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Summary

Prepared for the Health Professionals Council
By Opinion Leader Research

HPC panel members feedback on the fitness to practice evaluation

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Introduction

A group of panel members were convened on the 20th August to discuss the evaluation of the HPC fitness to practice hearings process. 4 members attended – three were lay representatives and the fourth a biochemist and technical adviser. All of the lay members stated that their motivation for volunteering was that they brought expertise and experience from their respective professional fields which they could draw upon, allowing them to make a personal contribution to an important issue in the public interest.

The overall aim of the discussion was to explore members' perspectives on the hearings process, building upon survey research already conducted earlier in the year (April 2004), identifying ways in which the evaluation process might be improved in the future.

1. The fitness to practice hearings process

The hearings process is held in high regard - It is fair and objective and a vast improvement on the old CPSM equivalent process

Consistent with the findings of the quantitative stage of the project, overall feelings towards the hearing process are very positive. These positive feelings are grounded in the perception that the process strikes the right balance between being fair to the registrant and protecting the public against those who are truly unfit to practice.

Despite there being some criticisms of how elements of the process are administered, the underlying principles are held in high regard. Of particular note is the way in which the registrant is treated with respect throughout the investigation and hearing. It is perceived that the starting point

of the process operates upon the premise that the registrant is fit to practice and every effort is made to support that individual through a traumatic time. It is thought that the 'non-conflictual' atmosphere of the hearing contributes to an open and constructive exchange between the different parties and provides sufficient opportunity for the different perspectives to be voiced and heard.

Improvements identified over the CPSM model include:

- Respect and support for the registrant
- Approach mirrors tribunal/court cases – including presentations and cross examinations
- Greater emphasis on evidence
- Structure of the committee (now flexible)
- Fair and balanced (rights of the registrant versus need to respond rapidly)
- Positive, listening environment

Specific issues about the fitness to practice hearings process

Managing expectations

It may be that communications relating to roles and responsibilities of panel members need to be reviewed. Two of the lay panel members feel that the type of work they undertake is not what they had expected. The emphasis, in the cases they have been involved with, has been preoccupied with review tasks with little or no investigative element. Both feel that they would like a greater emphasis on investigation and that it was this that they had volunteered for.

Voting intention and declarations at the outset of a debate can improve the quality of discussions

It is felt that the debate held by a panel could be improved if individual panel members declared their position at the outset. This ensures that everybody gets adequate opportunity to say what they are thinking and no opinions are overlooked. It is felt that the debate is sometimes limited if panel members do not disclose their position until the vote. A model which is thought worth exploring is one used in child protection investigations in which each panellist is required to give a short presentation on what they as an individual feel are the key aspects of the case.

Training is excellent

The training programme, that prepares panellists for their role, is considered excellent and provides useful insights. There are no suggestions regarding how this might be improved in the future.

The suspension process and supervision orders work well

All panel members feel that these key elements of the process provide useful tools that are exercised appropriately. Improvements might be made in HPC communications around the suspension process. If a suspension is executed by an NHS Trust HR department great care is taken to highlight that the act is 'neutral' - the individual is not guilty until there is a formal hearing and the suspension is there to protect the individual as much as to protect patients. Panel members think that this is a good model and that communications around a HPC suspension

sometimes appear automatically punitive. Positioning a suspension in a similar 'neutral' way would improve the way in which the measure is perceived by registrants.

Improving the hearings process

Panellists feel that there are a number of improvements that could be made to the hearing process to ease the pressures that they sometimes feel are imposed upon them. These tend to relate to the large amounts of information that need to be read through prior to the hearing.

Panellists acknowledge that a thorough and rigorous examination of the evidence is vital if the process is to be robust and credible. They also recognise that prioritising or summarising information could involve individual value judgements and impair the impartial nature of the panel approach.

Despite understanding the principles behind sifting evidence, panellists are realistic – their concerns centre upon the volume of information, some of which is considered superfluous and insufficient time provided to allow an adequate assessment. Panellists suggest some practical solutions including:

- **Streamlining paperwork and assisting navigation**
 - **Prioritising or grading information would lessen the burden placed upon the reader**
 - **Practical measures such as the provision of labelling, annotations or a key**
 - **Low priority background information could be summarised or omitted**
 - **Allowing adequate time for analysis of bundles (some respondents mention receiving bundles 1 or 2 days prior to a hearing – this they feel is unacceptable and compromises the quality of the procedure**

Clarifying the relationship between the HPC panel and employer organisations

Panellists are confused by and disagree upon protocols informing the relationship of a panel and a registrant's employing body. Some feel that a panel has the power to recommend a course of action by an employer. Others do not and believe this to be beyond the authority of the panel. This issue is something that panellists would like to be clarified.

Chairing panels can be improved

Panellists agree that the quality of chairing is variable and can be fortified. Sometimes the management of the process, it is felt, is not as strong it could be. Accounts focus upon 'not knowing when to raise an issue', 'not really knowing what is coming next' and 'erratic and fragmented procedures'.

Solutions provided by panellists include:

- the provision of a clear agenda from the outset
- clarification of roles and responsibilities
- regular reviews and progress updates

The evaluation process

Panellists feel that the evaluation process is valid and worthwhile. They feel that it demonstrates that the HPC is not just interested in monitoring the process but also committed to improvement.

They feel that the pilot model provides a strong template and requires little refinement. However, there is a strong feeling that the data from the evaluation should be tied up with details of the hearing. The logic behind this thinking lies in trying to interpret some of the results and place them in context. For example, the types of information that would be useful, include:

- The type of case
- Demographic details of the registrant (gender, were they trained overseas?)
- Outcome of hearing

Panellists feel that this will inform future improvements in the hearing process and highlight where there may be shortcomings.

Other issues

- In complex cases, where there are large amounts of evidence to process, panellists feel that the HPC might consider reimbursements for time spent preparing
- Double sided photocopying might lessen the environmental impact of bundles
- The efforts being made to ensure fairness and quality should be disseminated to registrants who may wonder where their money is going

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