

Health Committee – 4<sup>th</sup> February 2008

Fitness to Practise Workplan 2008-2009

Executive summary and recommendations

### **Introduction**

The attached document sets out the Fitness to Practise department's workplan for 2008-2009.

### **Decision**

The Committee is asked to :

1. discuss the workplan attached to this paper;
2. agree the priorities, principles and projects outlines; and
3. agree to keep the document under review, and request the Executive amend the workplan accordingly.

### **Background information**

None

### **Resource**

The resource implications of the attached workplan are assumptions which already form part of the HPC budget for 2008-2009.

### **Financial implications**

The assumptions are accounted for in the 2008-2009 budget.

### **Appendices**

Fitness to Practise workplan 2008-2009

# Fitness to Practise Workplan 2008 - 2009

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## Introduction

### *This document*

This document sets out the priorities for the financial year April - March 2008-2009 and addresses how the Fitness to Practise department will grow, develop, improve and progress. It provides a basis against which the work of the Fitness to Practise department can be planned and measured.

As in 2007-2008, the Fitness to Practise department, due to the nature of its work, will also have to manage high profile cases which attract media interest and allegations which may require an immediate interim order. It is important that departmental planning allows for timely responses to unpredictable situations when they arise. Unpredictable situations include CHRE referrals to the High Court and appeals against both registration appeals and fitness to practise decisions.

The Fitness to Practise department work plan reflects both the work of the three practice committees and the operational requirements and improvements necessary to run the fitness to practise process and also those processes which lie outside the work of the practice committees.

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## Resources

The fitness to practise department (as at 31<sup>st</sup> March 2008) consists of 23 employees

Kelly Johnson Director of Fitness to Practise  
Merle McKinley McNair PA to the Director of Fitness to Practise

### Case Management

Eve Seall Head of Case Management

### Case Team 1

Zoe Maguire Lead Case Manager  
Ciara O'Dwyer Case Manager  
Hannah Essex Case Manager  
Simon Thompson Case Manager  
Vacancy Case Manager

### Case Team 2

Russell Brown Lead Case Manager  
Sabrina Adams Case Manager  
Nick Grassby Case Manager  
John Lucarotti Case Manager  
Dominic Williams Case Manager

### Case Team 3

Vacancy Lead Case Manager  
Gemma Lee Case Officer  
Jonathan Dillon Case Officer  
Grant Edgeworth Case Officer (from 1<sup>st</sup> April 2008)

Case Team 3 report to Zoe Maguire until a lead case manager is appointed to case team 3.

## Adjudication

Hearings Team

Alison Abodarham Hearings Manager  
Victoria Adams Hearings Officer

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James Bryant  
Anaru Smiler  
Vacancy

Hearings Officer  
Hearings Officer  
Hearings Officer

### **Administrators**

Grant Edgeworth  
Vacancy

Team Administrator (Until 31<sup>st</sup> March 2008).  
Team Administrator.

The Lead Case Managers and Administrators report to the Fitness to Practise Manager, each case team reports to a lead case manager. The Hearings Manager, Fitness to Practise Manager and PA to the Director of Fitness to Practise report to the Director of Fitness to Practise.

### **Recruitment in 2008 - 2009**

Three new positions will be created in 2008-2009

- 2 Hearings Officers (including one scheduler)
- 1 Case Officer (Grant Edgeworth with effect from 1<sup>st</sup> April 2008)

### **Financial**

There will be a fitness to practise budget of approximately £4.7 million in 2008-2009 (subject to approval). This is an increase of approximately 25% from 2007-2008.

This is approximately 34% of HPC's operating budget (subject to approval).

This budget is based on an estimated 480 new allegations being received in 2008-2009 and a handover of 55 Psychology cases which are at the investigating panel stage.

It is anticipated that there will be a total of 621 days of hearing in 2008-2009 (comprising of full hearings, consent applications, interim orders, review hearings, investigating panels and registration appeal panels)

It is anticipated that the rate of health and character declarations and protection of title cases will remain steady.

The budget estimate also includes CHRE and registrant appeals to the High Court. This includes the financial costs of appeals that were made in 2007-2008 but not concluded until 2008-2009.

The budget is also predicated on fitness to practise case managers presenting interim orders, Article 30 review hearings, consent applications and some conviction FTP cases. Case Managers/Officers present all investigating panel and health and character cases to the investigating/registration panel.

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## **Responsibilities**

The Director of Fitness to Practise is responsible for the overall management of the team, the development and implementation of the strategy and work plan and the development and management of new projects. The Director of Fitness to Practise also has specific responsibilities as set out in the Scheme of Delegation.

### **Case Management**

The Fitness to Practise Manager is responsible for HPC's Case Management function across the directorate's range of responsibilities. This includes the management, presentation and investigation of fitness to practise case, the investigation and management of protection of title offences and the management of registration appeals and health and character declarations. She manages the lead case managers in the department and the team administrators.

### **Case Teams**

There are three case teams within the directorate each managed by a lead case manager. Each lead case manager has a case load and management and auditing responsibilities.

Case teams 1 and 2 will comprise of case managers who are responsible for the management and investigation of allegations and the presentation of fitness to practise cases. Cases will be presented by the team who do not manage the cases.

Case team 3 has responsibility for registration appeals, prosecution of offences, incorrect entry cases, conviction FTP cases and health and character cases. They do not present Article 30 review cases, consent applications or interim orders.

### **Adjudication – Hearings Team**

The Hearings Manager manages the hearings team and she is responsible for the management of this team. She is also responsible for partner liaison, some elements of budget management and forecasting.

Hearings Officers are responsible for arranging all fitness to practise hearings including review of orders and interim orders. They also act as clerk to the tribunal. They undertake follow-up work after a hearing and some elements of HPC's witness support provisions.

In 2008-2009 there will be a full time scheduler to ensure a steady progress in the fixing of cases. The other hearings officers will continue to clerk and then fix cases on the days where they are not clerking.

### **Administrators**

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The Team Administrators provides support to the department across all of its activities. This includes hearing preparation, some elements of the witness support provisions and maintenance of the fitness to practise alerts system

The PA to the Director of Fitness to Practise undertakes all diary management and secretarial duties for the Director. She is also responsible for the logging and tracking of all invoices to ensure that costs billed were incurred.

**Fitness to Practise Activities 2008-2009**

There are four main processes which generate the majority of the department’s work. This is outlined in the paragraphs below. There is also a number of supporting activities to ensure this work is done. In each area of work, we will continue to review, refine and improve existing processes

Fitness to Practise department activity for 2008-2009 is also summarised here.

**1. Fitness to Practise Allegations and Hearings Management**

Management of fitness to practise allegations and hearings will continue to be the biggest area of the departments work. Key areas of work in this area remain the improvement and refinement of existing processes and procedures, trends analysis, the fitness to practise annual report and risk management. We will also continue to work to ensure the processes and procedures are accessible and that all stakeholders are communicated with. We will also continue to review equality and diversity requirements as they relate to the work of the fitness to practise department. We will also work on implementing the requirements of the Safeguarding Vulnerable Groups and Protecting Vulnerable Groups Act and respond to consultations where appropriate.

We will also review our processes for hearing fixing so as to ensure resources are managed to their best effect. This includes questionnaires for panels, the production of a brochure specifically for witnesses and further refinement of our witness support material.

It is also important to manage resources effectively so as to ensure the increased demands on the department match capacity.

**2. Health and Character Declarations**

We will continue to work to improve and refine the processes by which HPC manages health and character declarations on admission, readmission and renewal to the register and self-referrals by registrants. We will work with the policy and standards department on the review of the health and character process which is on going from 2007-2008.

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### **3. Prosecution of Offences**

- Article 39 of the Health Professions Order 2001 sets out offences that can be prosecuted under that order

We will continue to refine and review the process and procedure operated by the HPC.

### **4. Registration Appeals**

The management of the registration appeals case load is the other key area of work in the fitness to practise department area. It is important to continue to ensure that this process is efficient and effective, ensuring documents are properly managed and where appropriate, cases are presented by case managers.

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## **Other Activities**

There are a number of other activities which support the processes operated by the Fitness to Practise department. The following paragraphs summarise these activities.

### **Publications**

A number of publications are produced by the fitness to practise team – ranging from the fitness to practise annual report and brochures explaining the processes, through to practice notes on sanctions, interim orders and allegations, and other documents such as those explaining the registration appeals process. These documents are updated and reviewed regularly.

### **Website**

The department is responsible for information provided on the HPC website regarding fitness to practise hearings as well as the information online about the fitness to practise and protection of title processes. In 2008-2009 we will review policies around information that is available on line.

### **Panel recruitment, selection and training**

In 2008-2009 the department will work with the Partner Manager to appoint and train new panel members, legal assessors and panel chairs.

Two review days will take place for Legal Assessors and Panel chairs. These review days are used to update legal assessors and panel chairs on regulatory law updates, provide feedback on CHRE learning points and look at ways to improve decision making. The department will lead in the training of all new panel members, including two day training sessions for all new panel members, and refresher training for 50% of our panel members. We will continue to send regular updates to all partners in the form of a newsletter on the work of the department and other relevant updates.

### **Information Technology**

We will continue to review the information technology we have in place to support the work of the department. We will also be involved in testing of new systems and LISA enhancements. This includes the FTP LISA statuses project (More information about this project can be found in the project management workplan).

### **Committee Work**

The fitness to practise department works with a number of committees – including the three fitness to practice committees on fitness to practise issues and the Education and Training Committee with regards to the health and character process.

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## **Liaison with stakeholders**

We will continue to work with all stakeholders (including employers of registrants) to improve understanding and accessibility and feedback trends that have arisen out of fitness to practise cases.

## **Transfer of new professions**

We will work to ensure the effective and efficient handover of fitness to practise cases from the applied psychologists and ensure readiness for the planned transfer by the Department of Health and the Department of Business, Enterprise and Regulatory Reform (BERR) of the Hearing Aid Council to the remit of the HPC.

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## **Achieving the Fitness to Practise Department Objectives 2008-2009**

We have identified a number of objectives that will require action and completion in 2008-2009.

### ***Fitness to Practise Objective - Improved accessibility, communication and information provision***

A key area of work for the fitness to practise department is ensuring that its policies, procedures and decisions are communicated in a clear, open and transparent fashion. To this end we will:

1. produce the Fitness to Practise annual report – including analysis of statistics, decision making and case studies;
2. complete our equality and diversity action points;
3. refine and further develop the process for taking complaints over the telephone;
4. review and develop the witness support process;
5. provide feedback and learning points from fitness to practise cases (linked to the trends analysis);
6. continue to review all documentation produced by the fitness to practise department;
7. work with the communications department to provide key messages from the work of the fitness to practise department (including employer events and a greater contribution to the HPC newsletter) and;
8. work with professionals (including Council members) to improve FTP department understanding of the professions regulated by the HPC.

### ***Fitness to Practise Objective –Consistent and effective decision making***

In order to ensure that decision making is consistent and effective we will undertake the following activities:

1. feedback learning points from CHRE learning points meetings to those involved in the fitness to practise process;
2. review and develop the indicative sanctions note;
3. closely monitor updates in regulatory law;
4. review days for legal assessors and panel chairs; and
5. train new panel members, panel chairs and legal assessors.

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## ***Fitness to Practise Objective – Ensure processes and procedures are working to their best effect***

In order to ensure that the processes in place are working to their best effect we will:

1. continually review and refine all of our processes;
2. review the implementation of disposal of cases by consent and case directions
3. further develop how a case load is managed and implement risk assessment;
4. be involved in the transfer of new professions;
5. complete the review of the health and character process;
6. review our data protection and retention policies; and
7. undertake a review of our processes for organising hearings including hearings risk assessment.

## ***Fitness to Practise Objective Effective management of resources***

To ensure that resources are used to their best effect we will:

1. ensure appropriate training and guidance material is provided to the fitness to practise team;
2. refine and further develop service level standards;
3. work with statisticians to refine the forecasting model (of cases, hearings and partners required)
4. continue to undertake risk assessment for fitness to practise cases;
5. review the reporting and usage capabilities of databases and systems used by the fitness to practise department;
6. work with the partners team on the process to appoint, reappoint and train panel members;
7. review how hearings are arranged and fixed (including the use of external venues);
8. ensure budgetary controls are in place to ensure the proper management of the fitness to practise budget;
9. further refine the model of investigation (including the further development of particulars) and implement risk assessment for fitness to practise cases; and
10. further develop systems for operational forecasting.

## ***Fitness to Practise Objective Ensure effective management of risk***

The Fitness to Practise department manages a number of risks in relation to its functions. The key areas of risk in the fitness to practise area are as follows:

1. legal cost over-runs;
2. legal challenge to HPC operations;
3. exceptional tribunal costs;
4. witness non-attendance;

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5. physical assault by hearing attendees; and
6. registration appeals.

We will ensure appropriate measures are in place to mitigate against these risks.

## **2009 – 2010**

In 2009-2010 we will continue to build on and improve the work and processes that have begun previously and embed best practice within the department. This will also include reviewing the information technology that is in place to support the work of the department and on-boarding of new professions. We anticipate that as registrant numbers increase, we will need to create new case teams.

### ***Equality and Diversity Impact Assessment***

We will complete the action points from the Equality and Diversity scheme relevant to the Fitness to Practise department. The Equality and Diversity action points relevant to the Fitness to Practise department are as follows:

1. Review practice notes in light of the changes to equality legislation. This includes revising the practice note on equal treatment;
2. Produce a practice note on disability to ensure that panels are informed about the law and requirements about reasonable adjustments;
3. Train our fitness to practise partners in issues pertinent to ensuring a faire hearing, including equality and diversity issues and evaluate the effectiveness of this;
4. Analyse demographic data and present the findings to the fitness to practise forum;
5. Review the way in which we schedule hearings so as to ensure that we identify and accommodate any additional needs at an early stage;
6. Establish a policy around the handling and purchasing of religious books

We will ensure that as we complete our work plan and review the policies and procedures that are in place, we will ensure we will take into account any issues that could have an adverse impact and mitigate against this.

We will continue to aim to improve accessibility to the fitness to practise process. This can be particularly seen by the process by which we can take statements of complaint over the telephone.

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**Appendix 1:**

**Fitness to Practise Activities Table 2008-2009**

The table below sets out the fitness to practise department's timetable in achieving the tasks set out in the work plan above.

Also provided is the fitness to practise forecast for 2008-2009

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## Accessibility, Communication and Information Provision

Key: KJ=Kelly Johnson ES=Eve Seall, AA=Alison Abodarham YH=Yasmin Hussain

Activities	Rationale	Dependencies/Other Departments involvement	HPC Objective	Start Date	Completion Date	FTP Employee involvement
Fitness to Practise Annual Report	Requirement of the Order	Employee Time Communications	Improve Influence Promote	January 2009	April 2009 – FTP Committees to approve	KJ/ES/AA Lead Case Managers
Collect, collate and review demographic data Equality and diversity	To effectively monitor and audit processes	Day-to-day operations IT (to make necessary changes to systems) Response from complainants and registrants	Improve	April 2007 (ongoing area of work)	Ongoing	KJ/ES/Lead Case Managers, Team Administrators
Witness Support review and refinement Production of Brochure	Best practice Fairness	Day-to-day operations Communications	Improve Promote	Collation of questionnaires began in October 2006	Ongoing	
Trends Analysis and Feedback from Messages Statistical Analysis	Consistency Reduce number of cases	Day-to-day operations Communications Department	Improve Influence Promote	Ongoing	Ongoing	KJ
Communication with Employers	Stakeholder engagement	Day-to-day operations Communications Department	Improve Influence Promote	Ongoing	Ongoing	KJ Communications

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Implement the requirements of SVG and PVG	Legislative requirement	Legislative timetable All Departments Day to day operations	Improve	Ongoing	Ongoing	KJ/ES/Lead Case managers/AA
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## Decision Making

Activities	Rationale	Dependencies/Other Departments involvement	HPC Objective	Start Date	Completion Date	Lead
CHRE learning points	Best practice	Day-to-day operations	Improve	Ongoing	Ongoing	KJ
Trends Analysis in Fitness to Practise and Health and Character processes, and in equality and diversity as it relates to FTP	Improved consistency Feedback to stakeholders Best practice	Day-to-day operations	Improve	Ongoing	Ongoing	KJ
Review Indicative Sanctions Note	Regulatory Law updates frequent	CHRE	Improve	May 2007	September 2007	KJ
Updates in regulatory law	Best practice		Influence			
Review days for legal assessors and panel chairs	Dissemination of information	HR (Partners)	Improve	Review day for 2008 scheduled for June	Ongoing	KJ ES AA Yasmin Hussain
Newsletter for partners	Improved decision Making Best Practice		Influence Promote			

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## Processes and Procedures

Activities	Rationale	Dependencies/Other Departments involvement	HPC Objective	Start Date	Completion Date	Lead
Implement recommendations of the H&C review, provide guidance for education providers	Process in place for two years  Recommendations of Bichard	Day-to-day operations  Policy and Standards  White Paper	Improve  Influence  Promote	March 2008 (paper to ETC)	Consultation and key decisions by 2009	KJ ES Michael Guthrie
Continual Review Prosecution of Offences	Ensure processes are effective and efficient	Day-to-day operations	Improve	Ongoing	Ongoing	KJ ES Lead Case Managers
Review of FTP Processes - including implementation of consent and case directions.	Best practice	Day-to-day operations	Improve	Ongoing	Ongoing	KJ ES

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## Resources

Activities	Rationale	Dependencies/Other Departments involvement	HPC Objective	Start Date	Completion Date	Lead
Training FTP Team	Effective management of resources	Day-to-day operations	Improve	Ongoing	Ongoing	KJ
Risk Assessment	Effective management of cases		Improve	Ongoing	Ongoing	Case Managers ES
Information Technology	Essential for management of process		Improve	Ongoing	Ongoing	ES
LISA Statuses Project LISA Testing Finance System Upgrade	Effective management of resources	IT Projects	Improve	Ongoing	Ongoing	ALL
Partner Training, reappointment and appointment Partner Newsletter	Essential to the process	Human Resources (Partners)	Improve	April 2007	July 2007	KJ YH AA ES
Arrangements for hearing fixing	Effective management of resources	Day-to-day operations	Improve	Ongoing	Ongoing	AA
Operational Forecasting	All rationale set out above		Improve	Ongoing	Ongoing	KJ

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## 5 Risk Management

Activities	Rationale	Dependencies/Other Departments involvement	HPC Objective	Start Date	Completion Date	Lead
Risk Management	Risk Management	All	Improve	Ongoing	Ongoing	All

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