

**Health Professions Council
Conduct and Competence Committee 30 January 2007**

Fitness to Practise Chairmen and Deputy-Chairmen meeting 12 February 2007

Executive Summary and Recommendations

Introduction

The first meeting of the fitness to practise Chairmen and Deputy-Chairmen was held last year on the 3 March 2006.

Article 27(a) of the Health Professions Order (HPO) states that: The Conduct and Competence Committee shall – (a) having consulted with the other Practice Committees as it thinks appropriate, advise the Council (whether on the Council’s request or otherwise) on –

- (i) the performance of the Council’s functions in relation to standards of conduct, performance and ethics expected of registrants and prospective registrants,
- (ii) requirements as to good character and good health to be met by registrants and prospective registrants, and
- (iii) the protection of the public from people whose fitness to practise is impaired; and

(b) consider –

- (i) any allegation referred to it by the Council, Screeners, the Investigating Committee or the Health Committee, and
- (ii) any application for restoration referred to it by the Registrar.

The Chairmen and Deputy-Chairmen of the Fitness to Practise Committees agreed at their first meeting to the recommendation that they hold an annual meeting each year to discuss whether their respective committees have met their obligations as detailed in Article 27a of the HPO 2001 and what work needs to be undertaken in the forthcoming year. The Chairman of the Conduct and Competence Committee shall also be the Chairman of these meetings as it falls within the remit of this Committee to consult with the other Practise Committees on these matters. These meetings should ideally be scheduled to take place in February/March before the Fitness to Practise annual report is produced so to ensure that all relevant information has been prepared and considered by the respective Fitness to Practise Committees.

Decision

The Committee is asked to discuss and identify potential items for the agenda of the forthcoming Fitness to Practise Chairmen and Deputy-Chairmen meeting on 12 February 2007.

Background information

The meeting on the 12 February 2007 will be held at the Evangelical Alliance, room 1 at 11:00am.

Resource implications

None

Financial implications

Attendance allowance of Fitness to Practise Chairmen and Deputy-Chairmen at their annual meeting.

Appendices

- Fitness to Practise Chairmen and Deputy-Chairmen Agenda 3 March 2006
- Fitness to Practise Chairmen and Deputy-Chairmen minutes 3 March 2006
- Fitness to Practise Chairmen and Deputy-Chairmen Matters Arising 3 March 2006

Date of paper

18 January 2007

The Health Professions Council

FITNESS TO PRACTISE CHAIRMEN AND DEPUTY CHAIRMEN MEETING

Friday 3rd March 2006

11:00am

The first meeting of the fitness to practice Chairmen and Deputy Chairmen will be held at the following location:

Meeting Rooms 2 and 3
Health Professions Council
Park House
184 Kennington Park Road
London SE11 4BU

Sophie Butcher
Secretary to the Committee
Tuesday 21st February 2006

Health Professions Council
Park House
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London SE11 4BU

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Date
2006-01-04

Ver.
a

Dept/Cmte
SEC

Doc Type
AGD

Title
FTP Chairman Meeting Friday 3rd
March 2006

Status
Final
DD: None

Int. Aud.
Public
RD: None

Agenda – Part One – Open to Members of the Public

- | | | |
|----|---------------------------------|--------|
| 1. | Introduction and Welcome | Verbal |
| 2. | Apologies for Absence | Verbal |
| 3. | Approval of Agenda | Verbal |

Items for Discussion/Approval

- | | | |
|----|---|-------------------------------|
| 4. | An Annual Fitness to Practise Chairmen and Deputy-Chairmen meeting
From the Secretary to the Fitness to Practise Committees – Sophie Butcher | Enclosure 1
Paper FTP01/06 |
| 5. | i) Review of the Fitness to Practise Annual Report 2005
ii) The Structure of the Fitness to Practise Annual Report 2006
iii) Key messages for the Fitness to Practise Annual Report 2006
From the Director of Fitness to Practise – Kelly Johnson | Enclosure 2
Paper FTP02/06 |

Items for Discussion

- | | | |
|----|--|-------------------------------|
| 6. | Equality and Diversity
From the Director of Fitness to Practise – Kelly Johnson | Enclosure 3
Paper FTP03/06 |
| 7. | Review of the Standards of Conduct, Performance and Ethics
From Policy Officer – Michael Guthrie | Enclosure 4
Paper FTP04/06 |

Items to Note

- | | | |
|-----|---|-------------------------------|
| 8. | The Role of the Council for Healthcare Regulatory Excellence
From the Director of Fitness to Practise – Kelly Johnson | Enclosure 5
Paper FTP05/06 |
| 9. | Any Other Business
Previously Notified to and Agreed by the Chairman | |
| 10. | Date & Time of Next Meeting
to be confirmed | |

THE HEALTH PROFESSIONS COUNCIL

Chief Executive and Registrar: Mr Marc Seale

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MINUTES of the first meeting of the Fitness to Practise Committee Chairmen and Deputy-Chairmen held at **11:00am on Friday 3rd March 2006** at the Health Professions Council, Park House, 184 Kennington Park Road, London, SE11 4BU.

Ms H Davis (Deputy Chairman; Conduct and Competence Committee)
 Ms C Farrell (Deputy Chairman; Investigating Committee)
 Professor T Hazell (Chairman; Health Committee)
 Mrs M MacKellar (Chairman; Investigating Committee)
 Mrs J Pearce (Deputy Chairman; Health Committee)
 Mr K Ross (Chairman; Conduct and Competence Committee)

IN ATTENDANCE:

Miss S Butcher, Secretary to Committees
 Miss K Johnson, Director, Fitness to Practise
 Mr M Seale, Chief Executive
 Ms R Tripp, Policy Manager

Item 1.06/01 INTRODUCTION AND WELCOME

- 1.1 The Chairman of the Conduct and Competence Committee welcomed the Chairmen and Deputy-Chairmen of the fitness to practise committees to their first annual meeting.

Item 2.06/02 APOLOGIES FOR ABSENCE

- 2.1 No apologies for absence had been received.

Item 3.06/03 APPROVAL OF AGENDA

- 3.1 The Group approved the agenda.

Item 4.06/04 AN ANNUAL FITNESS TO PRACTISE CHAIRMEN AND DEPUTY-CHAIRMEN MEETING

- 4.1 The Group agreed that an annual meeting should now be held for the Chairmen and Deputy-Chairmen of the Fitness to Practise (ftp)

Date	Ver.	Dept/Cmte	Doc Type	Title	Status	Int. Aud.
2006-03-06	a	F2P	MIN	Fitness to Practise Chairmen and Deputy-Chairmen Annual Meeting	Final DD: None	Public RD: None
				03/03/06		

Committees to discuss whether their respective committees had met their obligations as detailed in Article 27(a) of the Health Professions Order (HPO) 2001. The Group agreed that the Chairman of the Conduct and Competence Committee should also be the Chairman of this group as it fell within the remit of this committee to consult with the other ftp committees on such matters. The meetings should be scheduled to take place in March of each year before the ftp annual report was produced so to ensure that all relevant information had been fully considered.

- 4.2 The Secretary to the Committee would investigate whether the Group should now be provided with its own standing orders.

Action: SB

Item 5.06/05 (i) REVIEW OF THE FITNESS TO PRACTISE ANNUAL REPORT 2005

(ii) THE STRUCTURE OF THE FITNESS TO PRACTISE ANNUAL REPORT 2006

(iii) KEY MESSAGES FOR THE FITNESS TO PRACTISE ANNUAL REPORT 2006

- 5.1 The Group received a paper for discussion/approval from the Director of Ftp.
- 5.2 The Group noted that last years annual report was to be significantly expanded upon and discussed what additional information needed to be incorporated. An analysis of ftp statistical trends had now been included. With the expansion of the organisation and as new professions joined the register such scrutiny was becoming increasingly important as markers of future work loads. The Group agreed that the standard ftp statistics should be provided in an appendix whilst the key analysis would be centralised in the report itself. The Group noted that there had been an increase in case to answer rates, grandparenting applications (which in turn increased the number of allegations received) and interim orders imposed. The Group also agreed that further information was needed on the reasons why there were a higher proportion of allegations against ODP's that were leading to HPC taking further action via ftp.
- 5.3 The Group noted that the additional updates to the report included a revised ftp processes diagram, information about HPC Partners and Panel Chairmen and an explanation regarding the rationale for holding hearings in the registrants' place of dwelling which had not been provided before. The Group highlighted other areas that deserved further analysis such as the increasing costs incurred for length of hearings and the rate of representation by profession which could vary widely. It was agreed that

HPC should explore the option of producing the annual report on recycled paper following the MORI poll feedback which indicated a concern that this had not been done previously. The Group also discussed the fact that the annual report for 2004-05 had been produced in colours that were not visually accessible to all. Pale text as produced on a dark background could not be easily read. A more user friendly format would therefore be investigated.

Action: KJ

- 5.4 The Group agreed that more case studies should be included throughout the report as they clearly demonstrated ftp processes. In the breakdown of costs provided the highest and lowest figures would now be shown for comparative reasons. The Group discussed the term ‘protected title’ and agreed that this was not a universal term other than being utilised and understood by HPC staff members and registrants. Further clarification would therefore be built into the text to state that health professionals had to practise safely and effectively so to assist the general public understanding.

Action: KJ

- 5.5 The Group agreed that the forward to the annual report should be from the Chairmen of the ftp Committees. Additionally, a brief summary would be provided by each Chairman detailing the key issues which their respective committee had been dealing with in the last year. It was agreed that this would contextualise and provide a background to the ftp work undertaken overall. The Group agreed that it would be useful if they could be sent the ftp statistics which had been collated over the last 11 months via e-mail to assist them in this task. The Chairmen agreed to submit the summary of their committees work by Friday 17th March 2006. Ms Farrell, Deputy-Chairman of the Investigating Committee would undertake this on behalf of the Chairman, Mrs MacKellar who reported that she would be on holiday at this time. The draft of the ftp annual report would be circulated to the Chairmen of the Ftp Committees for their review before its circulation to the ftp committee meetings in April.

Action: Chairmen of ftp Committees & KJ

Item 6.06/06 EQUALITY AND DIVERSITY

- 6.1 The Group received a paper for discussion from the Director of Fitness to Practise.

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2006-03-06	a	F2P	MIN	Fitness to Practise Chairmen and Deputy-Chairmen Annual Meeting 03/03/06	Final DD: None	Public RD: None

- 6.2 The Group acknowledged that the implementation of the equality and diversity scheme was a long term project within ftp. In the short term ftp were looking to implement a complaints system by telephone. Currently the system only accepted written complaints and therefore put those complainants at a disadvantage whose first language was not English. Ftp documents would also be translated into other languages.
- 6.3 The Group noted that whilst there might be anecdotal evidence indicating differentials in equality and diversity there was no substantive data to utilise at present. The Group agreed that it would therefore be useful if external monitoring systems could be identified and utilised as a proxy upon which to build HPC's own data collation. The following groups were highlighted as possible resources for reference; the NHS complaints system, 'Speaking up for Justice' and 'Fair for All' formed by the Scottish Executive. The Group noted the one of HPC's objectives over the next financial year was to write to every registrant so to collate ethnic and age data. The Group agreed that complainants should also be asked for their ethnic and age information as they were not currently monitored.

Action: KJ

Item 7.06/07 REVIEW OF THE STANDARDS OF CONDUCT, PERFORMANCE AND ETHICS

- 7.1 The Group received a paper for discussion from the Policy Manager. The Group noted that Ms Tripp was presenting the paper on Mr Guthrie's behalf as he had to attend an external meeting.
- 7.3 The Group noted that a framework had been devised by which the Standards of Conduct, Performance and Ethics (SCPE) could be successfully evaluated. It was reported that Council could potentially hold group discussions on this matter at their Away Day in October 2006 so to initiate the building blocks of this work. This would be subject to the new President's approval.

Action: NOS

- 7.4 The Group agreed that it would be useful if a consultation was held via the HPC website on the SCPE, and that the web-based newsletter would be a useful medium through which this information could be communicated. All key stakeholders would also be contacted via letter to ensure that the details had been fully disseminated.
- 7.5 The Group agreed that sub-sets of guidance should be produced in addition to the work being undertaken on SCPE. The requirements for

good health and character to be met by registrants and prospective registrants should also be incorporated into the consultation. The Policy Manager reported that an analysis of the information received on the health reference could certainly be examined and that the general principle was to factor this into the review overall.

- 7.6 The Group agreed that the final report should be taken to the ftp committees for their approval and then crystal marked by the plain English campaign.

Action: RT

Item 8.06/08 THE ROLE OF THE COUNCIL FOR HEALTHCARE REGULATORY EXCELLENCE (CHRE)

- 8.1 The Group received a paper to note from the Director of Fitness to Practise.
- 8.2 The Group noted that the Council for Healthcare Regulatory Excellence (CHRE) was the statutory overarching body, covering all of the United Kingdom. CHRE was established in April 2003 and was separate from Government. Its functions to promote best practice and consistency in the regulation of healthcare professionals by the nine healthcare regulators.
- 8.3 CHRE were given powers under S29(4) of the NHS Reforms and Health Care Professions Act 2002 to refer cases of 'undue leniency' to the High Court. The Group noted that only one HPC case in the period 1st April 2005 and 31st December 2006 had been referred to the High Courts and was therefore considered to be very minimal. The majority of cases referred by CHRE were from the GMC.
- 8.4 CHRE now provided learning points in relation to the decision making process of the panels and in particular the reasons for the decision. CHRE also hold regular forums for Ftp managers across the nine healthcare regulators. Feedback from these meetings and updates on case law are provided for Panel members, Panel Chairmen and Legal Assessors, the next training day was to take place on Tuesday 7th March 2006. The Group noted that the Home Office was now updating its circulars on a regular basis which therefore allowed for the effective dissemination of information between the police and the regulator.

Item 9.06/09 ANY OTHER BUSINESS

- 9.1 There was no other business.

Date	Ver.	Dept/Cmte	Doc Type	Title	Status	Int. Aud.
2006-03-06	a	F2P	MIN	Fitness to Practise Chairmen and Deputy-Chairmen Annual Meeting 03/03/06	Final DD: None	Public RD: None

Item 10.06/10 DATE & TIME OF NEXT MEETING

- 10.1 The next meeting of the Ftp Committee Chairmen and Deputy-Chairmen was to be held in February/March 2007, the date was yet to be confirmed.

Date	Ver.	Dept/Cmte	Doc Type	Title	Status	Int. Aud.
2006-03-06	a	F2P	MIN	Fitness to Practise Chairmen and Deputy-Chairmen Annual Meeting 03/03/06	Final DD: None	Public RD: None

ACTION POINTS
FITNESS TO PRACTISE CHAIRMEN AND DEPUTY-CHAIRMEN MEETING –
12 FEBRUARY 2007

	Action point (and location in the minutes)	For the attention of	Action by (date)	Outcome
1.	The Secretary to the Committee would investigate whether the Group should now be provided with its own statutory Standing Orders from 3 March 2006 (Public minutes, 4.2)	SB	February 2007	
2.	The Director of ftp would look into producing the annual report on recycled paper and make it more visually accessible from 3 March 2006 (Public minutes, 5.3)	KJ	31 st March 2006	
3.	More case studies would be provided in the ftp annual report and the highest and lowest figures would also be given in the breakdown of costs. Further clarification was required regarding the term ‘protected title’ from 3 March 2006 (Public minutes, 5.5)	KJ	31 st March 2006	
4.	Ftp statistics which have been collated over the last 11 months to be e-mailed to ftp Chairmen from 3 March 2006 (Public minutes, 5.6i)	KJ	10 th March 2006	
5.	The forward to the annual report would be from the ftp Chairmen. A brief summary of each of the ftp committee’s work over the last year is to be provided from each of the ftp Chairmen from 3 March	ftp Chairmen (& Deputy-Chairman of Investigating Committee who is doing this work on behalf of the Chairman).	17 th March 2006	

	2006 (Public minutes, 5.6ii)			
6.	The draft ftp annual report would be sent to each of the ftp committees for their review from 3 March 2006 (Public minutes, 5.6iii)	KJ	31 st March 2006 = Health Committee 7 th April 2006 = Investigating Committee 10 th April 2006 – Conduct and Competence Committee	
7.	Complainants would now be asked for their ethnic and age data as this had not been collated to date and was necessary for the overall implementation of the equality and diversity scheme.	KJ	As soon as possible	
8.	The review of the Standards of Conduct, Performance and Ethics (SCPE) was flagged as a potential discussion group topic at Council Away Day in October 2006. This was subject to the President's approval.	NOS	22 nd September 2006	
9.	The group agreed that additional sub-sets of guidance to the SCPE should be produced. The requirements for good health and character were to be incorporated into the consultation about SCPE and an analysis of the information obtained from the health reference would be utilized for these aims. The final report would be taken to the ftp committees for their approval and then crystal marked by the plain	RT	ongoing	

	English campaign.			
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Date
2006-03-09

Ver.
a

Dept/Cmte
F2P

Doc Type
AOD

Title
Action Points Ftp Chairmen &
Deputy Chairmen Meeting

Status
Draft
DD: None

Int. Aud.
Public
RD: None