor advice disregarded?

Yes	No	Not recorded
0 (0%)	106 (80%)	27 (20%)

Most cases considered during the audit period had due regard to the advice of the relevant legal assessor. However, a number of decisions made no mention of any advice received from the legal assessor, which is discussed further in section three.

2.10 Was the three-stage test applied?

Yes	No	Not applicable
67 (50%)	0 (0%)	66 (50%)

The auditor interpreted this question to mean cases where the three-stage test was applied explicitly. The results show that there were no cases considered during the audit period which did not record application of the three-stage test when it should have been applied. Another decision referred to the grounds as 'conviction' but this was considered to meet the three stage test.

There are a number of decisions where the three-stage test does not need to be applied. These cases include review hearings and consent order cases where findings of facts, grounds and impairment have been proven either in a previous hearing or through consent. In practice some review and consent order decisions demonstrated that the three stage test had been applied but for the purposes of this audit have not been considered in this section.

The table below breaks down the number of cases where the three-stage test was not applicable by the type of decision hearing.

Type of decision hearing	Number of cases (from 66)
Review hearings	49
Consent orders	12
Other	5

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

- two cases where the hearings were discontinued;
- one case of incorrect entry to the Register where the HCPC was at fault and admitted this;
- one case which investigated a fraudulent entry to the Register; and
- one case where a half-time submission took place for no case to answer.

2.11 Evidence by way of mitigation considered?

Yes	No
90 (68%)	43 (32%)

All of the decisions which recorded that mitigating evidence was presented demonstrated that it was appropriately considered by the panels. Evidence by way of mitigation was not considered in 43 (32%) cases.

These cases included the 12 consent order cases where allegations had been accepted by the registrant and two discontinuance cases. In the remaining 29 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, as far as the auditor could determine from the written records of these decisions.

Drafting

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

Yes	No
133 (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.

2.13 Is it written in short sentences?

Yes	No
111 (83%)	22 (17%)

The auditor interpreted the phrase to mean that the sentence length was appropriate to the subject. The vast majority of decisions during the audit period demonstrated appropriate sentence length for the subjects being discussed. This means that though the sentences in some decisions were not necessarily short, they were appropriate to the concepts discussed in the decisions which required a more complex sentence structure. However, the auditor did conclude in a minority of instances that long sentences were frequently used and could have been broken down further to aid comprehension.

2.14 Is it written for the target audience?

Yes	No
133 (100%)	0 (0%)

The auditor interpreted the phrase 'target audience' to mean members of the public and profession. This question refers to the previous two

questions about the language and construction of the written decision. All decisions in the review process were aimed appropriately at the target audience.

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

Yes	No
128 (96%)	5 (4%)

A small number of decisions did not include strong enough reference to the factual background of the case; these included two review hearings and three consent order hearings where the facts had been previously established. One consent order decision in particular did refer to a registrant admitting allegations but could have more explicitly linked this to the facts.

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

Review hearing	Not a review hearing
49 (37%)	84 (63%)

Review hearings	
Reference to facts	No reference to facts
47 (96%)	2 (4%)

Two review hearings did not adequately make reference to previous facts. The hearings either varied a conditions of practice order or extended a suspension order. The auditor considered that both decisions should have made stronger reference to the facts previously established in the original decision.

2.17 Is it a stand alone decision?

Yes	No
129 (97%)	4 (3%)

The vast majority of decisions made during the audit period could be reasonably 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 or to explain the outcomes or sanction imposed. There were four decisions that the auditor felt could not be considered stand alone. In all instances the cases in question were reviews or voluntary removal agreements (VRAs). These decisions either did not reference the allegation; did not provide adequate background information; or the decision referenced content in a voluntary removal agreement (VRA) which was not evident in the decision. These decisions are discussed in more detail in section three below.

2.18 Are there adequate reasons for the decision?

Yes	No
133 (100%)	0 (0%)

In interpreting this question the auditor assessed whether the reasoning process shown in the decision was adequate given the conclusion the panel reached. In doing so the auditor did not seek to go behind the decision of the panel. All decisions for this audit period demonstrated adequate reasoning, and on the whole the panels provided appropriate and clear explanations for the decisions reached.

2.19 Conclusions on submissions (adjourned, facts, admissibility)?

Yes	No
133 (100%)	0 (0%)

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

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

Yes	No
120 (90%)	13 (10%)

Most audit decisions set out the finding of facts. The 13 exceptions were 12 consent orders and one review hearing. Consent orders do not usually include findings of facts as they have been admitted in total by the registrant in question. The remaining case referred to an early Article 30 review hearing which was requested by the HCPC. It was alleged that the registrant in question had not complied with an existing suspension order and had undertaken locum work. Although the registrant sought an adjournment to the hearing, the panel proceeded in their absence and subsequently extended the order for a further six months to allow the HCPC to further investigate the allegation.

2.21 What standards were referred to?

51 (38%) of decisions referenced standards and the following table sets out which standards were referred to in this audit period. Twelve decisions referred to more than one set of standards; therefore the total number of references is greater than the number of decisions in this category.

Standards referred to	Number of decisions where standards were referred to
Standards of conduct, performance, and ethics	39
Standards of proficiency	16
Standards of another organisation (professional body etc)	9

Other standards or regulations referred to by panels were:

- General Social Care Council's (GSCC) Code of Conduct (6)
- Standard operating procedures for the workplace (1)
- Ambulance Service standards (1)
- British Psychological Society's (BPS) code of ethics (1)

Order

2.22 What was the panel's decision?

Sanction	Number of orders made (from 133)
Striking off	13 (10%)
Suspension	22 (17%)
Conditions	17 (13%)
Caution	14 (11%)
Mediation	0 (0%)
Not well founded	28 (21%)
No further action	4 (3%)
Consent order	12 (9%)
Discontinuance in full	3 (2%)

Other	20 (15%)
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Almost all of the consent orders audited in this period resulted in removal from the Register. The four remaining consent orders imposed conditions of practice or caution orders on the registrant in question.

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

- 18 hearing panels which either revoked an existing order or made no further order upon the expiry of the current order;
- one incorrect entry to the Register where the HCPC was at fault; and
- one removal in case of fraudulent entry to the Register.

2.23 How long was the sanction imposed for?

This question applies only to suspension, condition of practice, and caution orders. This section sets out the lengths of these sanctions in this period, relevant to the type of sanction order made.

As the length of sanction that can be imposed varies between the different types of sanctions, the relevant sections of the indicative sanctions policy has been included alongside the relevant statistics.

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 22)
3 months	1
4 months	1
6 months	5
9 months	1
12 months/1 year	14

The small number of cases where the panel imposed a period of suspension shorter than a year seems generally consistent with the guidance, as panels only imposed such orders where they had a specific reason to do so.

- The three and four month suspension orders were made at review hearings and the reasons for the shorter suspension period were adequately addressed in the decision. The four month extension of an existing suspension order was to allow for a voluntary removal agreement (VRA) to be applied for.
- Four of the six month suspension orders related to extending existing suspension orders. The decisions provided clear reasoning as to why this period of suspension was deemed appropriate and what the expectations would be for the registrant prior to a review of the order. One panel imposed an extension to an existing suspension order for an additional six months in order to allow the HCPC to investigate if an allegation that a registrant had not complied with the order were substantiated. One six month suspension order referred to a final hearing. The panel provided clear rationale for the shorter suspension order which included consideration of mitigating evidence that a conditions of practice order would be unworkable.
- The nine month suspension order was considered appropriate by the panel as the registrant in question had already been subject to an interim suspension order of 19 months. An additional suspension period of nine months was deemed to be appropriate in order for the registrant to develop further insight.

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 18)*
12 months/1 year	8
18 months	4
2 years	2
3 years	3
Unknown	1

*This number includes one consent order in which a conditions of practice order was decided by the panel through consent.

The length of conditions of practice orders imposed seemed to be consistent with the guidance in the indicative sanctions policy. The longer conditions of practice orders were imposed on registrants with a

greater need for support to reach full competence, and shorter periods imposed where there were fewer issues to be addressed.

In one early review hearing which was requested by the registrant, the panel decided to vary an existing conditions of practice order. It was apparent in the wider decision that the new conditions would continue until the expiry of the current order but this was not clear in the section outlining the panel’s formal decision at the end of the written decision document i.e. order section.

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 17)*
12 months/1 year	2
20 months	1
2 years	4
3 years	5
4 years	1
5 years	4

*This number includes three cases in which caution orders were decided by the panel through consent.

Panels seemed to be consistent in their application of the guidance in the indicative sanctions policy, with the average length of a caution order being three years.

2.24 Does the order accord with sanction policy?

Applicable decisions	Not applicable
79 (59%)	54 (41%)

Applicable decisions	
Accord with policy	Not accord with policy
79 (100%)	0 (0%)

The auditor found that all applicable cases appropriately accorded with the indicative sanctions policy. Only orders that applied a sanction are included in this category, including consent orders and removal orders. This question does not include decisions where no sanctions were imposed, i.e. decisions which were not well founded / no case to answer, where the case was discontinued or the panel decided that no further action was necessary, or transferred the case to a different panel.

2.25 Does it state the operative date of the order?

Applicable decisions	Not applicable
95 (71%)	38 (29%)

Applicable decisions	
State operative date	No operative date
85 (89%)	10 (11%)

There was some uncertainty over whether a voluntary removal agreement (VRA) required a separate order section to be drafted at the end of the decision document. However, for the purpose of this audit where the VRA is referred to in part of the decision and the panel signs it, the auditor understood that it would take immediate effect for the purpose of this audit.

Ten decisions did not record an operative date in the order and this usually consisted of the omission of 'from the date this order comes into effect' or 'with immediate effect'.

This category includes all sanction orders, restoration orders and orders of 'no further action' where in reviewing a sanction order the panel decided that the registrant's fitness to practise was no longer impaired.

2.26 **Does it state the end date of the order?**

Applicable decisions	Not applicable
57 (43%)	76 (57%)

Applicable decisions	
State end date	No end date
54 (95%)	3 (5%)

The vast majority of cases which imposed a sanction able to expire stated the end date of the order. This category includes suspension, conditions of practice and caution orders. The remaining three order sections at the end of the decision document had omitted specifying the duration of the sanction imposed; however, this information was evident in the wider decision document. Not applicable to this section were decisions that did not impose a sanction order, and consent orders for removal from the Register and orders to strike off which do not have end dates.

2.27 **Conditions orders**

Conditions were imposed in 18 cases, this number includes one consent order in which a conditions of practice order was decided by a panel through consent. The following tables analyse the conditions set and whether they accord with the guidance in the indicative sanctions policy.

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

Yes	No
18 (100%)	0 (0%)

All of the conditions set during this audit period were sufficiently realistic.

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

Yes	No
18 (100%)	0 (0%)

The auditor found that all conditions imposed were verifiable and provided specific and clear information about what evidence would be required to meet the conditions and when it would be required.

Are they imposed on anyone other than the registrant?

Yes	No
0 (0%)	18 (100%)

The auditor interpreted this question to refer to decisions where persons other than the registrant were directly required by the panel to carry out an action to enable the registrant to meet the conditions. Where the registrant was responsible for organising other people to carry out certain actions, the auditor understood that the conditions were only imposed on the registrant.

Based on this interpretation, all of the conditions set in this period were imposed only on the registrants in question. Though many conditions of practice orders imposed a supervisory requirement they did not refer to supervision by any named person and stipulated that the registrant needed to organise these arrangements.

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.

Procedural issues

- 3.1 There was a wide range of procedural issues considered by panels during the period of this audit and the following table sets out the number of instances different types of procedural issues occurred. Some cases considered a number of different procedural issues, so the total number of issues raised does not directly correspond to the total number of hearings (70) where procedural issues were considered.

Procedural issues	Number of instances
Request for hearing to be held in private	24
Amendments, corrections, withdrawal of allegations	44
Application for full or partial discontinuance of allegations	3
Application of no case to answer	6
Application for adjournment of hearing	6
Application for case to be transferred to health committee (conduct and competence cases only)	1
Other	17

- 3.2 Most procedural issues were relatively straightforward, such as minor amendments to allegations and applications for hearings to be heard in private. For the purpose of this audit, the auditor has not referred to the following procedural issues in the above table: service of good notice; finding FTP is impaired; consent orders; indicative sanctions policy; and conviction and caution allegations.

The 'other' category relates to cases where more unusual procedural issues occurred, as summarised below.

- In seven cases panels considered the admissibility of particular pieces of evidence. This includes instances where an application was made that some evidence was inadmissible, and cases where new evidence was put forward and the panel considered whether it should be included.

- In one case the panel considered an application to introduce an expert witness.
 - In four cases the panels considered special measures in relation to hearing evidence or representation at a hearing. (Two cases related to hearing evidence or participating in the hearing via telephone; two others cases referred to changing the order of hearing evidence.)
 - In one case the disclosure of information was referred to but it wasn't clear to the auditor if this was a formal procedural issue as the decision referred to a 'subject access request'.
 - In one case the panel considered an application to anonymise a witness to the event giving rise to an allegation.
 - In two cases the panel considered the possibility of actual or perceived bias due to knowledge of a previous hearing or connection with an organisation which employed the registrant.
 - In one case the panel considered if adequate notice had been provided to a registrant in order to attend a hearing due to the prior notice containing the wrong postal address. The panel subsequently delayed the hearing for 30 minutes.
- 3.3 Previous audits have referred to some administrative errors on the part of the HCPC which included evidence missing from bundles, incorrect information given to panels and not enough notice being given to a registrant. This audit found reference to one administrative error, i.e. the incorrect postal address referred to above.
- 3.4 The auditor observed that the majority of procedural issues were recorded as part of preliminary matters at the start of the decision. However, in some instances the procedural issues were recorded later in the decision. It would be helpful for future audit purposes if as many procedural issues as possible were recorded under preliminary matters.

Legal advice

- 3.5 The majority of decisions stated that the panel accepted the advice of the legal assessor, and often provided some detail as to the advice they received. However, 27 decisions in this audit period did not include any reference to the legal assessor.
- 3.6 The previous audit made reference to the difficulty in assessing decisions in relation to legal advice, as a number of decisions made no reference to the legal assessor, or any advice the panel may have received from them. Although the auditor has noted some improvement in this area, 20 per cent of decisions from this audit made no mention of the legal assessor, or any advice they may have received from them. This marks an improvement of 7 per cent from the previous audit, but further improvement is required.

Drafting

3.7 The drafting of decisions across the audit period was often of high quality and the majority of decisions were appropriately structured and written. The following provides further comment on drafting issues.

3.8 Summary of allegations

The majority of decisions audited tended to include either a list of the original allegations or a summary of these allegations towards the beginning of the decision write up. However, two decisions did not include reference to the allegations. These decisions referred to a review hearing and consent order respectively; as such the allegations in question had already been proven in previous hearings or accepted through consent.

3.9 The auditor believed it was likely that a summary of allegations should have been included in these two decisions given this was the case in all of remaining decisions. The auditor determined that without this information, these decisions could not be interpreted as 'stand alone' as it is not possible to fully understand the decisions of the panel without understanding the allegations made against the registrant in question. The other two decisions which were not considered 'stand alone decisions' were review hearings. These decisions either made reference to content contained in a voluntary removal agreement (VRA) or the auditor considered that further factual background information could have been provided in the decision in order to aid comprehension.

3.10 Use of language

Most decisions used simple language appropriate to the context. Some decisions included allegations which referred to technical skill or complex concepts, and in such 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.

3.11 Proof-reading and editing

The standard of proof reading and editing of decisions being released as final versions has been noted in previous audit reports. The last audit identified some improvement with only 14% of decisions including identifiable spelling, grammar, formatting errors in the final decisions for the period.

However, this audit found that 52% decisions in this period contained some minor drafting errors. The majority of errors identified in this period related to inconsistent formatting, with irregular paragraph

spacing, character spacing and page numbering among the most prominent. The following provides a brief overview of some common drafting issues:

- 27 decisions did not contain either page or paragraph numbering;
- 12 decisions had minor grammatical mistakes evident which included a mixing of tenses, typos, minor omissions and repetition in some instances;
- 22 decisions had inconsistent formatting including irregular paragraph or sentence spacing, or the paragraph headings were located on a separate page to the accompanying content;
- 12 decisions did not specify the profession of the registrant in question on the decision cover sheet;
- two decisions could have provided further consideration to the public and private dimension of the decision; and
- four decisions contained unusual use of language.

The latter four decisions referred to above included: referring to a registrant as 'she' rather than 'the registrant' or by name; the decision had been written in the second person narrative throughout; the decision had used a first person narrative without identifying a quotation source; or the decision contained some sentences which were unclear.

4. Learning points and recommendations

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

- As part of the Fitness to Practise work plan for 2015-16 we will be reviewing the use of preliminary meetings (both oral and electronic), and pre-hearing case management which may help to address some of the procedural issues identified in the audit report.
- In November 2014, a pilot for the use of pre-hearing teleconferences and other operational efficiencies begun. The pilot will run for 9 months and is being overseen by the Scheduling Manager. It is hoped that the use of pre-hearing teleconferences in a small number of cases will help to facilitate the smooth running of the final hearing and identify outstanding preliminary issues that can be dealt with in advance of the final hearing.
- The audit report has highlighted that a more consistent approach to the drafting of review and consent order hearing decisions may be required, for example in respect of the factual background to the case to ensure that they are stand-alone decisions. We will be reviewing our guidance to panel members and Hearing Officers in this area.
- The audit has also highlighted a decline in the quality of the proof reading and editing of decisions prior to publication. The audit found that 52% of decisions in the reporting period contained minor drafting errors. We will look into the reasons for this and review the process for quality checking decisions and whether this is in part linked to an increase in the overall length of hearing decisions.
- We continue to run on-going panel refresher training sessions using case studies from previous hearing decisions. The panel refresher training material will be revised shortly to include new case studies and training material. The revisions will ensure that the refresher training remains up to date and focuses on relevant areas for improvement
- The audit has continued to highlight areas of best practice, for example, in terms of the quality of the drafting of decisions. All decisions audited in the reporting period were written in clear and unambiguous terms and adequate reasons were provided. The audit only found one reference to an administrative error on the part of the HCPC. This highlights that we are continuing to ensure that adequate pre-hearing checks are in place.

6. 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 representative 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 (adjoined, 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 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: