

## Fitness to Practise Forum 17 September 2008

### External review of complaints literature

### Executive summary and recommendations

#### **Introduction**

On 23 April 2008, the Fitness to Practise Forum considered a scoping report on research on complaints mechanisms. The Forum was asked to consider how to take this research forward and what issues arising from the research should be addressed by the Fitness to Practise Department. The forum and committees recommended that the Director of Fitness to Practise should be asked to return to the Forum with a proposal for future action.

This paper sets out areas of work that the Forum and committees may want to consider taking forward in future fitness to practise departmental work plans.

#### **Expectations of Complainants**

A potential area of future research highlighted by Jackie Gulland in her report was the expectations of complainants. The Executive currently ask witnesses at final fitness to practise hearings to complete a witness feedback form which is designed to encourage feedback regarding the standard of care and assistance that is provided at final hearings. We are currently in the process of analysing this information to improve and develop the care that is provided for witnesses.

In terms of undertaking research into the expectation of complainants the forum and committee may wish to consider whether the Executive should follow up with complainants (rather than just witnesses as not all case reach a final hearing stage), their initial and subsequent expectations of the fitness to practise process. The forum may also wish to consider whether it is appropriate to commission an outside organisation to conduct this work.

If this was recommended, we would need to ensure that complainants were aware that participation was completely optional, and that the process was not a way of challenging and appealing against individual decisions.

The forum may wish to consider whether the following questions should be considered:

- What did you expect when you made the complaint?
- Was the outcome as anticipated by you?
- Was the handling of your case satisfactory?
- Did you receive regular updates as to the progress of your complaint?

- What did you expect in terms of case handling and contact?
- How quickly did you think your complaint would be considered?
- Did you think your case was considered quickly enough?
- Was the role of the regulator explained to you?
- Did you understand what was going to happen?

## Other areas of analysis/research

The Forum is also asked to consider whether there are particular areas of the fitness to practise process that it would like further analysis on and how this would aid the future development of the fitness to practise process.

It may wish to consider the following areas of work:

### General

- Look more closely at the nature of complaints
- Is there a relationship between different factors in the complaint (e.g. gender, age, profession, location of practice) and the outcome of the complaint

### Complaint patterns

Are there patterns to the nature of complaints made by different categories of complainant, this could include further analysis of complaints made by:

- Members of the public – why are they are making complaints, what are they looking for?
- Employers – what is their expectation of the fitness to practise process and how this relates to the outcome of any internal disciplinary processes.

### Sifting tools

The Forum may wish to consider whether given the volume of data which is now available in respect to the outcome of cases, it is an appropriate time to develop “sifting tools”. This would entail identifying categories of allegations where there is a low incidence of case to answer or impairment being found and establishing robust and transparent processes for concluding such cases.

For instance, such tools could include:

- More detailed threshold criteria for accepting allegations, this would a reconsideration of the standard of acceptance for allegations
- More detailed guidance to investigating committee panels on the meaning of impairment
- Identifying cases of a particular type where there is a presumption that fitness to practise is not impaired, e.g. “consumer” disputes and purely employment matters

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- Streamlining the consideration of information provided under the Notifiable Occupations Scheme, e.g. by identifying offences which are not of interest to HPC, such as fixed penalty motoring offences, and offences where there is a low incidence of referral

## Decision

The Forum and the Committees are asked to consider this paper and;

1. recommend future areas of research, what should be prioritised and how this research is reported;
2. consider whether the Executive should be asked to develop sifting tools and if so what, for the management of allegations;
3. whether the Executive should be asked to develop guidance on the handling of notified convictions and cautions; and
4. ask the Executive to produce a timetable of work

## Background information

Item 7.08/07 External review of complaints literature

## Resource implications

Will be considered as part of future work plans.

## Financial implications

Will be considered as part of future budgetary considerations.

## Appendices

None

## Date of paper

5 September 2008

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