

## Fitness to Practise Forum 17 September 2008

### Work plan Update

### Executive summary and recommendations

#### **Introduction**

This paper is intended to update the forum on the progress that has been made in respect of the fitness to practise work plan. The attached appendix sets out the status of the items in the work plan and what has been achieved between April and September 2008

#### **Decision**

The Forum and Committee are requested to note the document. No decision is required.

#### **Background information**

The Fitness to Practise departmental work plan was approved by the conduct and competence, investigating and health committees in February 2008.

#### **Resource implications**

Accounted for in 2008-2009 Fitness to Practise Department budget. There is currently one vacancy (PA to the Director of Fitness to Practise ) which is currently being covered by a temp.

#### **Financial implications**

Accounted for in the 2008-2009 Fitness to Practise Department budget

#### **Appendices**

Fitness to Practise work plan update

#### **Date of paper**

29 August 2008

Date	Ver.	Dept/Cmte	Doc Type	Title	Status	Int. Aud.
2008-08-29	a	F2P	AGD	Workplan Update	Final DD: None	Public RD: None

## Appendix One – Fitness to Practise work plan update

### Work plan items

Activity	Start Date	End Date	Progress Report
Fitness to Practise Annual Report	January 2009	September 2009(for publication)	Work will begin on the FTP annual report in January 2009. The 2008 FTP annual report is due to be published in October 2008
Collection of Equality and Diversity Data  Equality and Diversity Action Points	April 2007 (Ongoing)	Ongoing	<p>The forms are now sent at a slightly different stage in the process. We are currently reviewing the effectiveness of this. We are also considering legal advice provided to Council regarding the collection of equality and diversity data as it links to FTP</p> <p>The forum will be asked to consider a policy on the handling and purchasing of religious books at its September meeting</p>

Review of arrangements put in place to support witnesses/complainants	Ongoing	Ongoing	We are currently collating the data from the witness questionnaire, have produced FAQ's and have reviewed the frequency of contact in line with the development of service level standards. We are also reviewing the expense policy for witnesses and have produced a hostile witnesses FOG and are in the process of reviewing the arrangements for expert witnesses
Communication with employers	Ongoing	Ongoing	Ongoing (including writing to all employers and the employer events)
CHRE learning points	Ongoing	Ongoing	Learning points continue to be disseminated to panels as and when appropriate
Implementing the requirements of the Safeguarding and Protecting Vulnerable Groups Act	Ongoing	Ongoing	It is anticipated that the implementation of PVG and SVG will begin in Autumn 2009. Meetings with the implementation team will continue throughout the remainder of the financial year
Trends Analysis of health and			The Education and Training

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character process			committee considered the review of the health and character process in March 2008 and recommended that guidance for registration panels was produced to aid panels in their decision making.
Implement the recommendations of the Health and Character review and provide guidance for education providers			The Education and Training Committee will consider guidance for education providers at an upcoming meeting.
Review Indicative Sanction Policy and provide regular updates in regulatory case law	May 2008	September 2008	It is anticipated that Council will be asked to consider a revised indicative sanctions policy in December 2008. This will include more detail on imposing conditions and on the length of time a caution order should be imposed for New Case Law is disseminated through training sessions with Partners and filed for reference use at Hearings.
Review days for legal assessors and panel chairs	Ongoing	Ongoing	A review day for panel chairs took place on 27 June 2008, the next review day for legal assessors will take place on 5 September 2008.

Partner newsletter	Ongoing	Ongoing	A newsletter for fitness to practise partners is issued every three months. This document includes items on CHRE learning points, information on decision making, the case to answer tests, scheduling information and updates on the work of the department
Continual review of prosecutions of offences policy	Ongoing	Ongoing	Case Team 3 is now at full capacity, led by Paul Robson, lead case manager. All correspondence has been reviewed and a FOG has been issued.
Review of fitness to practise processes	Ongoing	Ongoing	<p><b>Practice Notes</b> New and updated practice notes have been issued and or produced in the following areas:</p> <ul style="list-style-type: none"> <li>• Case to Answer</li> <li>• Equal Treatment</li> <li>• Preliminary Meetings</li> <li>• Cross Examination in Cases of a Sexual Nature</li> </ul>

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			<p><b>Policy development</b></p> <p>The following policies are either in development stage or at committee stage:</p> <ul style="list-style-type: none"> <li>• Frivolous, Abusive and Vexatious Complaints</li> <li>• Disclosure</li> <li>• Data Retention and Destruction</li> <li>• Article 30 advice</li> <li>• Handling and purchasing of religious books</li> </ul> <p><b>Fitness to Practise Operating Guidance</b></p> <p>Fitness to Practise Operating Guidance (FOG) have been produced and issued on the following subjects:</p> <ul style="list-style-type: none"> <li>• Controlled Substances</li> <li>• Watch list</li> <li>• Health and Character Process</li> </ul>
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			<ul style="list-style-type: none"> <li>• Investigations and Allegations (including</li> <li>• Investigative Report Writing</li> <li>• Obscene Image Storing</li> <li>• Physical Evidence Management</li> <li>• Police Station Paramedics</li> <li>• Protection of Title Offences</li> <li>• Registration Appeals</li> <li>• Requiring Disclosure of Information</li> <li>• Risk Profiling</li> <li>• Three Year Rule</li> <li>• Witness Interviews</li> <li>• Witness Management,</li> <li>• Assessing Vulnerable witnesses</li> <li>• Witness Statements</li> <li>• Presenting Officers,</li> <li>• Instructing and Seeking Advice</li> </ul> <p>We are currently reviewing the following processes (this includes the production of FOG:</p> <ul style="list-style-type: none"> <li>• Taking complaints over</li> </ul>
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			<p>the telephone</p> <ul style="list-style-type: none"> <li>• Consent</li> <li>• Case Directions</li> <li>• Handling obscene/sexually explicit material</li> <li>• Signposting</li> </ul> <p><b>Speciman directions</b></p> <ul style="list-style-type: none"> <li>• A specimen direction for legal assessors on dealing with delay will be produced in October</li> </ul> <p><b>Process and IT reviews</b></p> <p>We are currently in the middle of reviewing the effectiveness of the fitness to practise processes. This includes reviewing the effectiveness of the IT systems in place to support the work of the department. Reviews of the following processes have taken place:</p> <ul style="list-style-type: none"> <li>• Investigating Panel</li> </ul>
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			<p>Fixing</p> <ul style="list-style-type: none"> <li>• Organising Interim Order Reviews</li> <li>• Initial Enquiry and Pre ICP.</li> <li>• ICP bundles</li> <li>• Logging cases</li> <li>• Travel process</li> <li>• Miscellaneous cases</li> </ul> <p>Reviews will take place of the following areas over the coming months:</p> <ul style="list-style-type: none"> <li>• Filing structure</li> <li>• Updating the website</li> <li>• Ordering catering</li> <li>• Hearing bundles</li> <li>• Distribution of hearings papers</li> <li>• Review of external venue hire costs</li> <li>• Archiving</li> <li>• Hearing prep</li> <li>• Shorthand writers</li> <li>• Stationary ordering</li> <li>• Alerts lists</li> <li>• Presenting Officer</li> </ul>
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			<ul style="list-style-type: none"> <li>preparation</li> <li>• Pre ICP case management</li> <li>• Post ICP case management</li> <li>• Watchlist</li> <li>• Case review meetings</li> <li>• Service Standards</li> <li>• Health and character database</li> <li>• ISO processes</li> <li>• Article 30 reviews</li> <li>• File Audit</li> <li>• Consent</li> </ul> <p><b>Other</b></p> <ul style="list-style-type: none"> <li>• We anticipate tendering for the supply of transcription services at FTP hearings before the end of the financial year</li> <li>• Education complaints</li> <li>• We are currently in the process of applying to instruct barristers directly</li> <li>• We are currently collating panel feedback on hearings</li> </ul>
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			<ul style="list-style-type: none"> <li>• File audits take place on a monthly basis</li> <li>• A review of length of time takes place on a monthly basis</li> <li>• The production of more information for appellants</li> <li>• Reorganisation of G drive</li> <li>• Further development of service level standards</li> <li>• We are in the middle of writing to the Notifiable Occupations Scheme regarding the role of the HPC</li> <li>• Follow up to the review of external complaints literature</li> <li>• Standard documents and templates are continually reviewed (including decision templates, Article 22(6), changing the register)</li> <li>• We now receive bundles from Kingsley Napley electronically, cutting down on photocopying</li> </ul>
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			<p>costs</p> <ul style="list-style-type: none"> <li>• We have produced a plain English version of the case to answer practice note for complainants.</li> <li>• Also kept under review are standard letters that are sent to those involved in the fitness to practise process. There are proformas for most correspondence</li> </ul>
Training of Fitness to practise team	Ongoing	Ongoing	<p>The following training courses have been completed by members of the fitness to practise department</p> <ul style="list-style-type: none"> <li>• BTEC in Investigative Practice</li> <li>• Advocacy Training – Part 1</li> <li>• Essentials of Leadership</li> <li>• Excel (Advanced)</li> <li>• Getting Organised</li> <li>• Dealing with individuals with high levels of stress</li> </ul>

			<ul style="list-style-type: none"> <li>and mental illness</li> <li>• Performance management;</li> <li>• Interview training</li> <li>• Equality and diversity</li> <li>• The Health Professions Order</li> <li>• Understanding the Data Protection and Freedom of Information Acts</li> <li>• Visits to the High Court, and the other regulatory bodies</li> </ul> <p>The following training programmes are scheduled for the remainder of the financial year:</p> <ul style="list-style-type: none"> <li>• Assertiveness</li> <li>• Dealing with vexatious complaints</li> <li>• Excel</li> <li>• Increasing understanding of the professions regulated by the HPC</li> <li>• Leadership Skills</li> </ul>
Risk Assessment	Ongoing	Ongoing	FTP operational guidance is currently being produced for the

			risk assessment of cases. This expands upon the current FOG on risk profiling. We are in the process of producing FOG on hearings risk assessment.
Information Technology improvements	Ongoing	Ongoing	See above re the review of fitness to practise processes.
Net Regulate Statuses Project	July 2008	April 2009	The Net Regulate statuses project will make operational and technology changes to optimise the use of the registration system within FTP. This includes updating the statuses captured within Net Regulate and providing a link on the online register when conditions of practice are imposed on a registrant.
Net Regulate Testing	Ongoing	Ongoing	Various members of the department are involved in testing the Net Regulate system as required
Finance System Upgrade			

Partner Training, reappointment and appointment	Ongoing	Ongoing	<p>Training for new partners took place at the end of July and refresher training for existing partners is due to take place between October and December 2008. It is anticipated that between 90 and 100 partners will receive refresher training in this period. The CHRE report highlighted concerns around the adequacy of child protection training. This has not been an issue at the HPC</p> <p>Psychologists partner appointment took place in June 2008 with training anticipated to take place in March 2009.</p> <p>We are continually reviewing need for partners and have just requested 5-8 new panel chairs. We are currently reviewing our need for legal assessors</p>
Operational Forecasting	Ongoing	Ongoing	This is an ongoing area of work but includes ensuring enough resources to fix hearings.
Transfer of New Professions	Ongoing	Ongoing	The following areas of work are

			part of the transfer for the fitness to practise department: <ul style="list-style-type: none"> <li>• Case transfer and the issues associated with the transfer (including how to deal with those registrants who are subject to undertakings and conditions, statistical forecasting and data protection policies)</li> <li>• FOG on the case transfer</li> </ul>
Risk Management and adequate budgetary controls	Ongoing	Ongoing	Ongoing