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## **Fitness to Practise Committee**

**Public minutes of the first meeting of the Fitness to Practise Committee held as follows:**

**Date:** Thursday 22 October 2009

**Time:** 10:30 am

**Venue:** The Council Chamber, Health Professions Council, Park House, 184 Kennington Park Road, London SE11 4BU

**Members:** Mary Clark-Glass  
John Donaghy  
Julia Drown  
Morag MacKellar  
Penny Renwick  
Keith Ross  
Deep Sagar  
Annie Turner  
Neil Willis

**In attendance:**

Anna van der Gaag, Chair of Council  
Kelly Johnson, Director of Fitness to Practise  
Steve Rayner, Secretary to the Committee  
Eve Seall, Head of Case Management  
Michael Guthrie, Director of Policy and Standards  
Megan Scott, Policy Manager

## Part 1 – Public Agenda

### Item 1.09/01 Nomination and election of Chair

- 1.1 At its meeting of 26 March 2009 the Council agreed to establish a single Fitness to Practise Committee to monitor the work of the fitness to practise function
- 1.2 The standing orders and terms of reference for the Committee were agreed by the Council on 20 May 2009 as part of the code of corporate governance (available on the Council section of the website).
- 1.3 In accordance with its standing orders the Committee was asked to elect a Chair to preside over the remainder of the meeting; and to recommend to the Council as Chair of the Committee to serve for a period of two years.
- 1.4 A nomination was received for Keith Ross, which was seconded. No other nominations were received. Keith Ross was duly elected to serve as Chair.

**ACTION:** **Secretary to the Committee** to submit the nomination of Keith Ross to the Council at its meeting of 10 December 2009.

### Item 2.09/02 Apologies for absence

- 2.1 Apologies were received from Malcolm Cross.

### Item 3.09/03 Approval of agenda

- 3.1 The Committee approved the agenda.

### Item 4.09/04 Declaration of members' interests

- 4.1 The Committee declared no private interests.

### Item 5.09/05 Terms of reference and standing orders of the Committee

- 5.1 The Committee received a paper to note from the Executive presenting the standing orders of the Committee. The standing orders were presented to the Committee on a yearly basis. As this was the first meeting of the Committee the terms of reference were also provided for information.
- 5.2 The Committee noted the terms of reference and the standing orders.

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## Item 6.09/06 Director of Fitness to Practise report

- 6.1 The Committee received a paper from the Executive summarising the activities of the Fitness to Practise Department between April and September 2009 and providing statistics on the fitness to practise process. The Director of Fitness to Practise would present a summary of the activities of the Department to each meeting of the Committee.
- 6.3 The Committee was invited to discuss the report, and to consider the type of information it required from the Executive in order to deliver its terms of reference.

### Discussion of the report

#### High Court appeals

- 6.4.1 The Committee noted that the judgement in the Court of Appeal case had been handed down on 21 October 2009 and the appeal had been quashed
- 6.4.2 The Committee noted that it was HPC policy to recover costs following all successfully defended High Court Appeals.
- 6.4.3 The Committee noted that HPC had also recovered 88% of its costs from a recent CHRE referral
- 6.4.4 The Committee noted that the Executive would bring a report on the outcomes of High Court cases to the February meeting of the Committee.

#### Audit

- 6.5.1 The Committee noted that the in accordance with the audit schedule agreed by the Audit Committee, PKF (HPC's internal auditors) were currently auditing aspects of the departments workload.
- 6.5.2 The Committee noted that the Council for Healthcare Regulatory Excellence (CHRE) were about to start an audit of the initial stages of HPC's fitness to practise processes. This audit was the last in a series of audits undertaken by CHRE into the fitness practise processes of all health regulators.

#### Conviction cases

- 6.6.1 The Committee noted that cases in which a registrant became subject to fitness to practise proceedings as a result of a criminal conviction were not always reflected in allegation rates. This was because a proportion of

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notifications in these cases came from other sources, including from employers and the registrants themselves.

- 6.6.2 The Committee noted that, as it may take criminal convictions some time to be concluded before they could be dealt with through the fitness to practise processes, conviction cases were likely to have an impact on length of time to final hearing rates.

**ACTION:** **Director of Fitness to Practise** provide more detailed analysis about why cases take the length of time they do to consider and conclude to a future meeting of the committee.

### Allegations

- 6.7 The Committee noted that the increase in allegations in July was largely due to the transfer of cases from the British Psychological Society and Association of Educational Psychologists.

### **Key information to deliver terms of reference**

- 6.8 The Committee noted that the afternoon workshop on the fitness to practise process would be useful in determining key indicators of performance. The conclusions of the afternoon workshop would be used by the Executive to develop future management reports.

- 6.9 The Committee noted that the key operational drivers for the Executive were:

- the number of cases a case manager could manage at any one time
- the total number of allegations
- the case to answer rate; and
- the length of time taken for a hearing to conclude

- 6.10 The Committee noted that in order to remain transparent, the rationale for any change to data contained within director reports should be made public.

- 6.11 The Committee agreed that the range of data should not be changed immediately, but that it would be useful for a summary of the information with key headline figures to be provided in a covering paper.

**ACTION:** **Director of Fitness to Practise** to provide a summary of key operational drivers as part of the next report to the committee.

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## **Item 7.09/07 Fitness to Practise Department workplan 2009-2010**

- 7.1 The Committee received a paper to note introducing the workplan which had been approved in February by the three Practice Committees. The workplan was provided for information to give members the opportunity to discuss ongoing and future work.
- 7.2 The Committee noted the workplan, and that the following areas of work would be brought to the February meeting:
- Ipsos-MORI research into the expectations of complainants
  - Sifting tools
  - PKF internal audit report)
- 7.3 The Committee noted that the department was on target with the workplan.

## **Item 8.09/08 Consumer complaints**

- 8.1 The Committee received a paper from the Executive outlining research undertaken in anticipation of the increase in consumer complaints that is likely to result from the uptake of hearing aid dispensers to the register.
- 8.2 The Committee were asked to discuss the report and to make a recommendation as to whether HPC's current complaints procedure was sufficient to deal with the development in the nature of complaints.
- 8.3 The Committee noted that consumer complaints were already received relating to registrants in private practice.
- 8.4 The Committee noted that the development of an in-house Consumer Complaints system would have significant resource implications.
- 8.5 The Committee noted that resources should be committed to developing mechanisms to direct complainants to the appropriate places, such as Consumer Direct, the Government's consumer complaint gateway.
- 8.6 The Committee noted that it would be important to understand more about the NHS complaints process and how it relates to, and interacts with, the consumer complaints environment.
- 8.7 The Committee agreed to recommend that:

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- HPC should not set up an independent consumer complaints procedure;
- work should be done to develop mechanisms to direct complainants to the appropriate places without losing potential fitness to practise cases.

**ACTION:** **Megan Scott** to provide an update to the February meeting

**Item 09.09/09 Case management system research project**

- 9.1 The Committee received a paper to note from the Executive providing the work that had been undertaken in the development of HPC's case management systems.
- 9.2 The Committee noted that the it was anticipated that the build of the system would start the spring of 2010, but that this was subject to the wider HPC project prioritisation exercise due to take place in November 2009.

**Action:** **Director of Fitness to Practise** to arrange for an update on the project to be presented to the February meeting.

**Item 10.09/10 Fitness to Practise Department service standards**

- 10.1 The Committee received a paper from the Executive to note setting out the service standards in place within the Fitness to Practise Department.
- 10.2 The Committee noted that various contingencies were in place for dealing with the postal strike, including the use of couriers, special delivery post, and emails where appropriate.
- 10.3 The Committee noted that it may be more efficient for the planning and monitoring process to move away from percentage based targets to reflect performance against service standards.
- 10.4 The Committee noted that it would be useful to receive an explanation of the figures as part of any paper including service standards.

**ACTION:** **Director of Fitness to Practise** to provide management commentary to future service standards reports to the committee.

**Item 11/09.11 Any other business**

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- 11.1 There was no further business. The Committee held a training session on the fitness to practise process during the afternoon.

**Item 12/08.12 Date & time of subsequent meetings:**

- 12.1 10.30am on Thursday 25 February 2010; and  
10.30am on Thursday 3 June 2010.

**Part 2 – Private agenda**

The Committee did not conduct discussion while the public were excluded.

**This document is available in alternative formats on request.**

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