

Fitness to Practise Committee, 10 October 2013

Fitness to Practise Work plan Update

Introduction

The attached appendix is intended to provide the Committee with an update on the progress that has been made in relation to the 2013-14 Fitness to Practise work plan.

Decision

The Committee is asked to note the paper, no decision is required.

Background information

The Fitness to Practise Committee approved the Fitness to Practise department work plan at its meeting in February 2013

Resource implications

None

Financial implications

None

Appendices

Appendix One Fitness to Practise Department work plan update

Date of paper

26 September 2013

Fitness to Practice Work plan update

Process and Policy Development, Review and Improvement

| Activity | Description | Timescale | Progress Report |
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| Case Management Maintenance and Phase 2 | <ul style="list-style-type: none"> - On-going deployments to CMS of new letter templates, new users, changing user profiles - Phase 2 of the developments to the Case Management System | <p>On-going</p> <p>September 2012- September 2013</p> | <p>There continue to be regular deployments to the system to make changes to letter templates, upload new templates and add and change user profiles. We have been working on resolving bugs in the system as and when they arise.</p> <p>The Executive Management Team are due to consider a project initiation document to make improvements and enhancements to the system at its meeting in October. It is anticipated that there will a regular major project to ensure the system remains fit for purpose. The enhancements for phase 2 of the system include developments to the system's retention functionality, spell and grammar check functionality, search functionality and the developments to the back end of the system</p> |

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| Decision Review | Review and learn from review of: <ul style="list-style-type: none"> - Final Hearing Decisions - Not Well Found Decisions - Investigating Committee Panel Decisions - Adjourned/Part Head | On-going | Two work streams are underway looking at ways in which we can improve and develop our processes for reviewing final hearing decisions and ICP decisions. <p>For ICP decisions that work includes:</p> <ul style="list-style-type: none"> - Reviewing not well founded decisions to inform ICP processes - Reviewing PSA audit findings as they relate to ICP decisions to consider what can be fed into training and other developments - ICP decision audit - ICP logistics and resource review - Reviewing complaints received about ICP decisions - Reviewing the number of discontinuance and amendments to assess whether there is any link to the quality of ICP |

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| | | | <p>decision</p> <ul style="list-style-type: none"> - Reviewing the approach taken by other regulators to ICP decision making/drafting or decisions not to proceed with a case <p>For final hearings, that work stream includes:</p> <ul style="list-style-type: none"> - Developing mechanisms to refine which decisions are reviewed (this will be done proportionate to risk) - Identifying themes from PSA learning points - Identifying themes from panel and legal assessor feedback - Reviewing the existing audit template - Reviewing complaints received about final hearings, panellists, hearings processes and publications - Reviewing how other |
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| | | | <p>organisations quality assure and audit panel decisions (this has included a visit by the Adjudications and Scheduling Managers to MPTS in August 2013</p> <p>Both streams of work are due for completion in December 2013 with any changes to process due to go live in the New Year.</p> |
| PSA learning points | Review and feedback learning points from CHRE in their section 29 role to improve HPC's processes and procedures and to improve decision making | On-going | The learning points received from PSA are reported on a monthly basis in the management information commentary. The feedback from the PSA is also being used to inform and develop the review of ICP and Final hearing decisions set out above. |
| Health and Character Report | Review cases managed since the previous review and report findings to the Education and Training Committee | May 2013 | This report is now due to be considered by the Education and Training Committee in November 2013 |
| Mediation Pilot | Implementation, on-going management and evaluation of the mediation pilot | April 2013-September 2013 | The preparatory activity for the mediation pilot is now complete. A mediation provider has been appointed, training has been undertaken and material has |

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| | | | been prepared. |
| The FTP Experience | <ul style="list-style-type: none"> - Looking at mechanisms to ensure a positive experience even if the outcome wasn't the one that was expected or sought - Patients Association Review - Develop questionnaires to send to registrants and complainants and look at whether we can improve communication to those involved in the process - Learning from Complaints about Complaints – 6 Monthly review - Continue to review feedback from witnesses | <p>April 2013- March 2014</p> <p>April 2013</p> <p>July – October 2013</p> <p>March and October 2013</p> <p>On –going</p> | <p>An event took place in May 2013 with stakeholders looking at ways to improve the fitness to practise experience. The new Head of FTP Service Improvement will be taken this work forward and is in the process of reviewing the work plan in this area.</p> |
| Public Protection | <ul style="list-style-type: none"> - Review and implement recommendations from research (where appropriate) - Update statement on the meaning of fitness to practise | <p>April 2013-March 2014</p> <p>May 2013</p> | <p>This work has been incorporated in to the work set above looking at ways to improve the fitness to practise experience.</p> |
| File Audits | <p>Continue to audit case files and look at whether any improvements or adjustments could be made</p> | <p>On-going</p> | <p>We have now appointed a Quality Compliance Manager and two new Quality Compliance Officers. We are</p> |

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| | | | <p>currently looking at enhancements to the pre-existing audit plan and activity given the new post holders with any changes due to go live in the New Year.</p> <p>The audit activity is not just limited to assessing whether process has been adhered but also looking at the quality of the work that is produced.</p> |
| ICP Co-ordinator | Review the use of the ICP Co-ordinator | April 2013 | This area of work forms part of the ICP review set out above. |
| Scheduling Process | Look at mechanisms to improve the efficiency of scheduling activity including enhancements to the Scheduling Questionnaire | April-July 2013 | <p>The Scheduling Manager and her team have undertaken a range of work in this area which has included:</p> <ul style="list-style-type: none"> - Reviewing the use of venues - Reviewing the quality of venues - Reviewing when cases are adjourned , part heard or cancelled to assess whether any changes to process are required - Developing the approach that is taken to the timetabling of cases |

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| | | | <ul style="list-style-type: none"> - Reviewing how panel members are allocated to hearing - Developing the process for how scheduling officers are allocated to hearings <p>Philip Bowden has also been appointed as Lead Scheduling Officer</p> |
| Indicative Sanctions Policy | Review and Update the Indicative Sanctions Policy | May 2013 | The revised Indicative Sanctions Policy was approved by Council in July 2013 |
| Pre Hearing Case Management | <ul style="list-style-type: none"> - Provide further guidance on the drafting competency allegations - Identifying cases that are suitable for disposal via consent - Identifying at an early stage case allegations which should be discontinued - Development of post-case to answer settlement conferences - Implement process changes and criteria for holding preliminary meetings | <p>April 2013</p> <p>On – going</p> <p>On-going</p> <p>April 2013-March 2014</p> <p>April – October 2013</p> | <p>A range of activity has been undertaken in this area. This has included:</p> <ul style="list-style-type: none"> - The implementation of a process requiring the Investigation(s) Manager to sign off competency allegations before the request for observations is sent to the registrant - A review of the notice to admit facts and witness statements. A further guidance document is being prepared to sit alongside these notices |

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| | | | <ul style="list-style-type: none"> - Amending the HCPC case plan so that case managers are required to provide more specific instructions and identify whether the case is suitable by consent - Work is underway looking at process changes and criteria for holding preliminary meetings |
| Hearings Process | <p>Review of Hearings Process to ensure the hearing is being effectively managed and provide appropriate support material to the panel chair. This review will include:</p> <ul style="list-style-type: none"> - Delivering the decision - The role of the legal assessor - Reading out allegations - Chairing by the Panel Chair - | | <p>In appropriate cases, decisions are now handed down rather than read out in their entirety. It is hoped this will reduce the length of time required for hearing and also means that the registrant is aware of the decision rather than having to wait for it to be “read” to them</p> <p>We have also reviewed when and how allegations should be “read out”.</p> <p>Hearings Officers are now more proactive in the management of the hearing process and are required to undertake a briefing session with the panel chair before the hearing starts to</p> |

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| | | | <p>identify any issues which might impact on the smooth running of the hearing.</p> <p>The Panel Chairs have also been asked to use an allocation of time questionnaire</p> |
| Suitability Scheme | Review the workings of the suitability scheme | June 2013 | <p>Council received a paper in July 2013 providing an update on the workings of the suitability scheme. Further reports have been designed to ensure cases are managed and progressed accordingly.</p> |

Communication, Information Provision and Responding to Change

| Activity | Description | Timescale | Progress Report |
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| Guidance for Employers | Work with the policy and standards team to develop guidance for employers on when to refer a registrant to the HCPC. This will include a consultation | April 2013-March 2014 | The new Head of FTP Service Improvement is taking forward this work and is planning the work that is required in this area. This activity also includes working with circa 20 employers to understand further when employers consider making a referral and the processes that they follow. |

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| Fitness to Practise Annual Report | Production of 2013-2014 Fitness to Practise Annual Report | <p>April –June 2013 write report</p> <p>May 2013 – seek committee approval</p> <p>July 2013 – seek Council approval</p> <p>September 2013 – publish</p> | The report was approved by Council in July 2013 and is due to be published in November 2013 |
| Attendance at Employer Events | Attend and participate in the continuing series of employer events | March 2013 | Events have taken place in Glasgow and York (March 2013), London and Wrexham 9 |
| Practice note review and development | Ensure all practice notes are kept up to date, remain fit for purpose and take account of relevant High Court or Court of Appeal Decisions | On-going | <p>The following new or updated practice notes were approved by Council at its meeting in March and July 2013:</p> <ul style="list-style-type: none"> - Half-Time Submissions - Case to Answer Determinations - Discontinuance |

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| | | | <ul style="list-style-type: none"> - Interim Orders - Postponement and Adjournment of Proceedings - Finding Fitness to Practise is Impaired |
| Stakeholder management meetings | To engage and attend meetings with all relevant stakeholder groups | On-going | Work in this area continues. We continue to provide the Care Council's with weekly reports |
| Inter Department Liaison | Continued liaison with other departments, in particular Communications, Registrations and Partners | On-going | Work in this area continues. |
| Continue to review and respond to reports issued by PSA and other relevant organisations | To continue to review and respond to reports issued by PSA and other relevant organisations and to present findings to committee / council as appropriate | On-going | The FTP Committee considered at its meeting in May 2013 the PSA's initial stage audit reports of the GPhC and the NMC. The Committee also considered a review of the Patients Association 12 Standards of Good Complaints handling |
| On-going engagement with CQC and identification of cases suitable for referral | <ul style="list-style-type: none"> - How to identify suitable cases - Referral criteria - Referral form - Training for the team | On-going | A meeting has been scheduled for 30 September 2013 with the CQC to discuss developments needed to the MOU, the potential development of an operating protocol and to look at ways of ensuring the sharing of information is relevant and meaningful . |
| Newsletter | Quarterly Production of the FTP Newsletter | On-going | The FTP Newsletter was issued in April and August 2013 |

Resource Management

| Activity | Description | Timescale | Progress Report |
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| Room Hire | Look at alternative venues for hearings outside of Park House in advance of renovation of Whitefield House | Before March 2014 | <p>This work forms part of work stream particularly looking at ensuring efficiencies. That work stream is intended to ensure that we are using our financial and human resources to their best effect and the activity includes:</p> <ul style="list-style-type: none"> - Drafting of competency allegations - Reviewing notices to admit facts and witness statements - Review of the HCPC |

| Activity | Description | Timescale | Progress Report |
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| | | | <p>Case Plans</p> <ul style="list-style-type: none"> - Identifying cases at an early stage that are suitable for disposal via consent - Looking at the Hearings and Scheduling Processes - Looking at Room Hire <p>The Scheduling Manager has prepared a paper particularly looking at the options looking at the use of alternative venues for hearings in advance of the planned renovation of 186 Kennington Park Road.</p> |
| Partner Usage and Expenditure | Review partner expenditure | | The Adjudication Team are working with the Finance and Partners Team on a reviewing partner expenditure team. The team will also be involved in any procurement that takes place in this area. |
| Legal Services Tender | Undertake the tender for the provision of legal services | February 2013-December 2013 | The tender for provision of legal services for the preparation and presentation of fitness to practise cases is on schedule to |

| Activity | Description | Timescale | Progress Report |
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| | | | conclude in December 2013. |
| Transcription Writer Tender | Undertake the tender for the provision of transcription writer services | To complete by September 2013 | The procurement process for the provision of transcription services was challenged and we are in the process of restarting the tender process. It is anticipated that this process will conclude by the end of the financial year |
| Departmental training | <ul style="list-style-type: none"> - To continue to provide refresher training to the case management and hearings team in the form of FTP workshops - Provide training to the fitness to practise team in preparation for the on-boarding of social workers - To continue to provide profession specific training | On-going | There is a comprehensive training plan in place for members of the fitness to practise team. |
| Panel Chair, Legal Assessor and Panel member review and training days | Refresh and develop material for partner training | On-going | Work in this area continues |
| HR/Partners project | Contribute to and be part of the project team reviewing partner systems and processes | April 2013-March 2014 | The Adjudications Manager continues to be a member of the project team for this project. |
| Operating guidance and standard letters | Ensure all Fitness to Practise Operational guidance and standard letters are kept up to date, remain fit for purpose and new guidance/ letters are produced as and when necessary. | On-going | This area of work will be overseen by the Head of FTP Service Improvement as part of the work she is doing in the |

| Activity | Description | Timescale | Progress Report |
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| | | | work stream of improving the fitness to practise experience. |