

Council

Meeting Date	16 July 2026
Title	Fitness to Practice and Tribunal Service Directorate Performance report
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Executive Sponsor	Laura Coffey, Executive Director of Fitness to Practise and Tribunal Services
Executive Summary This paper provides the Council with an update on the performance and activity of the Fitness to Practise and Tribunal Services in May 2026. It also includes an overview of our key improvement activity planned for 2026-27. Whilst recognising the independence of the Health and Care Professions Tribunal Service (HCPTS) there are key performance and activities which align across the fitness to practise (FTP) process. We have therefore provided a combined paper which covers the three areas in the directorate. The Council is asked to review the information provided and seek clarification on any areas.	
Action required	The Council is asked to review the information provided and seek clarification on any areas.
Previous consideration	Standing item to update the Council on the performance of the FTP and Tribunal Services (TS) directorate
Next steps	The next report will be provided to the Council on 24 September 2026.
Financial and resource implications	Financial and resource implications are provided for in the FTP and TS 2026-27 budget
Associated strategic priority/priorities	Putting patients at the centre of smarter, preventative regulation Technology-enabled regulatory excellence and organisational sustainability

Associated strategic risk(s)	1. We are unable to deliver our regulatory requirements effectively in a changing landscape, affecting our ability to protect the public
Risk appetite	Regulation - measured
Communication and engagement	Not applicable
Equality, diversity and inclusion (EDI) impact and Welsh language standards	Improving the quality and timeliness of FTP cases will support all involved in the process. Our planned activities for 2026-27 include developments that will improve our communication and support for those involved in the process and who are particularly vulnerable or in need of additional support and reasonable adjustments.
Other impact assessments	Not applicable
Reason for consideration in the private session of the meeting (if applicable)	Not applicable

Fitness to Practise (FTP) and Tribunal Service Directorate Performance Report

1. Introduction

- 1.1 This paper provides Council with an overview of the performance and activity of the Fitness to Practise (FTP) and Tribunal Service directorate in July 2026. It also includes an overview of our planned key improvement activity for 2026-27.
- 1.2 This is a combined paper which looks at our performance in the three areas in the directorate:
- Case Progression and Quality - the pre-ICP standard investigation stages of the FTP process;
 - FTP Legal Services – the internal frontloading investigation team and post-ICP stages of the FTP process; and
 - HCPTS – the hearings and adjudication stage of the FTP process.

2. Case Progression and Quality

- 2.1 In this section we provide an overview of our performance in relation to the timeliness and quality of our standard case investigations.

Volume of cases

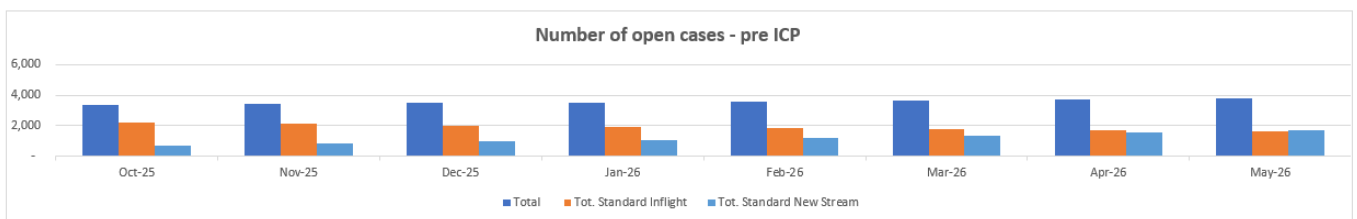
- 2.2 In May 2026 we received 270 new FTP concerns, and we are on track in June to have received over 270 concerns each month in Q1 of this financial year. This would be the first time we have received over 270 concerns a month for three months in a row and would represent a circa 18% increase in new concerns from Q1 last year. As Council is aware, 2025-26 saw a 41% increase in concerns compared to the previous year. The table below shows the increase in demand over the last four years:

Year	Number of Referrals	Percentage Increase from previous year
2022/23	1,769	12%
2023/24	2,034	15%
2024/25	2,164	6%
2025/26	3,049	41%

- 2.3 Whilst we continue to work with others in the sector to understand the reasons for this, and share how we are responding to these challenges, these levels of referrals have now become the expected level of demand.

- 2.4 We have increased our headcount in response to the increase in demand and the early indications are that the new assessment centre approach is proving a helpful way of attracting and assessing potential candidates. We have held 3 assessment centres in May and June and made 12 offers for Regulatory Investigator roles. A further four are planned for July, September and October. However, we still have some way to go to reach the extended headcount, as well as filling vacancies in the current team. We have found the job market to be more challenging from our previous experience with recruitment into the directorate in the last 12 months, particularly in relation to fixed term contract roles. We are considering holding additional assessment centres and other options, such as the use of agencies, which has served us well in expanding our legal team.

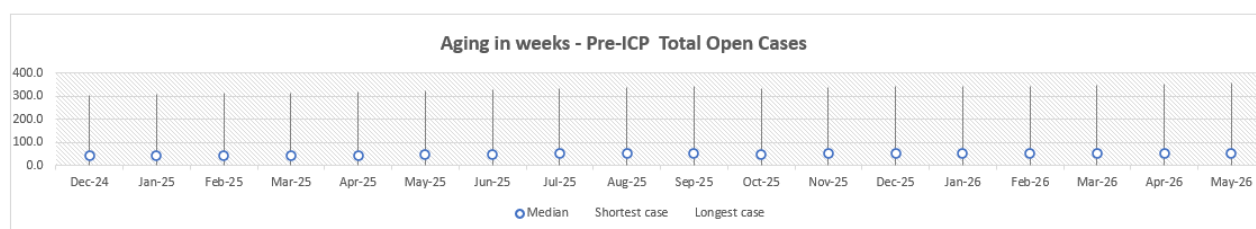
Figure 2 – number of open cases pre-ICP



- 2.5 The increase in new referrals continues to impact the volume of cases at the pre-ICP stage of the process. At the end of May, the volume of standard investigation cases at the pre-IC stage (i.e. excluding frontloaded cases) was 3360. This is an increase from 3252 in April.
- 2.6 This includes cases where we are unable to actively progress matters because they are on hold pending a third-party investigation, as well as cases where the active investigation has concluded and cases are awaiting consideration by the Senior Decision Makers for a threshold decision or awaiting consideration by the Investigating Committee.
- 2.7 The number of cases that were open prior to our new streaming process (orange column) continues to decrease as those cases move through to a threshold or ICP decision stage. The number of cases received since we started streaming is now larger than the cases opened prior to streaming for the first time.

Age profile of open cases

Figure 3 – median age of live cases pre-ICP

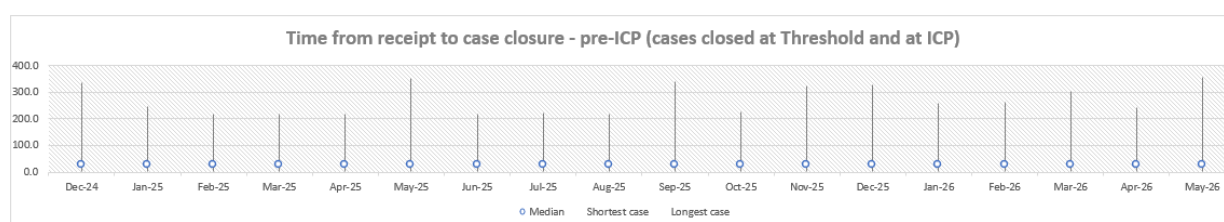


2.8 At the end of May, the median age of the live pre-ICP standard caseload was 51 weeks, a slight reduction on the median age in April. The youngest case in May was 0.4 weeks and the oldest was 355.3 weeks. The oldest case was subject to a lengthy third-party investigation which has impacted the time taken to progress the case.

2.9 The median age for cases received since we started streaming in July 2025 is currently 17 weeks, which is well within our 33 week KPI for this stage of the process. This is closely monitored to assess the effectiveness of the change in our operational process which took effect from July 2025.

Age of cases at the point of conclusion pre-ICP

Figure 4 – median age of cases closed pre-ICP



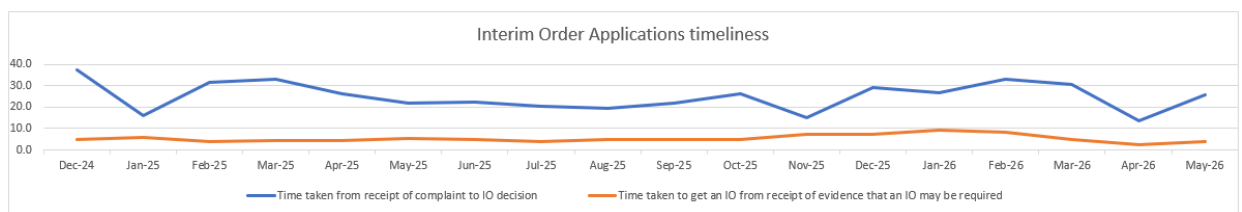
2.10 The median time taken from receipt to case closure remains at 28 weeks, which is within our 33 week KPI to conclude cases at this stage of the process. The shortest time to conclusion was one week and the longest 358 weeks. This continues to demonstrate that we are continuing to progress both the older cases and younger cases through the process.

2.11 The rolling year average proportion of cases closed by the Investigating Committee with a No Case to Answer decision is 45%. This means 55% of cases considered by the Investigating Committee are referred on to a final hearing.

Interim Order timeliness

- 2.12 The blue line in Figure 5 below shows how quickly we progress a matter to an interim order hearing from receipt of the concern. This requires evidence of the risk to be obtained prior to making a formal application, which can be reliant on third parties. Cases that are on hold pending a third-party investigation can also impact our performance as those matters need to reach an evidential stage before we can proceed to an interim order hearing. The average time taken from receipt of concern to an Interim Order (IO) between January – May 2026 remains at 26 weeks. In May our performance was 26 weeks, which is above our KPI of 12 weeks.

Figure 5 – interim order performance



- 2.13 Further information about our performance in listing cases for an interim order hearing once we have identified the need for an order is presented in 5.6 below.

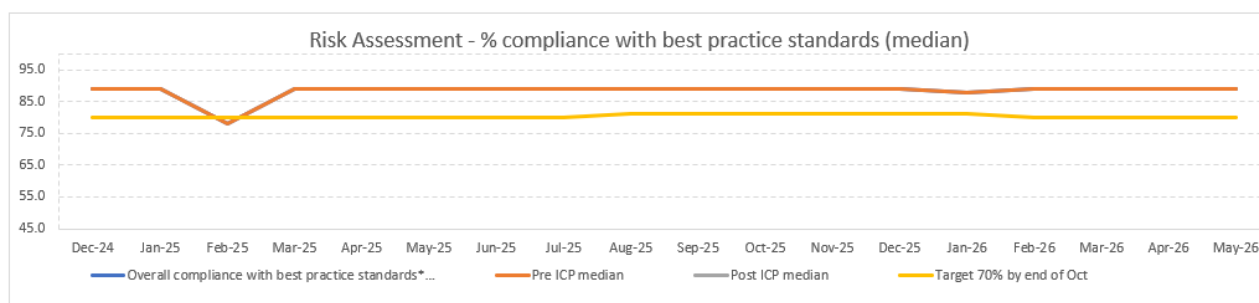
3. Quality Measures

- 3.1 In this section we provide an overview of our performance in relation to the quality of our case investigations, which are measured through our monthly front line checks assurance process.

Risk Assessments

- 3.2 Monitoring the quality and timeliness of our risk assessments continues. Our target is to achieve 80% compliance with the quality standards in our Best Practise Standard.

Figure 6 – quality of risk assessments against target



- 3.3 The KPI of 80% has consistently been met over the past 12 months. In May, our performance was 89% compliance with the Best Practise Standard. However, we are not complacent and will be rolling out new risk and interim order management training for the teams during quarter two to ensure the training is kept current and the principles of risk management remain at the forefront.

Case Planning

Figure 7 – quality of case planning against target



- 3.4 Monitoring the quality and timeliness of our case planning also continues. After scoring in April was 86%, this slightly reduced to 82% in May which remains above the target of 80%.

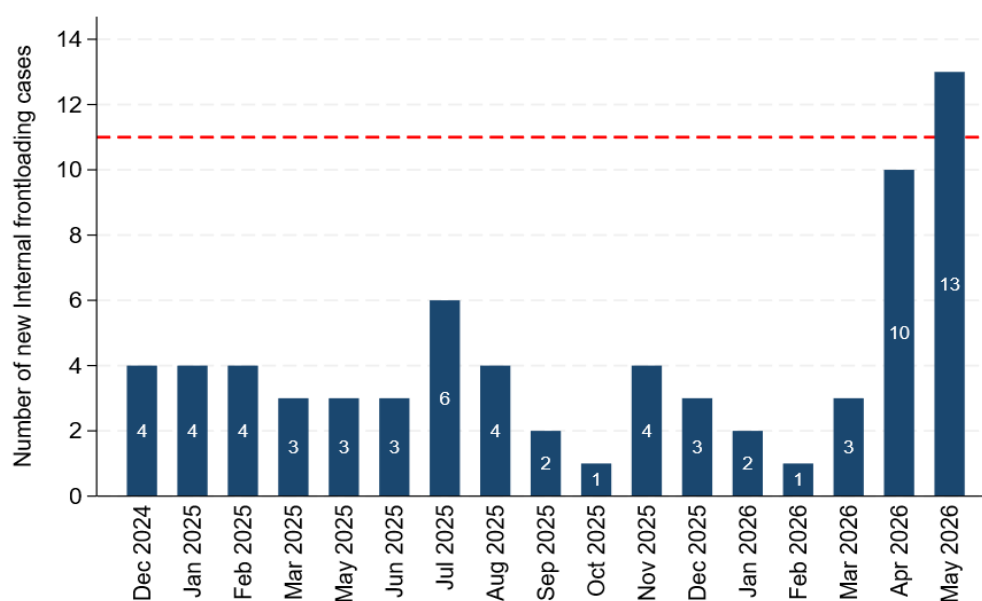
4. FTP Legal Services

- 4.1 In this section we provide an overview of our performance in relation to the timeliness and quality of our internally frontloaded case investigations and post-ICP case preparation.

Internal frontloaded investigations

- 4.2 Over the course of 2026/27 a key priority in FTP Legal Services is to grow the volume of cases investigated by our internal frontloading team.
- 4.3 We have continued to onboard team members into the internal frontloading team. At the end of June 2026, we have, in post, our complete case handling team of senior lawyer, three lawyers, six paralegals and three legal assistants. We are continuing to work through our plan for onboarding, training and support for this newly expanded team.

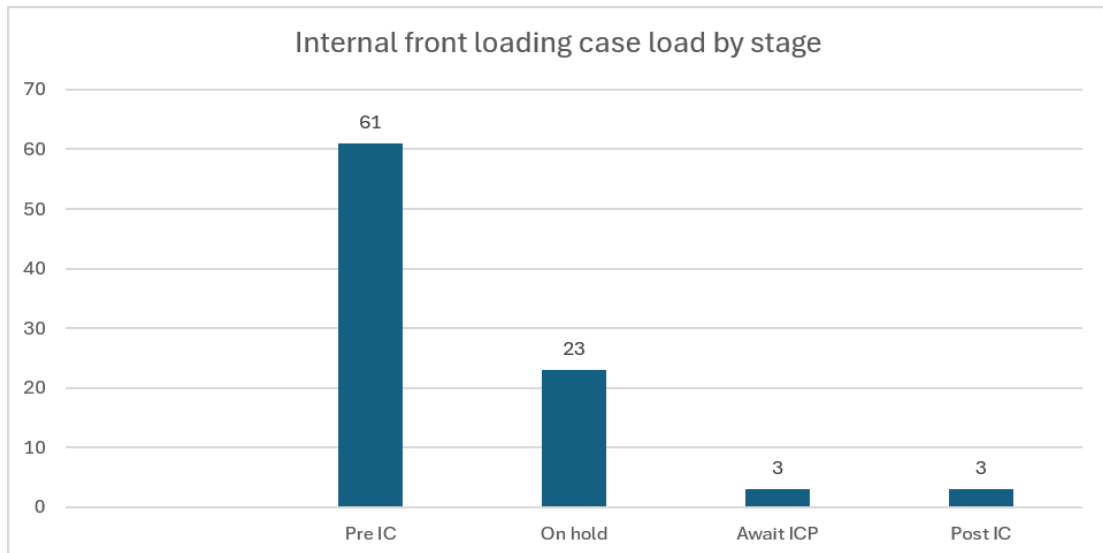
Figure 8 – new internal frontloaded case allocations



- 4.4 In relation to new case work, our objective over April 2026 – March 2027 is to allocate an average of 11 cases per month into the team.
- 4.5 As figure eight shows, we were ready to start allocating cases to the team at a significantly increased rate from April 2026. Although the chart shows 13 allocations in May, this is because two of our June allocations had triage decision dates in the last week of May and we were ready to allocate cases into the team in the first week of June. We allocate cases into the team weekly and we report to the Council based on triage decision date for those cases.
- 4.6 We've continued to allocate a mix of cases into this team, drawing on the capacity at different case holding complexity levels between our FTP lawyers, paralegals and legal assistants. We've also, over the quarter one, rebalanced the existing caseload, to support and facilitate case reviews, support and case progression in the team on those cases, as well as risk assessing and planning new cases.

- 4.7 We will continue to update the Council about our progress in growing our frontloaded investigations over 2026-27.

Figure 9 – total internal frontloading caseload



- 4.8 The volume of cases held by the internal frontloading team at the end of May 2026 was 90. 61 of these cases are live pre-ICP investigations, 23 are on hold due to third party investigations, three await an ICP decision and three cases are post-IC.
- 4.9 We are currently developing our reporting to be able to provide Council with an overview of the case stage movement and case closures over each quarter to provide assurance about case progression in this internal front loading case load.

Post ICP case preparation

- 4.10 In this section we provide an overview of our performance in relation to the timeliness of our post-ICP casework and the age profile of our cases at this stage of the process.

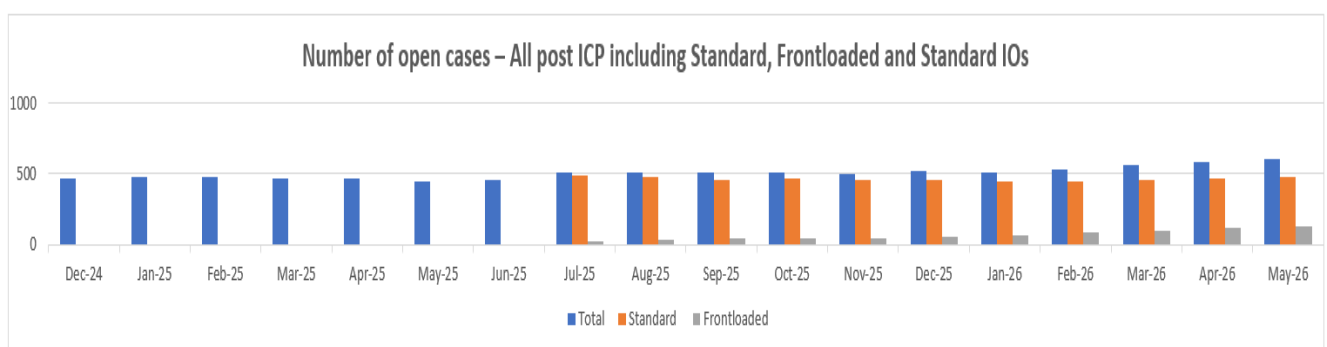
Open cases Post ICP

- 4.11 Over the course of 2025, the overall number of cases open at the post-ICP stage was broadly consistent. In 2026, we have started seeing a gradual increase in the number of cases at the post-ICP stage. As shown in figure ten below, at the end of May 2026, the caseload was 607 cases. This increase correlates with an increased number of Investigating Committee case to answer (CTA) decisions over the same period. In the last three months between March and May 2026, the ICP made 142 CTA decisions compared with 60 in the same period last year. The increase in the case volume is

driven by a greater proportion of frontloaded investigations passing through the ICP stage. We would expect that these cases will have a case to answer decision as they are likely to be more high-risk or complex matters.

- 4.12 The majority of cases open at this Post IC stage of our process remain cases that have come through our standard investigation route and are being prepared for a final hearing by our external legal suppliers. In May 2026, 482 cases were standard cases (orange column) and 125 were frontloading (grey column). This is what we would expect to see as frontloaded cases are expected to be hearing ready at the Investigating Committee stage and therefore proceed to a final hearing more quickly once they have been referred on by the ICP. Of the 607 cases at the Post ICP stage, 87 of these are listed for a final hearing.
- 4.13 We will continue to monitor the volume of cases that are referred by the ICP, the volume of cases that progress to our 'ready to schedule' stage and the volume of cases that are listed for a final hearing each month along with the break down between frontloaded and standard cases.
- 4.14 With the growth in the FTP Legal Services team we are implementing a new business structure to support the oversight of risk and compliance. This includes improving the way we monitor trends and case progression operationally between HCPC, our external providers and HCPTS. We've developed our plans to facilitate more effective forums for forecasting, problem solving and trend analysis, which we started rolling out in May. Our work in this area is continuing into quarter two. We will be joined by a senior lawyer from the GMC on secondment in July 2026 for six months and they will support with the implementation of some of the improvements in this area.

Figure 10 – number of open cases post-ICP

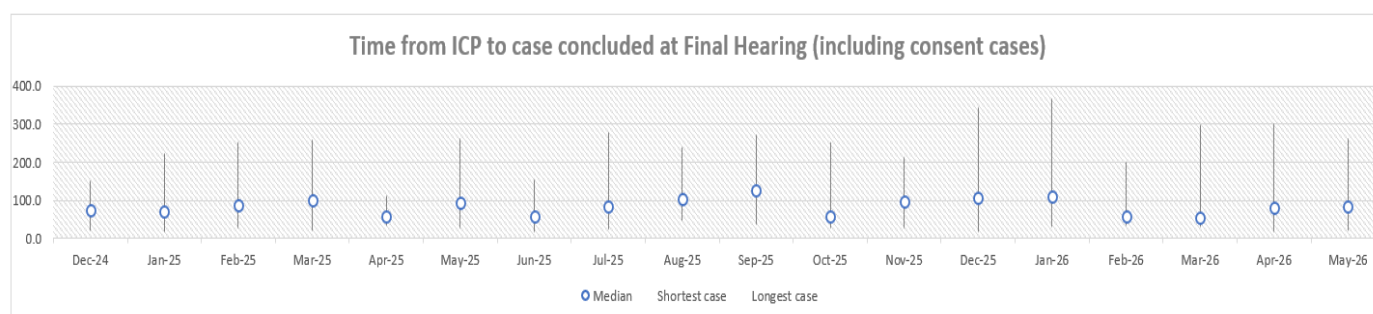


- 4.15 The median age of the open post-ICP caseload was 15.7 weeks, which is within our KPI of 39 weeks from the ICP decision. The oldest case at this stage was 300 weeks and it is in the process of being listed by HCPTS.

Age of cases concluded at final hearing

- 4.16 To reduce the overall number of cases over our KPI we recognise that it is important to make sure we do not progress older cases at the expense of case progression with younger cases. The median age of cases at the point they conclude at a final hearing provides a useful indicator of how we are balancing the progression of cases across the caseload.
- 4.17 We expect the median age of these cases to be above our 39 week KPI as our older cases move through the process. The median age of case concluded at a final hearing in May 2026 was 84.3 weeks, with the oldest case at 261 weeks and the youngest case at 20 weeks, which is below the 39 weeks KPI for this stage of the process. The shortest age to conclusion continues to reflect the positive impact of frontloading and the benefits we're realising in progressing frontloaded cases to a final hearing more quickly.

Figure 11 – age profile of post-ICP cases at the point of case conclusion



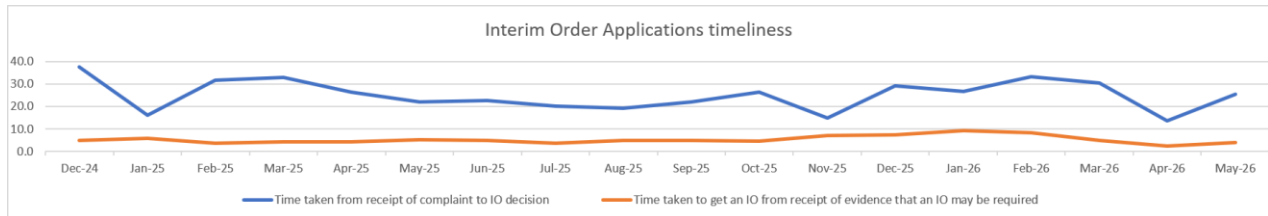
5. Health and Care Profession Tribunal Service (HCPTS)

- 5.1 The HCPTS is responsible for the listing and running of all FTP hearings, held by one of our three practice committees (Investigating Committee, Conduct and Competence Committee and Health Committee).
- 5.2 Our core purpose is to ensure that hearings are conducted efficiently, and that our panels reach high-quality regulatory decisions that are fair, consistent, proportionate and compliant with our procedures and legislation. We also have a key role to play in supporting registrants, witnesses and other participants through the hearing process.
- 5.3 In this section we provide an overview of our performance in relation to key hearings-related activity.

Volume and timeliness of interim orders applications

- 5.4 In May we saw a decrease in the number of interim order applications heard by a panel. At 14 applications, this was the lowest monthly number since December 2024.

Figure 12 – interim order performance

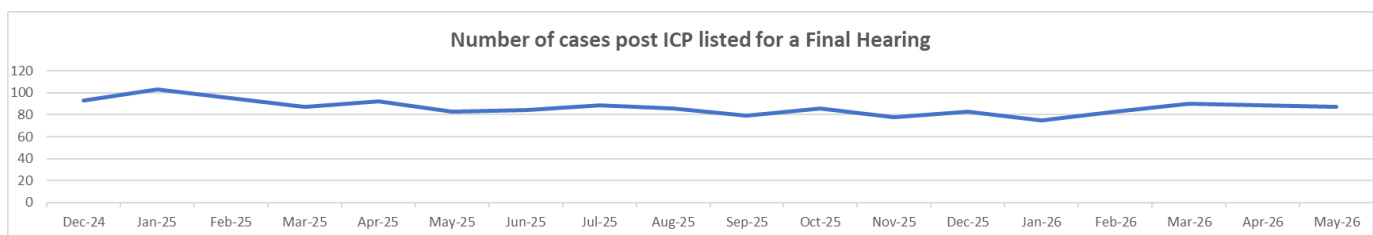


- 5.5 As shown in figure 12 above, in May the time taken to hold an interim order hearing from deciding that an interim order was required was 4.0 weeks (the orange line). This slightly over our KPI of three weeks and was impacted by exceptional circumstances in one case relating to complexities with the evidence which meant additional preparation time was required before the hearing could be held.

Number of cases listed for a final hearing

- 5.6 Figure 13 below sets out the number of cases listed for a future final hearing at the end of May 2026. At 87 confirmed listings this is consistent with performance in the previous two months.

Figure 13 – number of cases listing for a final hearing

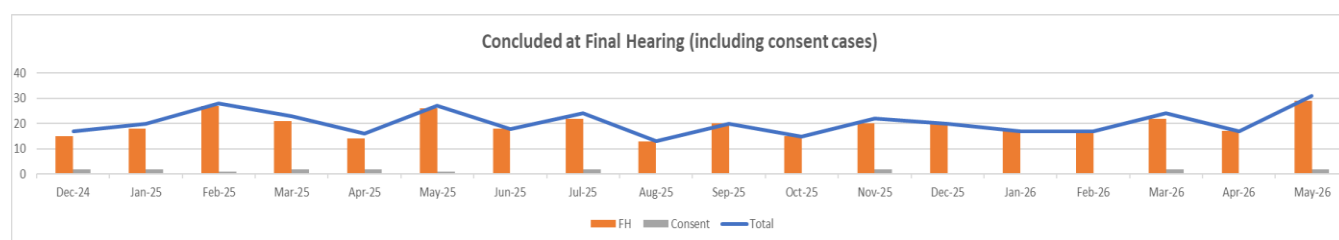


- 5.7 The median time taken to list a final hearing in this time period was 11 weeks upon point of allocation. Whilst this remains outside of our four week KPI it is reflective of the work we have done within the team to progress some of the more challenging cases to the stage where we have confirmed hearing dates, using scheduling case clinics to resolve barriers to listing.
- 5.8 A key priority for us this year is to optimise the scheduling and pre-hearing case management process within our current operating model to reduce the time taken to list a matter for a final hearing. We'll update the Council on our progress against this piece of work once it commences.

Final hearing outcomes

- 5.9 Figure 14 below shows the number of final hearings that conclude each month. In May 2026, we concluded 31 final hearings. This number is the highest we have seen in the last 18 months and is reflective of the work we are doing to improve listing these hearing types and our monitoring of adjournment rates. There were a further three final hearings listed to take place in May that did not conclude and were adjourned part-heard.

Figure 14 – number of cases concluded at a final hearing



- 5.10 Hearings may adjourn for a number of reasons which may not be in our control. For example, where applications are made by parties at the start of or during the hearing, or where witness evidence and cross-examination take longer than expected. In some instances, we will deliberately list hearings in multiple parts to accommodate panel member availability for lengthier hearings. These hearings will still be classed as adjourning part-heard. In some cases a hearing may adjourn with no evidence heard, which means the hearing did not start when scheduled. We closely monitor adjourned and part-heard hearings to identify any themes or learning that can assist us to minimise the number of adjourned cases.

Quality assurance of panel decisions

- 5.11 In May we delivered our yearly refresher training sessions for our FTP partners. These sessions have focused on the following areas:
- Themes arising from PSA feedback received over the last year. This has included how panels should consider and balance aggravating and mitigating factors; assessment of seriousness; importance of fully addressing public interest; providing full explanations when departing from the sanctions guidance.
 - Learning identified by our internal Decision Review Group (DRG) which included points around interim order adjournments and the importance of addressing public interest in decisions.
 - Case law update from themes across the regulatory sector.
 - A reminder of the key changes from the sanctions policy update which went live in March 2026 and signposting of the new resources on discrimination.

- 5.12 We also went live with a new eLearning module for the ICP which covered the application of the realistic prospect test and the impacts of adjournments at this stage of the process.

6. Impact of investment made in 2025

- 6.1 In July 2025, Council approved additional investment in FTP, for targeted interventions in three key areas to support our work to improve timeliness of investigations. A year on we update Council on the impact of that support.

Additional temporary resource to our Senior Decision Making (SDM) team

- 6.2 We appointed two SDMs for 12 months in November 2025. The SDM team draft all threshold closure decisions and they review completed investigations on standard cases before they are referred to the Investigating Committee. When the funding was first requested for this resource there was a bottleneck in the SDM process which added unnecessary delay to the progression of cases through to closure or the ICP stage. At that time we has 386 cases awaiting a threshold decision and they were 8 weeks outside of our KPI to make a decision on a case.
- 6.3 With the additional capacity we have eliminated the bottleneck in that stage of the process. The SDM team's work has now been consistently within their ten day KPI since February 2026, positively impacting the timeliness of cases concluding against our threshold policy or being submitted to our Investigating Committee.

External legal advice support for Pre-ICP case work

- 6.4 We instructed external counsel to advise on cases that our pre-ICP case teams identified as requiring additional technical support to progress. Work undertaken by Counsel included providing case strategy and planning , drafting complex allegations and case investigation reports, and advising on applications to the Family Court for disclosure of evidence. Counsel also provided assurance on case progression of our oldest case, reviewing all cases received before 2021 to ensure there was a clear and proportionate investigation plan in place.
- 6.5 In total, Counsel provided the equivalent of 95 days of support to the team and reviewed 76 cases. Of those 33 cases have now either concluded or reached the ICP stage, and 43 are progressing to a decision point in line with Counsel's advice.

Additional temporary paralegal resource for our case preparation team

- 6.6 We appointed two paralegals for 12 months in January 2026 in our case preparation team, with the aim creating capacity for our Case Progression Lawyers to undertake targeted timeliness work with our ELPs. This additional resource coincided with higher volumes of case to answer decisions by the Investigating Committee (as referred to in section four above). The additional resource was critical initially in supporting this team in being able to maintain providing timely instructions of new Post IC cases to the external legal suppliers, case progression instructions and instructions for cases at hearings in this period.
- 6.7 In April and May 2026, the additional paralegal capacity in this team provided capacity for our lawyers in this team to commence targeted timeliness case work. This work has included introducing new senior level approval for investigation extensions on standard cases, targeted case reviews for our oldest cases and new meetings with the HCPTS to problem solve on cases where listing a hearing is causing difficulties. In July 2026 a Senior Lawyer will join the team on secondment from the GMC, and will be able to bring their expertise to advise on how we can enhance our oversight of ELP performance.

7. FTP and Tribunal Service Directorate improvement plan for 2026-27

- 7.1 Our priorities this year are aligned across the FTP and Tribunal Service directorate and are focused on ensuring we embed best practice across all teams in the directorate and continuing to improve the way we work. This includes making sure case parties are kept informed and supported at each stage of the FTP process, that cases are progressed proportionately and as efficiently as possible, and that we have the capacity and capability across the department to consistently deliver the fundamentals of our work well.

- 7.2 Our key updates on our ongoing improvement areas are:

- **Customer service and witness support**

Improving the support to case parties and participants in the FTP process is our priority improvement activity this year. In June the PSA published their Performance Review for 2025-26. The PSA's assessment was that we had not met standard 18 this year, which relates to the support we provide to parties during an investigation. The decision that we have not met that standard is primarily based on the findings of the PSA's audit findings that we did not consistently update parties on the progress of investigations. We are incredibly disappointed not to have met that standard. As Council is aware, we have taken action to review our planned activities in this area and have developed an enhanced action plan to address the issues the PSA identified, and ensure we are providing

consistent, frequent, meaningful and compassionate updates to case parties.

In May we commenced an audit of all our pre-ICP cases to ensure updates had been sent out to parties within our service level standard and to provide updates where the service level had been missed. Our capacity to continue this work at pace is affected by the volume of incoming referrals and resource in the team. As Council is aware, we are therefore exploring other avenues of support to assist us with this activity.

With colleagues in our Product, Business Change and IT teams we are developing a tool on our Case Management System (CMS), which will provide automatic reminders to send case updates. We will also be able to report against tasks due in the future, completed tasks and compliance with our service level. This will help support the teams to manage this important aspect of case handling and give better management oversight to help direct the team's work in this area. We expect the tool to be ready to be deployed in the next month.

Our work to develop new front line assurance checks focused on customer service continues. In June the Quality Assurance team lead a workshop with team and operational managers in FTP to develop the front line check questions and scoring criteria. These are being finalised with a view to conducting a small pilot to test the criteria and calibrate scoring in early August.

In May we appointed two Customer Service Champions within the team, who have led on reviewing our template update letters to ensure they support the team to provide meaningful updates, particularly in challenging circumstances.

- **Review of our Threshold Policy**

We have commenced the initial scoping work for the review of our Threshold Policy. We are working with Policy colleagues on finalising a timetable for the consultation and expect to come back to Council with the proposed changes and consultation documents towards the end of Q3.

8. Key risks and mitigation

8.1 The current trend of gradual incremental improvements are vulnerable to a number of risk factors, both internal and external.

- Time – it takes time for improvement work once delivered to be seen as sustained and noticeable impact on performance measures. The monitoring of the improvement work we have delivered to date is embedded into our business as usual activity to ensure this work is

sustained, and our next suite of improvement activity builds on the changes and positive outcomes made to date.

- Increase in FTP concerns – in the last year we have seen a 41% increase in the number of new FTP concerns we receive, which makes it even more challenging to progress cases at pace. There are no discernible themes behind the increase in referrals and the trend in increased volumes of new referrals is also being experienced by other regulators. In the main these additional referrals are streamed into our investigations teams that manage cases up to the ICP stage, which indicates that the increase is not being driven by referrals that do not raise regulatory concerns. We have significantly increased our headcount in our investigation teams in response to that demand and continue to undertake resource planning to monitor caseloads and capacity in the teams.
- Resource – we have increased headcount in our case management teams to ensure we have capacity to respond to growing caseloads and to build resilience within the team. With HR we have designed a new Assessment Centre approach to recruitment to ensure we are identifying candidates who have the right capabilities to succeed in the role. The Assessment Centres have been successful in attracting and assessing suitable candidates with the relevant capabilities and skills to develop in the Regulatory Investigator role and we have made 12 appointments to date. However, we still have a way to go to reach the new headcount we require.
- Increase in Interim Order Review hearings – we are managing a significant increase in interim order review hearings (related to the increase in interim order applications over the last 18 months). This creates significant operational challenges to schedule and hold review hearings within the three-monthly review cycle, and can impact on the team resource and panel member availability to list and hold other hearing types. We have written to DHSC to ask for support for legislative change to our review cycles but were advised that we would have to wait for broader regulator reform.
- FTP partner availability – we have experienced challenges with FTP partner availability which has impacted our ability to list hearings efficiently. This presents a particular challenge for longer hearings (those over five days) where registrant panel members may not be able to be released by their employers to sit on consecutive hearing days. This may necessitate listing hearings in multiple parts over a few months to accommodate availability. Our recruitment process for partners can take some months and it is important to ensure we appoint high quality candidates for these roles as well as ensuring they undertake the necessary training before beginning to sit on hearings. The improvement work to the way we list hearings as well as the tools that we have in place should support us with the challenges we face.

- Need for regulatory reform – the changes we are making are helping progress older cases and improve quality of our decision-making and investigations. However, to be able to accelerate the improvement of the timeliness of our FTP process, we need legislative change to enable us to conclude cases earlier on in the process. At the moment, all cases where there is a case to answer (which is a low bar) must go to a final hearing. We continue to work closely with the Department of health and Social Care on the plans for regulatory reform.

9. Next steps

- 9.1 We will continue to update the Council on the directorate's performance and continuous improvement activity at each Council meeting.