

Fitness to Practise Committee

Public minutes of the 12th meeting of the Fitness to Practise Committee held on:-

Date: Thursday 10 October 2013

Time: 10:30 am

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

Present:

Pradeep Agrawal
Jennifer Beaumont
John Donaghy
Julia Drown
Richard Kennett
Morag MacKellar
Penny Renwick
Keith Ross (Chair)
Robert Templeton
Joy Tweed

In attendance:

John Barwick, Head of Investigations
Selma Elgaziari, Policy Officer
Claire Gascoigne, Secretary to Committee
Brian James, Head of Adjudication/Head of Assurance and
Development
Sarita Khaira, Head of FTP Service Improvement
Francine Leach, PA to the Director of Fitness to Practise
Marc Seale, Chief Executive and Registrar
Anna van der Gaag, Council Chair

Item 1.13/35 Apologies for absence

1.1 There were no apologies for absence.

Item 2.13/36 Approval of agenda

2.1 The Committee approved the agenda.

Item 3.13/37 Declarations of members' interests

3.1 The Chair declared that, at the time of the meeting, the Chair's wife was a member of the Professional Standards Authority (PSA). The Committee did not consider that this precluded the Chair from discussions.

Item 4.13/38 Minutes of the Fitness to Practise Committee meeting of 23 May 2013 (report ref: FTP 24/13)

4.1 It was agreed that the public minutes of the 11th meeting of the Fitness to Practise Committee should be confirmed as a true record and signed by the Chair subject to the addition of Joy Tweed and Julia Drown to the apologies.

Item 5.13/39 Matters arising (report ref: FTP 25/13)

5.1 The Committee received a paper to note from the Executive.

5.2 The Committee noted the actions list as agreed at the last meeting.

Item 6.13/40 Director of Fitness to Practise Report (report ref: FTP 26/13)

6.1 The Committee received a paper for discussion from the Executive providing a summary of the work of the Fitness to Practise Department.

6.2 The Committee noted the following points:

- a new Case Team (Case Team 7) has been established. This team will have a mixed case load and will mirror the case structure of Case Team 3;
- Sarita Khaira has been appointed to the newly created post of Head of FTP Service Improvement. This is a fixed term post to cover components of Eve Seall's maternity leave. The operational components of Eve's role are being covered by John Barwick, Head of Investigations;

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- the Quality Compliance Team is now fully established and developments are planned to enhance FTP compliance and audit activity;
- in response to a question it was noted that internal measures were in place for progressing delayed pre ICP cases. Complex cases are discussed at the monthly case conferences to determine possible methods for progression; and
- in response to a question regarding recent high profile cases, it was noted that the Department monitors press coverage and requests. In addition a proactive approach is taken to remind local authorities of their obligations to report FTP concerns to the HCPC.

6.3 The Committee discussed the FTP management information pack. It was noted that the pack provided more in depth statistics than had previously been presented the Committee. The pack will be presented to Council following the disbandment of the Fitness to Practise Committee.

6.4 The Committee discussed the increase of complex cases involving factors such as multiple registrants or vulnerable witnesses since the on-boarding of social workers. It was noted that the impact of these cases on current processes was monitored and that a work stream around improving the FTP experience is currently underway

6.5 The Committee noted the Director's report.

Item 7.13/41 Professional Standards Authority Audit Report (report ref: FTP 27/13)

7.1 The Committee received a paper for approval from the Executive.

7.2 The Committee noted that, in June 2013, the PSA published its 2012 – 2013 performance review of the regulatory bodies, including its performance assessment of the HCPC.

7.3 The Committee noted that the HCPC had received a positive performance review report for 2012-13. The PSA had noted that the HCPC had 'continued to operate effective systems and processes in all areas of its initial stages FTP process. In addition it deemed this 'noteworthy given the recent challenges faced by the HCPC, including the transfer of the regulation of social workers in England on 1 August 2012 and the expansion of its scope'.

7.4 The Committee noted the following points during discussion;

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- the PSA identified some areas for improvement during the audit. FTP has implemented a number of developments that address those areas;
- the FTP work plan has been further developed in response to the audit; and
- an activity plan in response to the audit forms an appendix to the report.

7.5 The Committee noted the report.

Item 8.13/42 Fitness to Practise Annual Report 2013-14 development (report ref: FTP 28/13)

- 8.1 The Committee received a paper for discussion from the Executive.
- 8.2 The Committee noted that the 2012-13 Fitness to Practise Annual Report was approved by both Committee and Council in summer 2013. The Committee asked for an opportunity to discuss the content and structure of the report so consideration could be given to how it is produced.
- 8.3 During discussion the following points and suggestions were made:-
- the Committee has previously discussed the on-going inclusion of the summary of cases. It was noted that was an important decision that required full debate;
 - evidence from listening events shows that registrants use the summary of cases section for training and an overview of regulatory activity in their profession for the year;
 - a high level summary without registrant names could be used in place of the full list or the summary of cases could be published online, with a link in the report directing the reader to its location;
 - the inclusion of registrant names in the report is a form a deterrent; however the aims of the HCPC are restorative justice not punitive sanction; and
 - the report is a factual document and does not make judgements on the performance of the HCPC. It was agreed that this was appropriate.

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8.4 The Committee agreed that more information was needed of the use of the summary of cases and its role in public protection before a decision could be made on its exclusion.

8.5 The Committee noted the report.

Item 9.13/43 Audit of final fitness to practise decisions 1 November 2012 - 30 June 2013 (report ref: FTP 29/13)

9.1 The Committee received a paper for approval from the Executive. The paper detailed the sixth audit of final fitness to practise hearing decisions covering the period 1 November 2012 - 30 June 2013.

9.2 During discussion the Committee noted the following points:-

- a total of 320 decisions were analysed as part of the audit;
- the audit showed that the procedural advice provided for Fitness to Practise panels is generally well followed;
- the fifth audit noted an increase in administrative errors on the part of the HCPC. The sixth audit found that none of the procedural issues experienced in cases of this period were as a result of mistakes made by the HCPC;
- the sixth audit found that 14% of decisions contained spelling, grammar, formatting errors, an improvement to the 21-28% level of the last five audits; and
- during the last year FTP have delivered refresher Panel training sessions using case studies from previous hearing decisions. Additionally, The Hearing Officer has played a greater role in quality checking the content, grammar and spelling of decision documents.

9.3 The Committee agreed that the audit was positive and that it was pleased to see the improvements made by FTP having an impact in adjudication.

9.4 The Committee noted the paper.

The Committee noted the following papers:

Item 10.13/44 Fitness to Practise Work Plan update (report ref: FTP 30/13)

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Item 11.13/45 Any other business

- 11.1 The Committee noted that, following Councils decision on Committee restructure in September 2013, the Fitness to Practise Committee will be disbanded with effect from when the restructured Council takes office. The Chief Executive thanked the Chair and Committee members for their contributions in developing the HCPC's Fitness to Practise function.

Chair

Date

Unconfirmed

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