

Council, 25 March 2015

Fitness to Practise Departmental Work plan

Executive summary and recommendations

Introduction

Attached as appendices to this paper is the draft Fitness to Practise directorate work plan for 2015-16 and an update as to the activity undertaken as part of the Fitness to Practise work plan for 2014-15

Decision

The Council is asked to discuss and approve the draft Fitness to Practise department work plan.

Background information

None

Resource implications

Accounted for in draft 2015-16 budget

Financial implications

Accounted for in draft 2014-15 budget

Appendices

Appendix One – FTP Directorate Work plan 2015-16

Appendix Two – FTP Directorate Structure

Appendix Three – FTP Risk Register

Appendix Four– FTP Departmental Work plan update 2014-15

Date of paper

12 March 2015

Fitness to Practise Work Plan 2015-2016

Introduction

This document sets out the resources, responsibilities and priorities of the Fitness to Practise Directorate for the financial year April-March 2015-2016. It will be updated throughout the year to reflect new and changing priorities.

Main Operational Processes

There are six main operational processes which generate the majority of the department's work. These are listed below.

Fitness to Practise Allegations - This activity comprises of investigating allegations to the effect that a registrant's fitness to practise is impaired and the management of the case through to its conclusion. This includes witness/complainant liaison, instructing lawyers and preparing and presenting cases at investigating, interim order, final and review stage.

Tribunal Scheduling and Management – This activity comprises of the organisation, scheduling and clerking of all fitness to practise, registration appeal and suitability scheme hearings and all follow up work related to hearing outcomes. It also includes witness liaison and management.

Health and Character Declarations management – This activity comprises of the management of health and character declarations from registrants and applicants on admission, readmission and renewal to the Register.

Prosecutions of Offences – This activity comprises of the investigation and management of offences under Article 39 of the Health and Social Work Professions Order 2001 (the Order). This includes undertaking necessary field investigations and prosecuting offences in the magistrate's court.

Registration Appeals – This activity comprises of the management of cases where an applicant or registrant has appealed against a registration decision under Part IV of the Order.

Suitability Scheme – This activity comprises of the management of cases via the Student Social Work (England) Suitability Scheme.

Other Activities

There are a number of other areas and activities which support and affect the processes operated by the Fitness to Practise department. The following paragraphs summarise these activities.

Assurance – The Assurance and Development Team oversee, undertake and monitor the FTP Quality Assurance Framework. This framework provides for on-

going audit, quality compliance and decision review and for on-going reviews and audit of processes and procedure. The assurance team also ensure compliance with our statutory and legislation obligations in respect of information sharing and work with the Secretariat department in relation to requests for information made under the Freedom of Information and Data Protection Acts.

Development - The Assurance and Development team are also responsible for co-ordinating and managing on-going developments and refinements to the systems that support the work of the directorate and for co-ordinating and leading in training.

Challenges to Decisions – We will continue to manage challenges to decisions – this includes both cases when registrants appeal the decision to find their fitness to practise impaired and/or impose a sanction and when the PSA refer a case in accordance with Section 29(4) of the National Health Service Reform and Health Care Professions Act 2002. We will ensure that we disseminate outcomes as appropriate and make any necessary changes or improvement to fitness to practise processes.

Liaison with stakeholders – The directorate works with a range of stakeholder (employers, professional bodies, unions) to ensure understanding of the process. The directorate will continue to support the Communications department with representation at conferences and employer events and will continue to present to relevant stakeholders on the fitness to practise process. We will also work with the Communications department in relation to media activity associated with Fitness to Practise cases. We will continue to be involved in advisory groups (such as those run by PSA and the Department of Health) and six monthly meetings with Unions and Professional Body groups. We will also ensure the delivery of requirements under our MOU's and information sharing agreements with organisations such as the CQC, the DBS and the other Care Councils.

Major Projects - Members of the fitness to practise department will also contribute to relevant major projects being run across the organisation which include the Stakeholder Contact management system; Partners/HR system, NetReg developments and the Domino/Lotus to Exchange transfer.

Fitness to Practise projects – the directorate will continue with a number of projects to develop and improve the work of the department. These projects include: independence in adjudication; feedback mechanisms; standard letter review; and SMS for panel members and a scheduling pilot for the use of pre-hearing teleconferences. In addition, enhancements to the Case Management System will continue as part of a rolling programme of development of the existing system.

Mediation - The mediation pilot began in September 2013. We will undertake an evaluation of the pilot in 2015-16.

Panel recruitment, selection and training - in 2015-16 the adjudication team will work with the Partners Team to appoint, train and appraise a number of panel members from a range of professions. The volume of recruitment is lower than 2014-15 due to increased activity last year due to the number of panel members' whose terms of office came to an end.

Review days will continue to take place for Legal Assessors and Panel chairs. These review days are used to provide updates on regulatory law, provide feedback on PSA learning points and look at ways to improve decision making.

The department will continue to design and deliver the training of all new panel members, including two day training sessions for all new panel members, and the on-going programme of refresher training for existing partners. We will continue to send quarterly updates to all partners in the form of a newsletter on the work of the department and other relevant updates.

Professional Standards Authority - we will ensure that we review the audits undertaken on the other regulatory bodies to assess whether there is any learning for us. We will also continue to respond to learning points about FTP cases and use that learning to improve and develop our processes. The assurance and development team will co-ordinate the FTP component of the annual PSA performance review.

Publications - A number of publications are produced by the fitness to practise team – ranging from the fitness to practise annual report and brochures explaining the processes, through to practice notes on various aspects of the fitness to practise process, and other documents such as those explaining the registration appeals process. These documents are updated and reviewed regularly.

Supplier Management - We will closely manage our relationship with all our key suppliers, including keeping under review our contracts and service level agreements with these suppliers. In 2015-16 we will continue to manage our contracts with our two transcription writer providers and initiate the new contract for the provision of public law advice.

Website - The department is responsible for information provided on the HCPC website regarding fitness to practise hearings as well as the information online about the fitness to practise and protection of title processes. We have a working group made up of members of the fitness to practise directorate which is dedicated to ensuring the fitness to practise pages of the website are accurate, up to date and as accessible to their intended audience as possible.

Resources

Human Resources

It is anticipated that there will be 92 members of the fitness to practise directorate in 2015-16. This includes one Hearings Officer who is on a 12 month fixed term contract and one apprentice. Temporary staff are used on a periodic basis as required for example to cover the peak in Health and Character cases over the summer months or periods of recruitment and to provide cover whilst recruitment takes place to fill vacancies. It is anticipated that an additional four posts will be required in 2015-16, with maternity leave cover recruited for as required. The new posts are: two additional case managers, one case support officer and one scheduling team manager. The new posts are required to ensure that caseloads are maintained in line with the forecast activity and to ensure the timely progression and

disposal of cases. The current turnover of Case Managers is such that at any one time the department does not have a full complement of Case Managers, with the resulting vacancies being covered by temporary staff. Increasing the Case Manager headcount will help to maintain the department's ability to continue to manage cases in line with internal and external service standards.

The recruitment of an additional scheduling team manager forms part of the restructuring of the scheduling team which commenced in 2014. The post is required to ensure there is a balance of direct reports so scheduling officers receive the appropriate level of support and supervision.

The directorate structure is provided at appendix 2 of this document. It is anticipated that the team will comprise the following in 2015-16

Job Title	Number of Post Holders	Maternity Leave
Adjudications Manager (hearings and scheduling)	2	
Administration Manager	1	
Apprentice	1	
Assurance and Development Officer	2	
Case Manager	31	1
Case Manager - Advancement	4	
Case Support Manager	1	
Case Support Officer	6	
Case Team Manager	6	1
Case Team Manager - Advancement	1	
Compliance Officer	2	
Director of Fitness to Practise	1	1
Head of Adjudication	1	
Head of Assurance and Development	1	
Head of Case Management	1	
Head of FTP Service Improvement	1	
Head of Investigations	1	
Hearings Officer	9	
Hearings Team Manager	2	
Investigations Manager	2	
Scheduling Team Manager	2	
PA to Director	1	
Quality Compliance Manager	1	
Scheduling Officer	7	
Team Administrator	4	
FTP Training Advisor	1	

Responsibilities

The Directorate comprises of 4 core operational groups or areas and is led by the Director of Fitness to Practise who is responsible for the overall management and leadership of the Directorate. The Director of Fitness to Practise is currently on maternity leave until January 2016 and her post is being covered by John Barwick, the current Head of Investigations. Those groupings are as follows:

Adjudication - The Adjudication function is headed by the Head of Adjudication and is separated into two teams – Scheduling and Hearings. The Scheduling team is managed by the Adjudications Manager – Scheduling and comprises of two Scheduling Team Managers and 7 Scheduling Officers and an apprentice (until June 2015). The Scheduling Team are responsible for scheduling and listing all tribunal related activity operated by the department. The Hearings Team is managed by the Adjudication Manager - Hearings and comprises of two Hearings Team Managers and 9 Hearings Officers (including one on a 12 month fixed term contract. The Team are responsible for witness support, liaison and management, clerking and undertaking the follow up related to hearings and ensuring the smooth running and operational management of hearings. This includes liaison with Panel Chairs and Legal Assessors and responding to and dealing with postponement and adjournment requests.

Assurance and Development – The Assurance and Development function is headed by the Head of Assurance and Development and comprises of a Quality Compliance Manager, 2 Quality Compliance Officers, 1 FTP Training Advisor and 2 Assurance and Development Officers. The team are responsible for the maintenance and development of systems and processes to support the work of the department (including the maintenance and development of the Case management System. The Assurance and Development Officers are also responsible for the management of the deployment schedule and co-ordinate the responses to complaints about complaints within the department and assist in the development of reporting tools. The Quality Compliance Officers are responsible, amongst other things, for conducting audits of case files to check compliance with policy and process, for undertaking a monthly accuracy check of the fitness to practise statuses on the register, reviewing information for disclosure and providing freedom of information and data protection act information as it relates to the fitness to practise function. The team also oversee the FTP retention policy and make recommendations for referrals to the Disclosure and Barring Service (DBS) and the equivalent scheme in Scotland.

The FTP Training Advisor will be undertaking a review of existing training materials and systems, focussing on: induction and refresher training for FTP team members (including business systems and rules, as well as CMS usage). They will also be reviewing the training provision for Partners (Chairs, Panel Members and Legal Assessors) to ensure that PSA learning points are included, and appropriate examples and case studies are identified and used to ensure continuous and challenging learning. New approaches to learning – use of video scenarios, prepared work, online or self-directed learning will be explored. The review will also consider who currently delivers training and ensures that this is managed and consistent, with the Training Advisor taking on the majority of the training to free up operational staff to perform their other functions.

Case Management – The Case Management function is headed by the Head of Case Management and comprises of 2 Investigations Managers, 7 Case Team Managers, 1 Case Support Team Manager, 1 Administration Manager, 31 Case Managers, 4 Advancement Case Managers, 6 Case Support Officers, 4 Team Administrators. To allow additional cover during the Director's maternity leave, additional responsibilities have been given to the Case Team Manager - Advancement and the Investigations Managers. The Head of FTP Service Improvement has also been given line management responsibility for the Case Support Manager. The team are responsible for the investigation, management and presentation of allegations to the effect that a registrant's fitness to practise is impaired, for the management of health and character declarations, the management and investigation of offences under Article 39 of the Order and the management of other enquiries that received by the department. The team also manage the Student Social Work (England) Suitability Scheme which is in place until summer 2015. The Administration team provide administrative support to the FTP department.

Service Improvement – The Head of FTP Service Improvement is responsible for identifying and leading development work in the Fitness to Practise Department. This includes leading the development and maintenance of relationships with external stakeholders and suppliers, including the development and maintenance of information sharing agreements and memorandums of understanding and leading on engagement work and feedback mechanisms.

Financial Resources

This work plan is based on the assumption of a Directorate of 92 permanent employees. This includes post holders who are currently on maternity leave or who have flexible working arrangements. There are currently two employees who will be on maternity leave in 2015/16. There will be four employees who have flexible working arrangements which mean they work reduced hours. It is anticipated that there will be a fitness to practise budget of approximately £12.9m.

Forecasting

The budget is based on the fitness to practise forecast model and the forecasted activity for the remainder of the 2014-15 financial year.

We have developed the FAST financial and activity modelling to allow us to vary some key milestones and durations along the lifetime of the case. This includes the proportion of cases that require longer to seek the information to allow us to decide if the standard of acceptance is met, the duration of a final hearing, or the time taken to re-list any adjourned or part heard hearings. This will allow us to refine our model in terms of costs and required resources, and will be influenced by the changes in our assumptions as we measure actual activity in our monthly statistics. We will use the monthly statistics to refine the budget throughout the year, assisting in greater accuracy at three, six and nine month reforecast points.

The following key assumptions have been made when preparing the budget:

- Number of incoming new potential FTP cases based on 0.65% of the Register having a concern raised against them
- 10% of all open enquiry cases closed every month
- 100 MIS cases received every month
- 25% of pre ICP cases have allegations drafted every month and considered at Investigating Committee Panel (ICP) 7 weeks later
- 98% of cases considered by the ICP in a given month will be concluded in that month. This allows for requests for further information.
- Case to answer percentage of 52%.
- GSSC transfer cases to be concluded by Autumn 2015
- 10% of substantive cases listed for hearing every month will be part heard or adjourned
- 8% of final hearings will be disposed of via consent
- The number of interim order and interim order panels is based 14% of cases requiring an order
- An average final hearing case will be listed for 2.5 days (this takes into account discontinuance cases and those that will take longer to conclude
- 2 review hearing cases being considered in one day
- 4 registration appeal cases being heard per panel
- 12 cases (FTP and Health and Character) being be considered per Investigating Committee Panel
- 0.3% of the total number of registrants will make a declaration of admission, readmission or renewal to the register.
- 60% of declarations are received in the July-November period

The budget is therefore based on the forecast that there will be:

- 2241 new cases
- 1496 cases closed without referral to an investigating panel
- an on-going pre ICP case load of 1216 cases
- 925 cases considered by the Investigating Committee
- 457 cases referred for final hearing
- 1558 days of hearings (comprising of full hearings, consent applications, interim orders, review hearings, preliminary hearings, investigating committee panels and registration appeal panels.

The budget estimate also includes Professional Standards Authority (PSA) and registrant appeals to the High Court, appeals against registration appeal decisions, applications for judicial review and other tribunal related activity The costs of appeals that were made in previous financial years and but not concluded are also included in the 2015-16 budget. The budget also takes into account telephone attendance at Investigating Committee Panels (there are on average, 11 ICP teleconferences per month)and only routinely requesting a transcript to be written up for part heard cases and if requested by the PSA.

The budget is also predicated on fitness to practise case managers presenting interim orders, Article 30 review hearings, consent and discontinuance applications and some conviction FTP cases. Case Managers present all investigating panel and

health and character cases to the investigating/registration panel. The budget is based on 608 cases being presented by Case Managers

Fitness to Practise Department Objectives 2015-2016

The activity set out below fall into three broad categories and covers the activity and action that is undertaken to improve, refine and develop our processes and procedures. Each activity is has a head allocated who is responsible for the co-ordination and delivery of the activity.

We will also continue to take steps to ensure that the risks associated with the work of Fitness to Practise Department are effectively managed. The risk register for the risks associated with or the responsibility of the department is attached to this document as appendix 3.

Equality and Diversity

We will continue to scrutinise and monitor all activities in this work plan with a view to identifying and where possible, mitigating any adverse impact to some groups compared to others. A paper will brought to Council providing a summary and analysis of the demographic data obtained through the equality and diversity monitoring forms.

Fitness to Practice Activities Table 2015-16

Process and Policy Development

Activity	Description	Timescale	Head responsible
Independence in Adjudication	<ul style="list-style-type: none"> - Initial project plan - Project initiation - Review of potential governance arrangements 	Quarter 1-4	Head of Adjudication
Hearings and Scheduling Improvements	<ul style="list-style-type: none"> - Explore improved mechanisms for panel diary management - Review the use of preliminary meetings for complex and lengthy hearings - Make improvements to pre-hearing case management - Review of cases that conclude early and use of resources - Pilot the use of electronic bundles at either ICP or Registration Appeals - Continue to trial the use of SMS for panel members - Evaluate the scheduling pilot - Guidance to registrant representatives on adjournments 	Quarter 1-4	Head of Adjudication
Legislative changes	<ul style="list-style-type: none"> - Implementation of section 60 amendments in relation to articles 30 and 37 of the HSWPO ie clarification of the law in health and competence cases and removing the requirement for Council members to chair registration appeals 	Quarter 1-4	Director of Fitness to Practise

Operationalise the review of the Standard of Acceptance of Allegations	<ul style="list-style-type: none"> - Roll out and communicate changes internally and externally - Produce a version of the document aimed at members of the public 	Quarter 1	Head of Case Management
Evaluate the use of Screeners	<ul style="list-style-type: none"> - Pilot the use of screeners under the provisions of A23 of the HSWPO for specific case types. - Rerun the regression analyses that were completed as part of the cost efficiencies work completed in 2014 to help identify the features of cases which may make them suitable for consideration by Screeners. 	Quarter 1-2	Head of Case Management
Post Policy Decision Evaluation/Measures of Effectiveness	<ul style="list-style-type: none"> - Implement measures to assess the effectiveness of a policy or process change 	Quarter 1-2	Head of FTP Service Improvement
Mediation Evaluation	<ul style="list-style-type: none"> - Evaluate the mediation pilot 	Quarter 3-4	Head of Case Management
Regulatory Reviews	<ul style="list-style-type: none"> - Respond to PSA and other relevant performance reviews and audits and develop action plans as required. 	Ongoing	Head of Assurance and Development, Head of FTP Service Improvement, Head of Case Management
Other reviews/external publications which affect the regulatory process	<ul style="list-style-type: none"> - Respond (if appropriate). - Assess impact and develop action plans as required. 	Ongoing	Head of Assurance and Development, Head of FTP Service Improvement, Head of Case Management
Impact of Drug and Alcohol Convictions	<ul style="list-style-type: none"> - Literature review 	Quarter 2	Head of Service Improvement
Redaction and document preparation	<ul style="list-style-type: none"> - Evaluate whether efficiencies can be gained in relation to the redaction of documents and preparation of bundles - Explore the use third party supplier to redact documents - Explore use of a dedicated resource for preparing bundles including redaction and 	Quarter 3	Head of Case Management

	<ul style="list-style-type: none"> printing - Guidance and training on document redaction 		
Data Security	<ul style="list-style-type: none"> - Review of existing data security measures and incidents. 	Ongoing	Head of Assurance and Development
Quality Assurance Framework	<ul style="list-style-type: none"> - Monitor, review and implement the quality assurance framework and take action as required to improve and develop processes 	Ongoing	Head of Assurance and Development
Practice Note Review and Development	<ul style="list-style-type: none"> - Ongoing review and development of practice notes 	Ongoing	Head of Assurance and Development
FTP Operating Guidance Review	<ul style="list-style-type: none"> - Ongoing review and development of operating guidance 	Ongoing	Head of Assurance and Development
Policy Review	<ul style="list-style-type: none"> - Ongoing review and development of policy documents 	Ongoing	Head of Assurance and Development

Service Improvement, Communication and Information Provision

Activity	Description	Timescale	Head responsible
Guidance for Employers	<ul style="list-style-type: none"> - Mapping Location of Complaints - Development of Guidance for Employers 	Quarter 1-2	Head of FTP Service Improvement
Patients Association Peer Review	<ul style="list-style-type: none"> - Use the Patients Association peer review process as part of training programme for members of the fitness to practise department 	Quarter 1-4	Head of FTP Service Improvement
Registrant Support Helpline	<ul style="list-style-type: none"> - Scope and review the possibility of a registrant support helpline 	Quarter 1-4	Head of FTP Service Improvement
Support Mechanisms	<ul style="list-style-type: none"> - Development of further mechanisms or changes in the processes to support registrants and complainants through the fitness to practise process 	Quarter 1-4	Head of FTP Service Improvement

Development of Case Studies for the website	- Publication of useful case studies, both for registrants and complainants, on the website.	Quarter 3-4	Head of FTP Service Improvements
Disengagement	- Follow up actions following the publication of research	Quarter 1-4	Head of FTP Service Improvement
Cost Efficiencies	- Follow up activities to explore how the cost efficiencies model and regression analysis can be used to identify where further efficiencies can be made in our approach to case management	Quarter 2	Director of FTP/Head of Case Management
Online Complaints Form	- Scope and review the possibility of an online complaint form to replace current paper based system	Quarter 1-4	Head of FTP Service Improvement
Brochure updates	- Review and update 'How to raise a concern' and 'What happens if a concern is raised about me' brochures	Quarter 3-4	Head of FTP Service Improvement
Feedback Mechanisms	- Development of questionnaires and feedback mechanisms for complainants and registrants and further enhancements to witness feedback. Pilot and permanent roll out. - On-going (monthly) thematic review of complaints received about FTP. Information used to effect immediate changes; inform training/capability needs; and identify and inform future improvement projects.	Quarter 1-4 Ongoing	Head of FTP Service Improvement Head of FTP Service Improvement
Standard letter review (incorporating a tone of voice review)	- Undertake a review of all FTP correspondence and communication in terms of their use, content and tone	Quarter 1-4	Head of FTP Service Improvement
Fitness to Practise Annual Report	- Production of the Fitness to Practise Annual report 2015	Quarter 2-3	Head of FTP Service Improvement
Health and Character report	- Report on the work undertaken in relation the Health and Character cases	Quarter 1	Head of Case Management

Review Health and Character Policy	<ul style="list-style-type: none"> - Review the report and consider any amendments to the policy arising from the review 	Quarter 2	Head of Case Management
Student Social Work (England) Suitability Scheme review	<ul style="list-style-type: none"> - Review of the process and cases managed under the Student Social Work (England) Suitability Scheme 	Quarter 2	Head of Case Management
Website Content refresh, update and maintenance	<ul style="list-style-type: none"> - Review and implement cycle of review the content provided in the FTP sections of the HCPC website 	Ongoing	Head of FTP Service Improvement
Information Sharing and Memorandums of Understanding	<ul style="list-style-type: none"> - Maintain existing information sharing agreements and MoUs. - Identify and develop new information sharing agreements and MoUs as appropriate. Review existing agreement for datasets, and include any agreed developments in CMS and/or reporting project work 	Ongoing	Head of Assurance and Development and Head of FTP Service Improvement
Health Select Committee Preparation	<ul style="list-style-type: none"> - Continue to update timeliness data set as part of monthly management information. 	Ongoing	Head of Assurance and Development
Mechanisms to overcome obstacles in obtaining documents	<ul style="list-style-type: none"> - Review and implement mechanisms to overcome obstacles - Explore the possibility of a legal gateway to more effectively obtain information from police forces - Review guidance and documentation - Stakeholder engagement 	Quarter 2	Head of Case Management

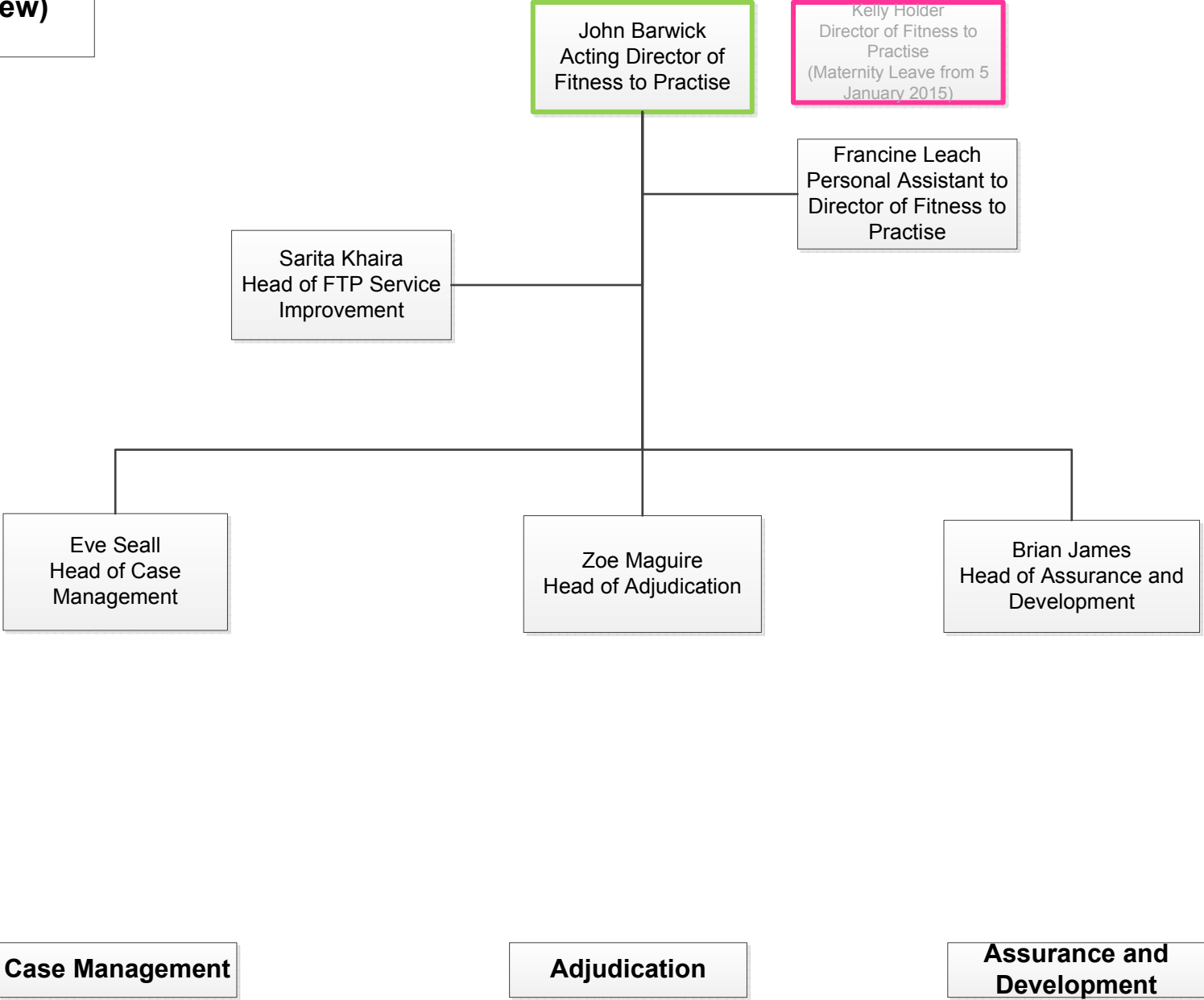
Resource Management

Activity	Description	Timescale	Head responsible
Cost Efficiencies Study	<ul style="list-style-type: none"> - Follow up activities to explore how the cost 	Quarter 1-2	Head of Case Management

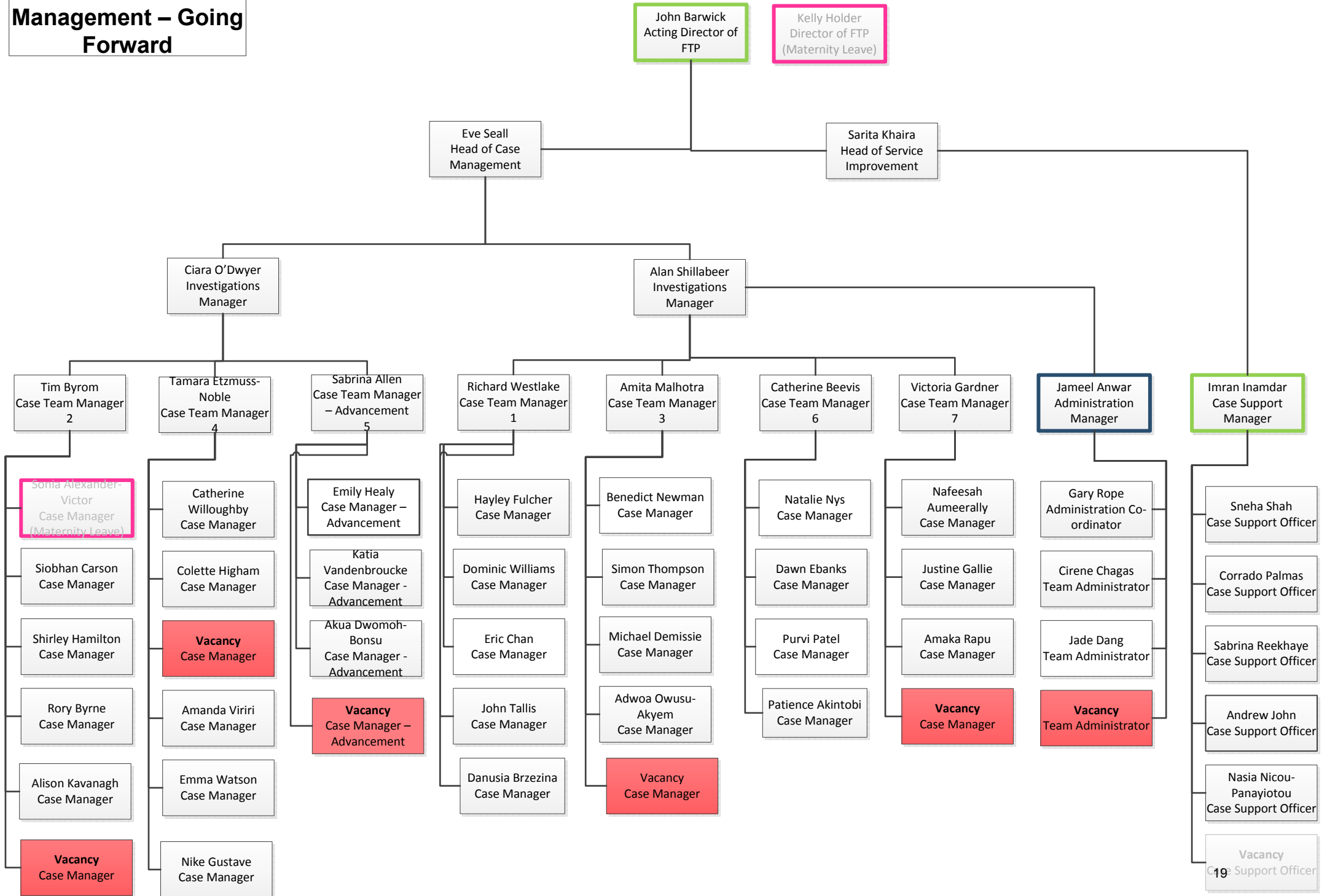
Activity	Description	Timescale	Head responsible
	<p>efficiencies model and regression analysis can be used to identify where further efficiencies can be made in our approach to case management. Links to case management models activity</p>		
FAST	<ul style="list-style-type: none"> - Implement FAST methodology and approach to the FTP forecast 	Ongoing	Head of Assurance and Development
Provision of travel and Room Hire services	<ul style="list-style-type: none"> - Project team member for the changes to the provision of room hire and travel services 	Quarter 1	Head of Adjudication
Tender for the provision of Public Law Advice	<ul style="list-style-type: none"> - Undertake the tender for the provision of public law advice to the HCPC 	Quarter 1-3	Director of Fitness to Practise
Case Progression and Timeliness	<ul style="list-style-type: none"> - Ongoing activity to ensure the expeditious management of cases 	Ongoing	All
Case Management Models	<ul style="list-style-type: none"> - Review the approach taken to the handling of enquiries, case allocation and the mix of cases allocated to a case manager in terms of complexity and the stage of the case - Review the responsibilities of the case management, case support and administration teams including comparison to other regulators - Implementation of any recommendations - Review the process for the timely identification of cases which may be suitable for consensual disposal or discontinuance, including modelling the impact of any increase in the number of cases that need to be presented in-house by case managers 	Quarters 1-2	Head of Case Management
Support Arrangements for Employees	<ul style="list-style-type: none"> - Review the arrangements in place to support employees in dealing with cases 	Quarter 2	Head of Case Management

Activity	Description	Timescale	Head responsible
Employee recruitment and resilience planning	<ul style="list-style-type: none"> - Improve and develop planning for unplanned absences 	Ongoing	Head of Case Management
Case Management System	<ul style="list-style-type: none"> - Development and maintenance of the case management system and reporting system and programme of induction and refresher training for users 	Ongoing	Head of Assurance and Development

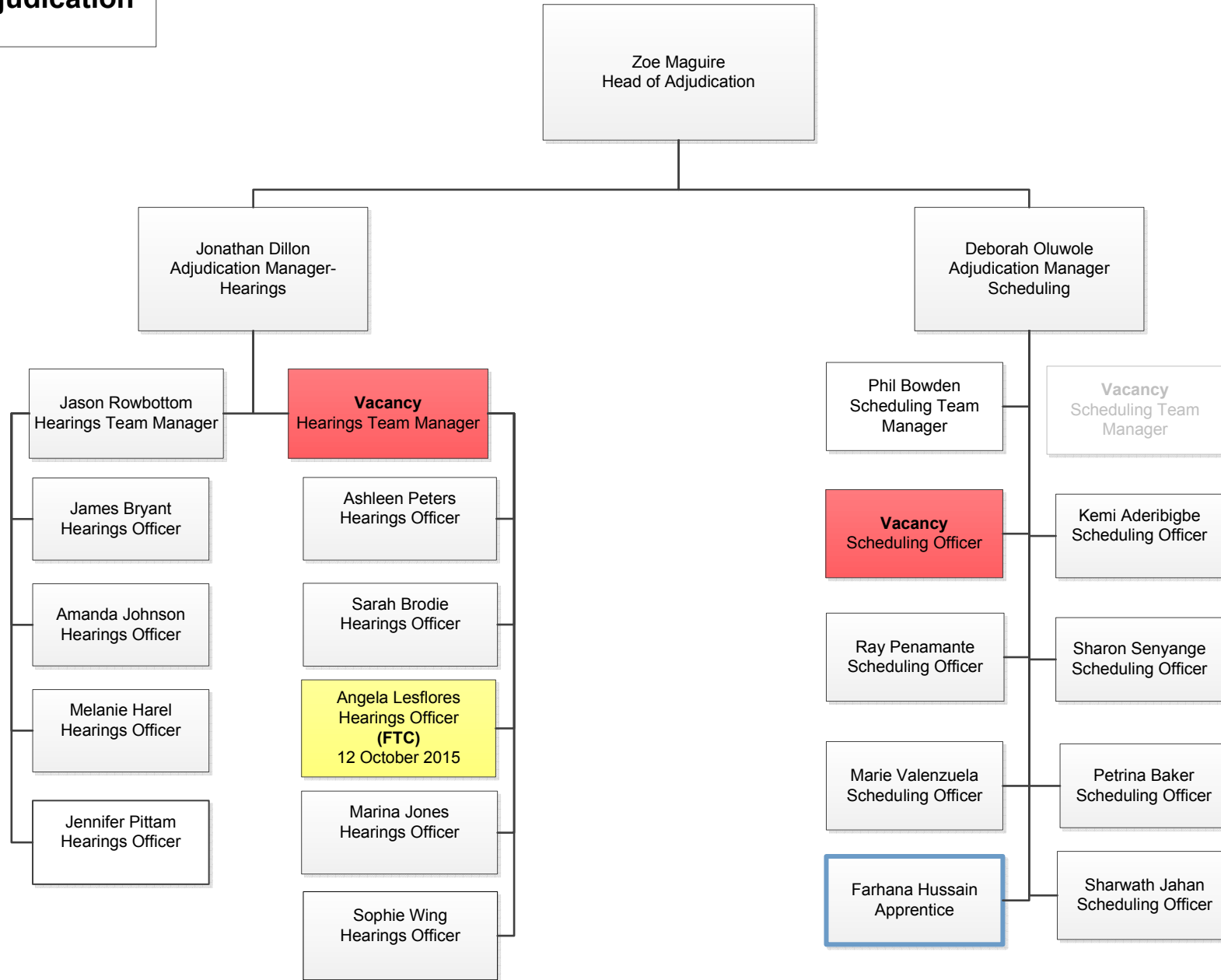
FTP (Overview)



FTP – Case Management – Going Forward



FTP - Adjudication



FTP – Assurance and Development

Brian James
Head of Assurance and Development

Josephine Fox
Quality Compliance Manager

Ewan Shears
Assurance and Development Officer

Claire Baker
Assurance and Development Officer

Claire Pryor
Quality Compliance Officer

Laura Quartermain
Quality Compliance Officer

Tehmina Ansari
FTP Training Advisor

Appendix 3 – Risk Register

Ref	Category	Ref #	Description	Risk owner (primary person responsible for assessing and managing the ongoing risk)	Impact before mitigations Jan 2015	Likelihood before mitigations Jan 2015	Risk Score = Impact x Likelihood	Mitigation I	Mitigation II	Mitigation III	RISK score after Mitigation Jan 2015	RISK score after Mitigation Jul 2014
13	Fitness to Practise	13.1	Legal cost over-runs	FTP Director	4	4	16	Contractual and SLA arrangements with legal services providers(s)	Quality of operational procedures	Quality assurance mechanisms	Low	Low
			Links to 13.4, 15.2									
	Fitness to Practise	13.3	Tribunal exceptional costs	FTP Director	5	5	25	Quality of operational processes	Accurate and realistic forecasting	Quality of legal advice	Medium	Medium
	Fitness to Practise	13.4	Rapid increase in the number of allegations and resultant legal costs	FTP Director	4	4	16	Accurate and realistic budgeting	Resource planning	-	Medium	Medium
			Links to 13.1									
	Fitness to Practise	13.5	Witness non-attendance	FTP Director	4	2	8	Vulnerable witness provisions in the legislation	Witness support programme	Witness summons	Low	Low
	Fitness to Practise	13.6	Employee/Partner physical assault by Hearing attendees	FTP Director	5	5	25	Risk Assessment Processes	Adequate facilities security	Periodic use of security contractors and other steps	Low	Low
	Fitness to Practise	13.7	High Number of Registration Appeals	FTP Director & Director of Operations, Head of Registrations	3	5	15	Training and selection of Registration Assessors, so reasoned decisions are generated	Quality of operational processes	-	Low	Low
	Fitness to Practise	13.8	Backlog of FTP cases	FTP Director	3	4	12	Reforecasting budget processes	Monthly management reporting	Quality of operational processes	Low	Low
	Fitness to Practise	13.9	Excessive cases per Case Manager workload	FTP Director	3	4	12	Reforecasting budget processes	Monthly management reporting	-	Low	Low
			13.2 moved to 12.2									
	Fitness to Practise	13.10	Protracted service outage following a Case Management System failure	Director of IT	5	3	15	Effective backup and recovery procedures	Maintenance and support contracts for core system elements	Annual IT continuity tests	Low	Low

Appendix 4 - Fitness to Practice Activities 2014-15

Process and Policy Development

Activity	Description	Timescale	Update
Efficiencies and Independence in Adjudication	<ul style="list-style-type: none"> - Developing mechanisms to ensure and improve independence in adjudication - Use of Pre-Hearing Teleconferences - Reviewing the use of technology in tribunals - including the equipment required for panellists, Video Conferencing, Text message alerts for panels members, recording equipment 	Quarter 1-4	<p>The nine month pilot for the use of pre-hearing teleconferences began in November 2014 and a formal evaluation to assess its effectiveness is due to take place in August 2015. It will therefore carry over into 2015-16. As part of the pilot, we are also trialling efficiencies in the scheduling process which could lead to a reduction in the time it takes to schedule a hearing.</p> <p>SMS messaging for panel members has now been rolled out and is primarily being used when we require panel members at short notice, for example, if a replacement member needs to be found. As part of the 2015-16 work plan we will review the use of SMS messaging and consider whether it can be rolled out more widely, for example, for issuing reminders to witnesses about forthcoming hearing dates.</p> <p>The lack of dedicated hearing facilities has meant that we have been unable to progress the use of enhanced video conferencing at hearings. However, scoping with our IT department has taken place in relation to the use of an integrated system through our</p>

			current IT systems.
Law Commission/DH Bill	<ul style="list-style-type: none"> - Contribute as required to the work developing or implementing the bill. 	Quarter 1-4	DFTP and Head of Assurance and Development have attended a series of meetings, along with Director Policy and Standards, to participate in discussions with other regulators and Department of Health. In last 12 months, the Law Commission published their proposed bill, and the DH have issued a response. The work is still ongoing, and will continue into 2015-16.
Review of the Standard of Acceptance of Allegations	<ul style="list-style-type: none"> - Review the Policy - Examination of where complaints could be resolved locally 	Quarter 1-3	The current policy has been reviewed and a number of amendments made. The amended policy will be considered by Council in spring 2015. The revisions include further detail in relation to employer investigations and the local resolution of issues and are consistent with the amendments to the employer guidance.
Post Policy Decision Evaluation/Measures of Effectiveness	<ul style="list-style-type: none"> - Implement measures to assess the effectiveness of a policy or process change 	Quarter 1	We review, and measure the effectiveness, of policy decisions and changes on an individual basis.
Whistleblowing	<ul style="list-style-type: none"> - Managing disclosures made under the Public Interest Disclosure Act 1998 	Quarter 2	We reviewed the impact of the HCPC becoming a prescribed person under the legislation. Following our review, we made some recommendations to the Policy and Standards department as to a suggested organisational approach for them to take forward.
Mediation Evaluation	<ul style="list-style-type: none"> - Evaluate the mediation pilot 	Quarter 2	In total we have identified 7 cases suitable for mediation. The details are as follows: <ul style="list-style-type: none"> • one case was successful at mediation and an agreement was reached;

			<ul style="list-style-type: none"> • five cases did not proceed due to non - engagement of either the registrant or complainant; and • one case is on-going. <p>The pilot has been extended with evaluation anticipated in 2015-16.</p>
Regulatory Reviews	- Respond to PSA and other relevant performance reviews and audits and develop action plans as required.	Ongoing	<p>Part year data has been submitted to PSA in September and in December 2014. The final submission and responses to any questions will follow the year end activity data on 31 March 2015.</p> <p>A review of the PSA's audit of the Nursing and Midwifery Council (NMC) was completed, the findings of which were presented to Council at its July 2014 meeting.</p>
Quality Assurance Framework	- Monitor, review and implement the quality assurance framework and take action as required to improve and develop processes	Ongoing	<p>We continue to review the framework in light of audit findings, and to target the Quality Compliance Team activity based on risk assessment of FTP areas,</p> <p>Evaluation and demonstration of impact will be the ongoing focus.</p>
Practice Note Review and Development	- Ongoing review and development of practice notes	Ongoing	<p>Fourteen of the thirty four Practice Notes have been reviewed since April 2014. Eleven of these reviews resulted in minor changes (such as to wording or typographical changes to improve readability). The cycle of review will continue into 2015/16.</p>
FTP Operating Guidance Review	- Ongoing review and development of operating guidance	Ongoing	<p>Seventeen FOGs were reviewed since April 2014, with fourteen of these reviews resulting in changes to the guidance. These changes have been rolled out using a mixture of presentation at team meetings, formal</p>

			workshops or inclusion in refresher training which is now being managed by the FTP Training Advisor.
Policy Review	- Ongoing review and development of policy documents	Ongoing	The frivolous, vexatious and abusive complaints policy was reviewed in June 2014 and minor amendments made. The Standard of Acceptance is currently being reviewed. The Indicative Sanctions Policy review will commence in March 2015.

Service Improvement, Communication and Information Provision

Activity	Description	Timescale	Update
Guidance for Employers	<ul style="list-style-type: none"> - Mapping Location of Complaints - Development of Guidance for Employers 	Quarter 1-3	We have reviewed and revised our brochure 'Information for employers and managers – the Fitness to Practise Process' (to be published in April 2015). We have also reviewed and revised our employer referral form and the content and format of the FTP session of our employer events.
Patients Association Peer Review	- Patients Association peer review of the fitness to practise process using the model designed for the Mid Staffordshire NHS Foundation Trust	Quarter 1-2	The peer review took place in May 2014 and we received the Patient Association's report in June 2014. A paper reviewing the report and detailing an action plan was presented to the Council at its meeting in September 2014. The work resulting from the action plan is ongoing.
Support Mechanisms	- Development of further mechanisms or changes in the processes to support registrants and complainants through the fitness to practise process	Quarter 1-4	The work we have done this year in relation to the website content; tone of voice review; Patients Association peer review; feedback mechanisms; and dealing with vulnerable registrants all feed into this activity. We have

			also developed a new 'consent to release health records' form and reviewed our FTP operational guidance on signposting advice.
Disengagement Study	<ul style="list-style-type: none"> - Commission and undertake research into the causes of disengagement and competency drift in health and care professionals 	Quarter 1-3	<p>Two pieces of research on competency and disengagement were commissioned:</p> <ul style="list-style-type: none"> • a literature review by Professor Zubin Austin of the University of Toronto; and • an empirical study of engagement and disengagement by the Picker Institute Europe <p>The outcomes of this research was published in a research report <i>Preventing small problems from becoming big problems in health and social care</i>. The report was launched at a stakeholder event in February 2015.</p>
Feedback Mechanisms	<ul style="list-style-type: none"> - Development of questionnaires and feedback mechanisms for complainants and registrants and further enhancements to witness feedback. - Review approach to meeting complainants in person - On-going thematic review of complaints about complaints 	<p>Quarter 1-4</p> <p>Quarter 2</p> <p>Ongoing</p>	<p>As part of a three month pilot, since January 2015, we have sent feedback forms to all complainants and registrants following a closure decision by an Investigating Committee Panel or a final decision by a Conduct or Competence Committee. When the pilot is complete we will evaluate and assess whether improvements should be made to the process piloted; whether another pilot is necessary; or whether the process can be rolled out full time.</p> <p>A review of our FTP operational guidance on 'Taking concerns in person' will be undertaken by the end of quarter 4.</p> <p>A thematic review of the complaints we receive about FTP (decisions, processes,</p>

			service and suppliers) is considered on a monthly basis at the FTP managers meeting. Any specific actions or learning is taken forward by a designated member of the FTP management team.
Tone of Voice Review	<ul style="list-style-type: none"> - Undertake a tone of voice review on all FTP correspondence and communication 	Quarter 2-4	<p>We have piloted an approach to the standard letter review (which incorporates the tone of voice review) with a discrete selection of FTP correspondence. The revised standard letters resulting from this pilot will become operational by the end of quarter 4.</p> <p>We have set up a working group of differing representatives from across the FTP department to continue the standard letter review into 2015-16.</p>
Fitness to Practise Annual Report	<ul style="list-style-type: none"> - Production of the Fitness to Practise Annual report 2014 	Quarter 1-2	The Annual Report for 2014-15 was approved by Council in September and published in hard copy and online in November 2014. Preparations are in place to generate the data for the 2014-15 annual report which is scheduled to be published in September 2015.
Electronic Bundles	<ul style="list-style-type: none"> - Scope and review the possibility of electronic bundles in tribunals 	Quarter 1-4	We met with another regulator which uses electronic bundles for its Investigating Committee Panels to assist with our scoping of this activity. This will carry over into 2015-16 and we will undertake further scoping in relation to trialling the use of electronic bundles in a particular area of the Fitness to Practise process. Bundles for Registration Appeal hearings have been sent to Council members Ipads and we will review the feasibility of a wider roll out of this.

Stakeholder Portal	<ul style="list-style-type: none"> - Scope and review the possibility of a stakeholder portal 	Quarter 1-4	No work has been undertaken in relation to this activity as other activities have taken priority.
Website Content refresh, update and maintenance	<ul style="list-style-type: none"> - Review and implement cycle of review the content provided in the FTP sections of the HCPC website 	Ongoing	In April 2014 we set up a working group of differing representatives from across the FTP department dedicated to ensuring the FTP pages of the website are accurate, up to date and as accessible to their intended audience as possible. The group meets on a tri monthly basis with a member of our Web and Digital team to discuss amendments and possible developments. The group also considers a report on user activity to ensure its work is targeted appropriately. This has resulted in improvements to the webpages such as: better accessibility to the Standard of Acceptance Policy; more information about what we cannot do; and uniformity in quick links to make it easier for different groups (complainants, registrants, representative bodies and witnesses) to access information brochures, referral forms, FTP videos and contact information.
Information Sharing and Memorandums of Understanding	<ul style="list-style-type: none"> - Complete revisions to MOU with the CQC, write and implement information sharing agreements and operating protocol - Create and implement MOU with Disclosure and Barring Service - Create and implement information sharing agreement with NHS Counter Fraud Service - Ongoing provision of data to the Care Councils 	Ongoing	<p>Our revised MOU with the CQC (which includes a joint operating protocol as an annex) was signed, and became operational, in September 2014.</p> <p>Our MOU with the DBS was signed, and became operational, in August 2014.</p> <p>Our MOU with the NHS Counter Fraud Service is still in development.</p>

	- Development of other MOU's and information sharing agreements as required		<p>We continue to share data with the Care Councils as required.</p> <p>We are in the process of developing MOU's with the system regulators in Northern Ireland and Wales.</p>
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Resource Management

Activity	Description	Timescale	Update
Cost Efficiencies Study	- Analyse the cost drivers of the fitness to practise process	Quarter 1-3	The Centre for Health Service Economics & Organisation was commissioned to undertake an analysis of the cost determinants of HCPC fitness to practise costs. This involved for the first time creating a dataset to investigate some of the factors that could affect the FTP process. The research has been completed and the intention is to publish this in Spring 2015 as part of HCPC's series on research relating to HCPC regulated professions
FAST the FTP Forecast	- Implement FAST methodology and approach to the FTP forecast	Quarter 1	The FTP budget and activity forecast model has been converted to the internationally recognised standard, as part of the wider HCPC financial modelling approach. The FTP model now allows changes in numbers of cases received, changes in closure at different stages and resource usage at hearings to be modelled with more accuracy. We are starting to use this to demonstrate impact of changes in process as well as better resource planning within budget and

Activity	Description	Timescale	Update
			five year budget planning cycles.
Transcription Tender	<ul style="list-style-type: none"> - Complete the tender for the provision of transcription services to HCPC tribunals 	Quarter 1	The tender was carried out to test the market recognising that technological advances has changed the manner, timeliness and cost of transcript production has changed in recent years. One existing was reappointed, and a new supplier appointed. A threat of judicial review by the unsuccessful supplier had to be handled before appointments could be made. Service level meetings take place with the two current suppliers on a quarterly basis, with no current issues. Proportionate costs for transcript production has reduced since before the tender was carried out, and we continue to monitor this for future savings and improved quality.
Travel and Room Hire Tender	<ul style="list-style-type: none"> - Project team member for the tender for room hire and travel tender 	Quarter 1-3	This has now concluded. New travel and room hire providers will be used from April 2015 as agreed under the Government procurement framework.
Tender for the provision of Public Law Advice	<ul style="list-style-type: none"> - Undertake the tender for the provision of public law advice to the HCPC 	Quarter 1-3	The evaluation of ITT submissions has been completed. Confirmation of the final award is expected to take place by the end of March 2015 once the 10 day Stand Still period has elapsed.
Case Progression	<ul style="list-style-type: none"> - Ongoing activity to ensure the expeditious management of cases. 	Ongoing	A number of activities are on-going including: <ul style="list-style-type: none"> • Monthly case progression conferences targeting older cases; • Weekly monitoring of the age of cases at various key stages of the process; • Case review meetings between Case

Activity	Description	Timescale	Update
			<p>Managers and Case Team Managers; and</p> <ul style="list-style-type: none"> • Weekly tele-conferences with Kingsley Napley to discuss issues with progressing cases to a final hearing • The weekly FTP Managers' Meeting receives a snapshot of length of time activity and a review of the impact of caseload at each stage of the process. Assurance and Development team members have been redeployed in the last quarter to assist with training and supporting new team members to concentrate on older cases at the earlier stages of the process. This work is ongoing, but has demonstrated consistent movement in these cases, with more cases closed preICP, and sufficient cases at Obs and ICP stages to meet FTP activity forecast. We continue to monitor this progression using the systems developed in the last 12 months.
Case Management Models	<ul style="list-style-type: none"> - Review the approach taken to case allocation and the mix of case allocated to a case manager - Review the responsibilities of the case management and administration team - Examine the use and value of case 	<p>Quarter 1</p> <p>Quarter 1</p>	<p>A review and analysis has been undertaken of ways in which complexity weighting can be applied to cases and how cases could be allocated to take this into account.</p> <p>A review of the stages of the case management process has been undertaken</p>

Activity	Description	Timescale	Update
	examiners		<p>and options considered for different ways in which cases could be allocated and managed as they progress. This work will carry on in 2015-16</p> <p>A review of the use of Case Examiners has begun and will carry over into 2015-16.</p>
Support Arrangements for Employees	<ul style="list-style-type: none"> - Review the arrangements in place to support employees in dealing with cases. - Develop guidance for employees on handling difficult calls 	<p>Quarter 1</p> <p>Quarter 1</p>	<p>Guidance for employees on 'Dealing with vulnerable registrants' was published in December 2014. The desk top information card was specifically designed to support employees when dealing with registrant who are vulnerable or have suicidal ideation, whether on the telephone or in the general management of their case.</p> <p>Guidance for employees on dealing with telephone complaints was included in new FTP Operational Guidance on 'Handling complaints received about Fitness to Practise (decisions, processes, services and suppliers)' which became operational on 30 June 2014.</p>
Employee recruitment and resilience planning	<ul style="list-style-type: none"> - Improve and develop planning for unplanned absences 	Quarter 1	<p>Better monitoring and planning of resources has been introduced in the form of reports and regular meetings. The use of temporary Case Managers has been reviewed and alternative approaches trialed to reduce the amount of training required and increase the flexibility of their use. The review of case management models also feeds into this area</p>

Activity	Description	Timescale	Update
			of work and the need to improve resilience and flexibility will be taken into account in any new model that is adopted.
Case Management System	<ul style="list-style-type: none"> - Development and maintenance of the case management system and reporting system 	Ongoing	<p>This planned work has not taken place this year, due to Executive decision to allocate supplier and in house technical resources to support the Education system build. This work is due to conclude in March, and we have met with our suppliers to ensure they are ready to resume FTP activities in April 2015. This work has been approved by HCPC Executive as an ongoing project for 2015-16. We have developed manual systems to manage any retention policy activities if they arise before the redesign work is concluded, though the likelihood of this being used is low.</p>