# health & care professions council

Agenda Item 8 (i)

**Enclosure 4** 

# Health and Care Professions Council 21 March 2018

**Chief Executive report** 

For discussion

From Marc Seale, Chief Executive and Registrar

# health & care professions council

### Chief Executive's report – 21 March 2018

#### 1. Meetings attended

• A list of the meetings the Chief Executive has attended since the last Council meeting is attached.

#### 2. Key areas to highlight to the Council

• The following are the key areas of organisational performance that I wish to bring to the Council's attention.

#### Financial performance year to date

- For the 10 months to 31 January 2018, income is on track, and operating expenditure is £88k / 0.3% under forecast
- The forecast operating result for the full year is a deficit of £2k, including depreciation and bank interest receivable. The original budget was for a deficit of £349k
- The forecast does not include the cost of the EMT restructuring, which will be provided for in the 2017-18 accounts, despite severance payments not being made until 2018-19. The final cost of the restructuring depends on the outcome of the consultation and selection process, so we do not yet have a reliable estimate. We will have a sufficiently reliable estimate in time for the draft statutory accounts and the audit
- The forecast also does not include any impairment charge on the freehold buildings. An impairment is likely because the market valuation is unlikely to have increased by as much as the capital expenditure on the refurbishment of 186 Kennington Park Road

#### Professional Standards Authority (PSA) performance review

• The review for 2017-18 is ongoing. The PSA have advised us that it plans to undertake a targeted review of our performance. We have been asked to answer further questions and in the future we may be asked to meet the PSA and undergo an audit of fitness to practise cases.

#### **Registration Transformation and Improvement project (CPD)**

• The root cause of the workflow bug, noted to Council in the September 2017 project update paper and in the CEO reports of December 2017 and February 2018, has been identified by Microsoft after a detailed investigation. A

resolution has been suggested by IBM (with Microsoft's approval) and is currently being tested. At the time of writing this resolution is producing positive results in one out of the five areas affected by this issue, and the team will now test this resolution in all areas. Going live with this bug unresolved would have both an internal operational impact and a customer-facing impact. Internally we would not be able to monitor volumes of work accurately, and externally we would expect customer dissatisfaction to increase as multiple copies of the same email would be sent. Should the resolution currently being tested prove successful across all areas, after 6 weeks of regression testing we would be able to go live in mid-April 2018, in time for Chiropodists'/Podiatrists' and Hearing Aid Dispensers' CPD audit in May.

#### 186 Kennington Park Road Building works

• The building works are progressing well with no change to the previously advised planned completion date of June 2018. The revised budget is estimated to be £3,547,361.92. A separate paper is in the private section of the agenda.

#### Leasing of office space

• Progress is being made, both sides are still committed to concluding the lease, and the terms are substantially the same as agreed at the heads of terms stage, but the lease with the prospective tenant has still not been signed at the time of writing.

#### Fitness to practise (FTP) improvement and performance

- FTP Improvement activities that have been completed or initiated since the February Council meeting include:
  - Proposed revisions to the Discontinuance and Disposal by Consent Practice Notes were considered by the Tribunal Advisory Committee at its meeting on 19 February 2018. The main changes relate to the addition of a skeleton argument in every case setting out the reasons for HCPC's application to discontinue an allegation or dispose of the case by consent.
  - 2. Development of a case progression plan which includes options for improving case progression and performance against length of time measures. Based on an analysis of the existing caseload four case groups have been identified which would benefit from targeted interventions.
  - 3. A draft policy statement setting out HCPC's approach to managing health allegations. It is anticipated that this policy will come to May Council for approval.
  - 4. Recruitment of Case Managers is ongoing. Appointments have been made following the first internal stage of recruitment which gave the

opportunity for temporary employees to apply for a substantive role. The deadline for external applicants for the most recent recruitment campaign has closed. Initial indications suggest that we have seen an increase in the number of applicants following efforts to increase the reach of our advertising, for example by encouraging colleagues to share the job adverts on their own social media platforms.

- In terms of FTP performance, we received a higher than forecast number of new cases in January (254). This is the highest number of new cases received in a month this year. The increase in the number of new referrals, coupled with the reduction in the number of standard of acceptance case closures and cases progressing to an Investigating Committee Panel resulting from the focus on quality following the PSA performance review, has meant the number of open pre-ICP cases being expected levels.
- Temporary case manager resource continues to be used to support operational resilience. The case progression plan includes targeted interventions to support the timely progression and closure of cases to reduce the open caseload. Following the completion of the standard of acceptance refresher training and reinstating of case closure approvals by Case Team Managers, using a risk-based approach, we have seen a recovery in the number of case closures in January. However, we are monitoring this carefully.

#### 3. Updates

#### **External consultations**

- The Department for Education launched a consultation on 8 February 2018 on the policy underpinning the statutory regulations which will govern the work of the new regulator of social workers in England, Social Work England.
- A response has been drafted and will be submitted, informed by comments from the Council via e-mail owing to the short turnaround time.

# Memorandum of Understanding between Health Inspectorate Wales and the HCPC

• The HCPC have developed a Memorandum of Understanding (MOU) with the Health Inspectorate Wales (HIW). HIW is an inspectorate and regulator of NHS and independent healthcare providers in Wales. The MOU provides a framework for our relationship, communication and facilitates greater HCPC engagement in Wales. (See appendix)

Period covering 09 February 2018 to 21 March 2018	
<b>Department of Health</b> EU exit and mutual recognition of professional qualifications (MRPQ) changes, London	9 Feb
<b>NHS England</b> Allied Health Professional (AHP) in action board, London	13 Feb
<b>Professional Standards Authority</b> Seminar, Cardiff	15 Feb
The Society of Chiropodists & Podiatrists Meeting with Debbie Delves, Chair and Stephen Jamieson, Chief Executive, London	20 Feb
<b>Director of Professional Regulation Vermont, USA</b> Video conference all with Colin Benjamin, HCPC	22 Feb
Wales Government Meeting with Vaughan Gething, Cabinet Secretary for Health and Social Services, Cardiff	26 Feb
<b>Professional Standards Authority</b> Academic and Research Conference - Fitness to Practise, Windsor	8-9 Mar
<b>Department of Health North Ireland</b> Hazel Winning, AHP Lead Officer, Belfast	12 Mar
<b>Department of Health &amp; Social Care</b> Meeting with Lee McDonough, Director General, Acute Care and Workforce, London	13 Mar
Department for Education and Department of Health Transition of social worker regulation, London	14 Mar
Health and Care Professions Council Meet the HCPC, Wrexham	15 Mar
Department of Health and Department for Education Meeting with Claire Armstrong and Sam Olsen, London	19 Mar
Chief Executive Steering Group meeting	20 Mar

Chief Executive – Marc Seale



Council meeting, 21 March 2018

# **Performance report**

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#### Education

The number of approval cases scheduled in this financial year (2017-18) is now nearer to the original budget (61 actual; 60 budget; 67 reforecast). This about turn stems from a high number of cancellations in quarter three. However, most of these cancellations have now resurfaced as new cases in the next financial year (2018-19).

We are in an unprecedented position in terms of planned approval case activity for the next financial year (2018-19) this far in advance. There are 55 approval cases already scheduled/being scheduled. This time last year, there were just 24 scheduled in the following financial year. Many of these cases are new provision linked to degree apprenticeships and commissioning changes for occupational therapy and physiotherapy education in England. Resourcing levels are being monitored and some months are already at capacity so provider requests will be pushed back.

This high caseload is very likely to affect the overall scope of the final 2018-19 work plan as resources will need to prioritise the day-to-day operation of the approval and monitoring processes ahead of process and service improvement and communications and stakeholder work







## Finance

- In the Finance tables, income and expenditure is compared against the month 9 forecast. For the 10 months to 31 January 2018, income is on track, and operating expenditure is £88k / 0.3% under forecast
- The main departmental variances are:-
  - FTP are £161k / 1.3% over forecast, due to number of days of hearings being above forecast.
  - Major Projects are £84k / 6.7% under the Opex budget and £276k / 26% over the capex forecast. This is because of the 186 KPR project, which is £76k under the phased month 9 forecast and £277k over the phased month 9 capex forecast, net £202k over forecast overall. We now expect total project spend to be around £3.5m, over budget by around £200k, when the project completes in Q1 of 2018-19
  - Registration are £48k / 1.7% under forecast, due to £18k underspend on payroll costs and a £21k underspend on international assessor fees.
- The forecast operating result for the full year is a deficit of £2k, including depreciation and bank interest receivable. The original budget was for a deficit of £349k.
- The forecast does not include the cost of the EMT restructuring, which will be provided for in the 2017-18 accounts, despite severance payments not being made until 2018-19. The final cost of the restructuring depends on the outcome of the consultation and selection process, so we do not yet have a reliable estimate. We will have a sufficiently reliable estimate in time for the draft statutory accounts and the audit
- The forecast also does not include any impairment charge on the freehold buildings. An impairment is likely because the market valuation is unlikely to have increased by as much as the capital expenditure on the refurbishment of 186 Kennington Park Road.
- The cash balance at 31 January was £15.5m.
- The tender for FTP and Comms printing services under the Crown Commercial Services Managed Print framework agreement concluded in December, and we are progressing towards signing the contract with the successful supplier.
- There have been no significant issues with core processes.

						Jan -18 Comments (Actuals vs 2017-18 M9 Forecast)				
Department	Movement YTD	M9 Forecast YTD	Budget YTD	Forecast Variance	Budget Var %	Variances by Income Type	Variances by Profession			
Total Income	27,788,426	27,782,639	27,744,801	5,788	0.0	On Target or variance below threshold	On Target or variance below threshold			
EXPENDITURE										
Department	Movement YTD	M9 Forecast YTD	Budget YTD	Variance v Forecast	Variance v F'cast %	Variances on Payroll	Variances on Non-payroll			
Communications	896,717	901,366	999,501	4,649	0.5	On Target or variance below threshold	On Target or variance below threshold			
Education	896,643	910,155	960,456	13,511	1.5	On Target or variance below threshold	On Target or variance below threshold			
Office Services	1,999,625	2,004,908	2,442,064	5,283	0.3	On Target or variance below threshold	On Target or variance below threshold			
Fitness to Practise	13,077,932	12,916,437	12,318,866	(161,495)	(1.3)	On Target or variance below threshold	<ul> <li>£50k over forecast on partner fees and travel, this is due to above forecast number of days of hearing for January 18 (183 days of hearings activities vs 160 days forecast). This is in part due to the focus on concluding the older more complex cases. The hearing activities also included an additional ICP day and a restoration hearing.</li> <li>£74k over forecast on transcription writers due to delays in supplier issuing invoices and under accrual in the previous months.</li> </ul>			
IT Department	1,778,259	1,806,587	1,844,272	28,329	1.6	On Target or variance below threshold	On Target or variance below threshold			
Major Projects	1,168,316	1,252,223	1,467,268	83,907	6.7	On Target or variance below threshold	<b>£76k</b> under forecast on 186KPR project, but this may be due to timing differences on Opex/Capex split. 186KPR project expected to be c£200k overspend overall on conclusion in Q1 of 2018-19			
Registration	2,728,012	2,775,778	3,029,973	47,766	1.7	On Target or variance below threshold	On Target or variance below threshold			

Income and Expenditure							
31 January 2018	r				1		
	Period 10		Year to d	late			
	Asteral	A stual		Marianaa		Full Year	Full Yea
Income by Activity	Actual	Actual	M9 Forecast	Variance	Variance %	Forecast (M9)	Budge
Graduate Registration Fees	145,943	1,449,287	1,457,751	(8,464)	(0.6)	1,762,866	1,860,78
Readmission Fees	26,055	201,420	175,365	26,055	14.9	202,764	214,31
Renewal Fees	2,422,015	23,688,900	23,694,904	(6,004)	(0.0)	28,558,752	28,480,89
International Scrutiny Fees	197,505	1,464,760	1,466,182	(1,422)	(0.1)	1,779,047	1,824,91
UK Scrutiny Fees	51,335	984,060	988,437	(4,377)	(0.4)	1,103,965	1,026,069
Registration Income	2,842,853	27,788,427	27,782,639	5,788	0.0	33,407,393	33,406,97
Cheque/credit card write offs	(0)	(0)	0	(0)			(
Total Income	2,842,853	27,788,426	27,782,639	5,788	0.0	33,407,393	33,406,97
Chair	1,129	74,015	73,411	(604)	(0.8)	92,686	100,720
Chief Executive	25,658	318,306	321,936	3,631	1.1	380,714	357,202
Council & Committee	(31,493)	168,373	217,657	49,284	22.6	274,749	303,179
Communications	92,699	896,717	901,366	4,649	0.5	1,114,092	1,211,330
Education	91,585	896,643	910,155	13,511	1.5	1,134,635	1,178,318
Office Services	207,010	1,999,625	2,004,908	5,283	0.3	2,545,741	2,921,188
Finance	52,421	627,988	625,008	(2,981)	(0.5)	765,059	845,93
Fitness to Practise	1,486,272	13,077,932	12,916,437	(161,495)	(1.3)	15,549,690	14,797,229
Human Resources	91,260	848,634	848,817	183	0.0	1,047,811	997,163
Human Resources Partners	61,431	309,304	326,341	17,037	5.2	405,595	436,219
IT Department	198,818	1,778,259	1,806,587	28,329	1.6	2,262,816	2,277,81
Major Projects	36,800	1,168,316	1,252,223	83,907	6.7	1,450,722	1,486,909
Operations Office	58,214	531,110	519,898	(11,212)	(2.2)	634,899	644,280
Policy	42,292	355,474	356,004	530	0.1	417,160	446,940
Registration	241,211	2,728,012	2,775,778	47,766	1.7	3,462,925	3,659,028
Secretariat	17,483	211,753	212,480	727	0.3	252,201	272,38
Depreciation	69,212	668,452	677,275	8,823	1.3	854,354	905,73
PSA Levy	0	878,682	878,682	0	0.0	878,682	878,682
Apprenticeship Levy	2,727	27,603	27,821	218	0.8	33,710	35,33
Operating expenditure	2,744,729	27,565,198	27,652,782	87,585	0.3	33,558,242	33,755,602
Operating surplus/(deficit)	98,124	223,229	129,856	93,372		(150,848)	(348,624
				,			(
Other income	r					·	
Investment Income	11,142	130,813	129,707	1,107	0.9	148,902	
	11,142	130,813	129,707	1,107	0.9	148,902	
Total surplus/ <mark>(deficit)</mark>	109,266	354,042	259,563	94,479		(1,947)	(348,624

# Payroll costs

31 January 2018							
	Period 10		Year t				
						Full Year	
	Actual	Actual	M9 Forecast	Variance	Variance %	Forecast (M9)	Full Year Budget
Chief Executive	21,550	218,624	220,513	1,889	0.9	267,391	272,802
Communications	54,858	540,351	540,644	293	0.1	648,516	673,273
Education	72,968	703,724	704,924	1,200	0.2	867,670	891,080
Office Services	22,886	245,195	248,557	3,363	1.4	304,013	332,860
Finance	39,401	397,187	397,188	1	0.0	487,208	496,638
Fitness to Practise	482,020	3,924,619	3,888,762	(35,857)	(0.9)	4,797,112	4,533,740
Human Resources	43,280	523,140	534,323	11,183	2.1	683,457	656,033
Human Resources Partners	12,766	109,261	109,641	381	0.3	134,388	125,546
IT Department	72,599	746,521	746,520	(0)	(0.0)	891,718	875,169
Major Projects	20,976	230,812	233,566	2,754	1.2	277,379	149,129
Operations Office	43,993	448,035	448,034	(1)	(0.0)	536,020	526,245
Policy	24,089	230,775	230,750	(25)	(0.0)	278,878	291,531
Registration	152,985	1,602,251	1,620,837	18,586	1.1	1,963,979	2,079,477
Secretariat	17,124	189,202	189,132	(70)	(0.0)	226,244	239,691
Payroll costs	1,081,495	10,109,695	10,113,393	3,698	0.0	12,363,972	12,143,214

Non-payroll costs							
31 January 2018							
	Period 10		Year to	date		Full yea	ar
	Actual	Actual	M9 Forecast	Variance	Variance %	Full Year Forecast (M9)	Full Year Budget
Chair	1,129	74,015	73,411	(604)	(0.8)	92,686	100,720
Chief Executive	4,109	99,682	101,424	1,741	1.7	113,324	84,400
Council & Committee	(31,493)	168,373	217,657	49,284	22.6	274,749	303,179
Communications	37,841	356,366	360,722	4,356	1.2	465,576	538,063
Education	18,617	192,919	205,230	12,311	6.0	266,964	287,238
Facilities Management	184,124	1,754,431	1,756,351	1,920	0.1	2,241,729	2,588,328
Finance	13,020	230,802	227,819	(2,982)	(1.3)	277,851	349,300
Fitness to Practise	1,004,253	9,153,313	9,027,675	(125,638)	(1.4)	10,752,578	10,263,489
Human Resources	47,980	325,494	314,494	(11,000)	(3.5)	364,354	341,130
Human Resources Partners	48,665	200,043	216,699	16,656	7.7	271,207	310,673
IT Department	126,218	1,031,738	1,060,067	28,329	2.7	1,371,098	1,402,641
Major Projects	15,824	937,504	1,018,657	81,153	8.0	1,173,343	1,337,780
Operations Office	14,221	83,075	71,863	(11,212)	(15.6)	98,879	118,035
Policy	18,203	124,699	125,255	555	0.4	138,283	155,415
Registration	88,226	1,125,761	1,154,941	29,180	2.5	1,498,946	1,579,551
Secretariat	359	22,551	23,348	796	3.4	25,958	32,690
PSA Levy	0	878,682	878,682	0	0.0	878,682	878,682
Apprenticeship Levy	2,727	27,603	27,821	218	0.8	33,710	35,337
Non-payroll costs	1,594,022	16,787,051	16,862,115	75,064	0.4	20,339,916	20,706,651

#### **Statement of Financial Position**

31 January 201	)18	20	ary	Janu	31
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	Actual Period	M9 Forecast	M9 Forecast	Budget	Actual
	10	YTD	31 March 2018	31 March 2018	31 March 2017
Non-current assets					
Land & buildings, at cost or valuation	5,577,128	5,299,768	5,524,123	6,431,833	4,615,000
Land & buildings depreciation	(38,458)	(38,459)	(46,151)	(62,267)	(
	5,538,670	5,261,309	5,477,973	6,369,566	4,615,000
Computer equipment, at cost	528,653	528,653	528,653	591,763	499,535
Computer equipment depreciation	(440,176)	(440,176)	(449,557)	(459,718)	(382,705
	88,477	88,477	79,096	132,045	116,829
Office furniture and equipment, at cost	1,183,115	1,183,115	1,183,115	1,183,115	1,183,115
Office equipment depreciation	(558,629)	(558,627)	(586,025)	(570,333)	(413,863
	624,486	624,488	597,090	612,782	769,252
Intangible assets	7,516,269	7,509,260	7,764,435	8,452,829	7,116,712
Intangible depreciation	(6,103,082)	(6,111,895)	(6,244,503)	(6,285,313)	(5,675,325
	1,413,187	1,397,365	1,519,932	2,167,516	1,441,386
Total non-current assets	7,664,820	7,371,640	7,674,091	9,281,910	6,942,467
Current assets					
Other current assets	892,001	982,570	1,929,749	2,009,182	1,994,076
Cash & cash equivalents	15,480,737	15,089,216	18,841,374	18,582,766	19,528,83
	16,372,739	16,071,785	20,771,123	20,591,948	21,522,90
Total assets	24,037,558	23,443,425	28,445,214	29,873,858	28,465,37
Current liabilities					
Trade and other payables	538,923	167,347	167,347	430,848	430,848
Other liabilities	1,392,219	1,435,039	1,435,039	2,187,619	2,115,82
Deferred income	16,583,149	16,412,229	21,675,527	22,434,790	20,749,474
Total current liabilities	18,514,290	18,014,615	23,277,913	25,053,257	23,296,14
Liabilities greater than one year	163,052	163,052	163,052	163,052	163,052
Total assets less liabilities	5,360,216	5,265,758	5,004,248	4,657,549	5,006,17
General fund b/fwd	(4,155,121)	(4,155,121)	(4,155,121)	(4,155,121)	(4,155,121
Rev Res - Land & Building	(851,052)	(851,052)	(851,052)	(851,052)	(851,052
This periods (surplus)/deficit	(354,042)	(259,585)	1,924	348,624	
General fund c/fwd	(5,360,216)	(5,265,758)	(5,004,248)	(4,657,549)	(5,006,174

Projects												
			Opex			Capex			Opex & Capex		Opex	Capex
		Actual	M9 Forecast 2017/18	Variance	Actual	M9 Forecast 2017/18	Variance	Actual	M9 Forecast 2017/18	Variance	M9 Forecast 2017/18	M9 Forecast 2017/18
		YTD £	YTD £	£	YTD £	YTD £	£	YTD £	YTD £	£	Full Year £	Full Year £
HR and Partners Build	MP78	(1,438)	(2,389)	(951)	80,982	82,130	1,148	79,544	79,741	197	27,834	82,130
Reg Transformation and Improvement	MP85	193,254	202,048	8,794	164,507	164,507	(0)	357,760	366,555	8,794	228,626	194,507
Establishing the new Tribunal Service	MP86	(4,788)	(4,788)	(0)	(2,323)	(2,323)	0	(7,111)	(7,111)	(0)	(4,788)	(2,323)
PCI/DSS	MP87	0	0	0		0	0	0	0	0	0	0
HCPC website review and build	MP90	65,637	66,098	461	118,106	118,106	0	183,744	184,205	461	89,066	269,361
Net Regulate Changes	MP88	0	0	0	0	0	(0)	0	0	(0)	0	0
186 Kennington Park Road renovation	MP89	915,651	991,254	75,602	962,128	684,768	(277,361)	1,877,779	1,676,021	(201,758)	1,087,406	909,123
Education System Change	MP93	0	0	0		0	0	0	0	0	0	0
FTP CMS Review	MP94	0	0	0		0	0	0	0	0	0	0
CPD Online Migraton	MP96	0	0	0		0	0	0	0	0	22,578	63,920
		1,168,316	1,252,223	83,907	1,323,401	1,047,188	(276,213)	2,491,717	2,299,411	(192,306)	1,450,722	1,516,719

#### **Cash flow statement**

From 1 April 2017

Operating surplus/(deficit) Less: Depreciation Decrease/(increase) in debtors & prepayments Increase/(decrease) in creditors (Decrease)/increase in deferred income

Net cash in/(out)flow from operating activities

Return on investments and servicing of finance

Investment Income

**Capital expenditure and financial investments** Purchase of fixed assets

Increase/(decrease) in cash

Cash at beginning of period

Cash at end of period **Cash movement** 

Year to date	Year to date	Full year	Full year
actual	M9 forecast	M9 forecast	budget
£	£	£	£
223,229	129,856	(150,848)	(348,624)
668,452	677,275	854,354	905,736
1,102,075	1,011,515	64,327	(15,106)
(615,533)	(944,289)	(944,278)	71,792
(4,166,325)	(4,337,245)	926,053	1,685,316
(2,788,102)	(3,462,887)	749,607	2,299,114
130,813	129,707	148,902	0
		110,002	
(1,390,805)	(1,106,436)	(1,585,966)	(3,245,179)
(4,048,094)	(4,439,616)	(687,457)	(946,065)
40 500 004	40,500,004	40 500 004	40 500 004
19,528,831	19,528,831	19,528,831	19,528,831
15,480,737	15,089,216	18,841,374	18,582,766
(4,048,094)	(4,439,616)	(687,457)	(946,065)
(,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	(1,100,010)		(0.0,000)





## Fitness to Practise

#### **FTP Improvement Project**

The Improvement activities that have been completed or initiated since the progress update received by Council in February 2018 include:

- Revisions to the Discontinuance and Disposal by Consent Practice Notes which were considered by the Tribunal Advisory Committee at its meeting on 19 February 2018;
- Development of a case progression plan which includes options for improving case progression and performance against length of time measures;
- A draft policy statement setting out HCPC's approach to managing health allegations;
- Case Manager recruitment campaign;
- Development of an internal communications plan and delivery of update briefings to fitness to practise staff;
- Development of new performance indicators to measure the progression of fitness to practise cases;
- Development of an e-learning module for assessing risks in fitness to practise cases.

#### Performance

The following report is based on data collected at the end of January 2018 and provides an update from the end of October 2017 position, which was presented to Council in December 2017.

#### Number of new and open cases

- Since 1 November 2017, 601 new fitness to practise concerns have been received. 254 were received in January 2018, which is the highest amount per month received this year. (see Table 1)
- The total new concerns received to date is 1,905, which averages as 191 new cases per month. This is marginally higher than our forecasted average volume of new cases. The volume received in January 2018 was 33% above the 191 average.
- At the end of January 2018, there were 1,922 open cases, which is an increase of approximately 15% on the end October 2017 figure. 80% (1,530) of the open case load is at the pre-ICP stage of the process. This increase is due to the higher than expected number of new referrals in January 2018 coupled with the reduction in the number of standard of acceptance case closures and cases progressing to an Investigating Committee Panel resulting from the focus on quality following the PSA performance review. (see Table 1)
- Additional temporary and short-term resource is being deployed to manage this increase in pre-ICP case load. Following the completion of the standard of acceptance refresher training, and risk-based reinstating of case closure approvals by Case Team Managers, we have seen a recovery in the number of case closures in January. However, we are monitoring this carefully. The case progression plan developed as part of the FTP improvement plan also includes targeted interventions to support the timely progression and closure of cases to reduce the open caseload. The resource and competency requirements needed for the longer term to sustain expectations around the level and quality of investigations will be considered as part of the FTP Improvement Project.





#### **Interim Orders**

- 34 Interim Order applications were considered between 1 November 2017 and end January 2018. This averages at 11 per month, which is slightly lower than the year to date avarage of 13 per month. (see Table 3)
- 81 Interim Orders were reviewed during the same period and the average (27) is slightly lower than the year to date average of 30 per month.
- There has been an increase in the length of time from the decision to apply for an Interim Order and the application. This is consistent with with the position in January 2017 and a likley consquence of the Christmas and New Year holiday period. This is being closely monitored.



#### Age of open cases

- 69% of the current open pre-ICP caseload was under seven months old at the end of January 2018. The position at the end of October 2017 was 75% of the open caseload was under seven months old. (see Table 4).
- The number of open cases at the post-ICP stage continues to decrease. At the end of January 2018, 65% of the 392 open cases were over 16 months old. This represents a slight decline on the position at the end of October 2017, when 57% of the open caseload was over 16 months old. (see Table 6)
- As part of the FTP Improvement Plan, we have developed a case progression plan aimed at reducing the age of our open caseload. The impact of this plan, however, will not be realised immediately.







#### Length of time

- January saw an increase in the number of cases that were closed as they did not meet the Standard of Acceptance. The volume of cases that were closed at this stage of the process has reduced significantly as a result of the additional scrutiny measures were implemented in August 2017. In November 2017, training on the application of the SOA was provided to Case Team Managers and Case Managers and new guidance and procedure documentation implemented. The increase in volume of cases closed in January can be attributed to an increase in confidence of our case management staff on the application of the SOA as well as an embedding of the new approach. Significant scrutiny of these decisions remains. (see Table 6)
- 66% of the cases that were closed at the SOA stage of the process were under five months old, which is consistent with the position at the end of October 2017. (see Table 7)
- The below originally forecast number of cases progressing to the Investigating Committee Panel has continued since October 2017. In January 2018, the ICP concluded 27 cases and there was an increase in the amount of time taken to progress these cases from the SOA decision to the ICP than previous months. We attribute this to the increasing pre-ICP caseload and the steps we have taken to improve the thoroughness of the pre-ICP investigations. Additional case management resource has been deployed to improve the timeliness with which we progress our cases through the investigation stage. (see Table 7)
- The number of cases progressing from the ICP to conclusion at a final hearing in January 2018 has reduced slightly. The majority of these cases took between 8-12 months to progress through this stage of the process, which is consistent with previous months. There was a slight increase in the number of cases that took more than 24 months to progress through this stage of the process. (see Table 8)
- There was an increase in the total number of cases closed in January 2018, with the majority (78%) under 13 months old. This demonstrates that we are closing more of our younger cases in January than in previous months. (see Table 11)












Length of time: Age of Open Post Investigating Committee Panel (ICP) cases since referral from Investigating Committee

	2017									2018		
Age Profile	Apr	Мау	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
0 to 2 months	105	125	110	105	107	99	68	74	55	59		
3 to 4 months	62	61	72	93	77	77	75	66	71	51		
5 to 7 months	87	85	91	68	88	104	147	115	101	98		
8 to 12 months	101	89	88	100	94	87	65	92	100	109		
13 to 15 months	37	37	30	30	28	25	33	20	23	21		
16 to 20 months	39	37	38	41	40	35	23	26	22	21		
21 to 24 months	15	16	16	16	17	18	20	18	17	16		
> 24 months	16	18	16	11	14	14	15	15	17	17		
Total	462	468	461	464	465	459	446	426	406	392		
Mean	8	8	8	8	8	8	8	8	8	9		
Median	7	6	6	6	6	6	6	7	7	7		
					·		•		•			-
Age Profile (percentage of cases)												
0 to 2 months	23%	27%	24%	23%	23%	22%	15%	17%	14%	15%		
3 to 4 months	13%	13%	16%	20%	17%	17%	17%	15%	17%	13%		
5 to 7 months	19%	18%	20%	15%	19%	23%	33%	27%	25%	25%		
8 to 12 months	22%	19%	19%	22%	20%	19%	15%	22%	25%	28%		
13 to 15 months	8%	8%	7%	6%	6%	5%	7%	5%	6%	5%		
16 to 20 months	8%	8%	8%	9%	9%	8%	5%	6%	5%	5%		
21 to 24 months	3%	3%	3%	3%	4%	4%	4%	4%	4%	4%		
> 24 months	3%	4%	3%	2%	3%	3%	3%	4%	4%	4%		

### Table 11



### Table 12



### **Challenges to Fitness to Practise Decisions**

• No new appeals or challenges have been made since October 2017. Four registrant appeals remain ongoing. (see Table 12)

### Table 13

	201	6								201	7											2018			14/15	15/16	16/17	17/1
	Apr	Ma	y Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb Ma	ar	FYE	FYE	FYE	YTD
Judicial review - received	0	0	0	0	0	0	0	1	0	1	2	0	1	0	0	0	0	0	0	0	0	0			5	1	4	0
Judicial review - open	1	1	1	0	1	0	0	1	1	1	3	3	2	1	1	0	1	0	0	0	0	0						
High court - PSA received	0	0	0	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1	0	0	0			5	3	2	
High court - PSA open	5	5	5	4	4	2	1	1	2	2	2	1	1	0	0	0	0	0	1	1	1	0						
High court - Registrant received	0	0	0	0	0	0	1	0	0	2	0	0	0	3	1	1	3	1	1	0	0	0			5	8	3	10
High Court - Registrant open	4	4	3	3	3	2	3	2	0	2	2	1	0	4	4	5	7	8	7	4	4	4						
O Extension Application at High Court	0	1	3	1	0	0	0	3	4	3	0	4	4	0	2	4	3	0	6	2	5	3			5	12	19	25

### Other

- We successfully prosecuted a protection of title case in the magistrates court in November 2017, which related to the misuse of the title 'Chiropodist'.
- We continuine to deliver Panel Member refresher training, running two sessions in January 2018. This is a revised programme of training, which has a focus on relevant concerns raised by the PSA in its last performance review. These revised sessions have been very well received and rated very highly for satisfaction and usefulness in the feedback and in social media.
- We have developed a new Memorandum of Understanding with Health Inpectorate Wales (inspectorate and regulator of NHS and independent healthcare providers in Wales). This will facilitate the timely cross-referral of concerns and sharing of information in the interests of patient protection.

- The Executive Management team received a summary report of feedback received on the operation of the fitness to practise
  process from key stakeholders covering the period 1 October 2016 to 30 November 2017. Feedback is proactively sought
  from registrants (who are the subject of FTP proceedings); complainants (individuals or organisations that raise an initial
  FTP concern); witnesses; panel members and organisations that represent registrants for example unions and professional
  bodies. The report noted increased positive feedback in the following areas:
  - raising a concern including being able to find information about the process and completing the form easily;
  - acknowledgement and response to correspondence;
  - clarity of correspondence to both registrants and complainants;
  - regular updates;
  - witnesses feeling informed about what will happen at the hearing in the early stages;
  - more witnesses saying that they were contacted before the hearing by the Hearing Officers;
  - more witnesses saying they were happy with being updated about what was happening during the hearing or the special arrangements being provided at the hearing to address their needs.

It was also noted that there had been an increase in positive feedback from stakeholders who came in contact with the Health and Care Professions Tribunal Service (HPCTS). The HCPTS was established in April 2017.

Areas identified for further improvement included:

- enhancing the support mechanisms for registrants and other stakeholders;
- travel arrangements
- continuing to focus on improving the quality of allegations and preparation of hearing bundles
- accuracy of hearing time estimates.









### Table 16

Miscellaneous (N	AIS) ca	ses																										
	2016									2017												2018	1		14/15	15/16	16/17	17/18
	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	Мау	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	FYE	FYE	FYE	YTD
Cases received	90	68	81	68	77	98	51	58	57	47	60	62	48	58	45	82	102	67	81	92	56	106			814	821	817	73
Cases closed	103	46	78	75	105	89	41	55	70	46	52	62	71	63	70	62	110	90	82	107	93	84			851	764	822	832
Cases open	47	69	72	65	37	46	56	59	46	47	55	55	42	39	26	51	32	31	38	48	46	72						

### Table 17



																											forecast	
Cases Listed for Final Hearings	41	44	47	44	50	42	44	51	34	44	47	66	45	41	45	44	40	45	47	54	39	38	554	502	511	495	513	438
Cases Concluded at Final Hearings	32	36	32	29	46	35	29	45	28	35	41	57	42	37	43	28	35	39	34	45	35	31	445	419	443	424	434	369
Final Hearings: Adjourned, Part Heard, Cancelled	8	8	15	15	4	7	15	6	6	9	6	9	3	4	2	16	5	6	13	9	4	7	108	83	68	71	77	69
% of Hearings Adjourned/Part Heard	20	18	32	34	8	17	34	12	18	20	13	14	7	10	4	36	13	13	28	17	10	18	19	17	13	14	15	16
Review Hearings Scheduled	21	21	26	18	27	16	10	20	17	7	20	19	23	19	24	30	32	15	22	16	20	24	222	284	275	278	275	225
Review Hearings Concluded	21	19	24	16	27	16	10	20	17	7	20	19	23	19	24	16	30	15	22	16	17	22	216	284	275	262	256	204
Cases in Review Cycle	202	203	205	199	206	209	213	226	225	226	235	241	247	231	234	237	231	226	230	243	247	245	241	233	232	222	248	245
Preliminary Hearings	6	7	15	12	5	11	4	5	4	7	5	8	2	9	8	11	6	3	1	4	4	3	89	85	84	75	61	51

Human Resources



*Flexible working	Includes flexible working arrangements separate or in conjunction with part time working
*FTE	Full-time equivalent, includes maternity/paternity but does not include unpaid sabbaticals
YTD	Year to Date
FYE	Final Year End



<sup>1</sup> Voluntary Resignations:

<sup>2</sup> Compulsory Leavers:

<sup>3</sup> Voluntary Turnover YTD:

**FTE** Full-time equivalent **YTD** Year to Date

FYE Final Year End

<sup>4</sup> Overall Turnover:

- Employee turnover rates have risen to 28%. This is above the latest available UK national average of 23% for overall turnover. It is likely that turnover rates will continue at this level for the rest of the financial year, and may increase further due to uncertainties about the impact on the workforce of the transfer of social work and the proposed new leadership structure.
- We have a number of measures in place to provide information and support to employees around change and uncertainty. These include face to face briefings with the Chief Executive, FAQs, intranet new items, a toolkit to help managers in supporting employees through change, an employee assistance programme, and we plan to run a series of change management workshops over the coming months.

(source: 'XpertHR Labour turnover rates' published 2 October 2017).

			2017									2018			16/17	17/18
	Feb	Mar	Apr	Мау	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	FYE	YTD
Voluntary Resignations*	3	4	2	1	0	7	5	1	0	4	2	6			20	28
Compulsory Leavers*	4	0	2	1	0	24	0	0	0	0	0	0			29	27
Total Leavers (Vol &																
Comp)	7	4	4	2	0	31	5	1	0	4	2	6			49	55
Total Number of																
Partners	653	661	660	670	676	666	670	685	702	698	696	690			658	681
Voluntary Turnover%	0.5%	0.6%	3.3%	3.3%	2.9%	3.8%	4.5%	4.5%	4.0%	4.3%	4.6%	5.2%			3.0%	4.1%
Overall Turnover%	1.1%	0.6%	7.6%	7.3%	6.5%	8.6%	9.2%	9.2%	8.7%	8.9%	9.2%	9.7%			7.5%	8.1%

#### Partner turnover

\*Compulsory Leavers includes agreement not renew ed (failed renew al assessment or changed resource requirements, 8 year \*\* Voluntary Turnover of Partners: for 2016/17 this is calculated by month, for 2017/18 this is a rolling % calculated over the pre-Turnover information does not capture those Partners w ho move from one role to another or those w ho leave one role and rema YTD = Year to date

## Operations

- This section provides an update about the work of the Registration Department for January 2018. All of the department's service standards were achieved for the period, with the exception of UK emails and international emails.
- A total of 3,776 UK emails were received which is 1,108 (or 41.5%) more than the same period in 2016. All emails were answered with an average of 3 working days.
- A total of 2,134 International emails were received which is 975 (or 84.1%) more compared to the same period last year. All emails were answered with an average of 3 working days.
- The increase in email volumes and the shortage of multi-skilled Registration Advisors has resulted in the two service standards above not being achieved.
- There is no one single reason for the increase of UK email volumes for the period. However, there has been a substantial drop in UK telephone calls in January 2018 that may account for the influx of emails.
- Recruitment campaigns are being held frequently to ensure vacancies are filled as quickly as possible. During the period from November 2017 to January 2018, 9 candidates were successfully recruited to Registration Advisor roles. A 6 month multi-skilling training programme for all new recruits is being delivered. At the time of writing this report 07 March 2018, recruitment is ongoing for a further 2 vacant Registration Advisor positions.





NOTE: Information captured on the last day of each calendar month.

Forecast is based on the average percentage difference in number of registrants from 11/12 - 16/17



#### International applications workflow process at end of each month April 2016 - March 2018

**Registration Department** 

NOTE: Information covers international applications status progress only. Represents the current w orkload w ithin the international section as at the end of the month. 17/18

YTD

259

1,142

1,776

375

#### New International Applications Received April 2016 - March 2018

**Registration Department** 



	2016									2017												2018			15/16	16/17	17/18
	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	FYE	FYE	YTD
Arts therapists	0	1	3	7	5	2	5	0	2	9	0	0	1	1	4	1	2	2	3	1	0	3			21	34	18
Bio. scientists	34	37	33	32	33	26	19	11	26	30	11	38	18	22	26	13	18	17	29	35	11	28			417	330	217
Chirops/pods	9	5	3	2	4	5	7	3	4	4	0	3	4	8	5	3	4	2	4	2	0	2			74	49	34
CI Scientists	9	13	11	11	7	3	11	5	4	7	5	10	7	4	9	9	4	4	9	10	3	13			99	96	72
Dietitians	44	26	25	21	19	18	12	8	14	17	5	27	20	32	24	8	21	3	19	17	10	25			288	236	179
Hearing aid disps	3	2	2	1	8	1	3	0	5	5	2	3	3	2	4	1	1	2	43	2	3	4			41	35	65
OTs	36	32	31	26	45	27	35	23	38	61	13	33	19	26	36	10	24	12	4	35	14	34			491	400	214
ODPs	2	2	4	0	0	0	2	3	0	2	2	2	1	3	2	2	0	1	0	3	1	0			11	19	13
Orthoptists	4	0	0	0	2	0	1	1	0	0	0	0	0	0	3	0	0	0	0	1	0	0			4	8	4
Paramedics	31	44	51	29	36	34	28	35	61	71	30	57	16	28	32	3	20	8	19	31	46	91			559	507	294
Physiotherapists	207	150	177	117	140	113	99	69	92	187	64	128	108	132	106	78	117	52	112	96	76	108			1,581	1,543	985
Pract psychs	58	31	40	39	40	33	24	21	23	29	15	26	19	37	30	28	18	9	28	37	15	34			398	379	255
Prosth/orthotists	2	0	0	1	1	0	2	1	2	1	1	3	2	4	2	1	1	2	0	1	2	1			16	14	16
Radiographers	92	69	93	75	88	72	61	45	69	118	41	80	73	87	83	39	72	27	81	126	58	89			955	903	735
Social workers	79	87	88	100	76	53	37	38	57	80	33	48	49	70	58	43	44	20	61	62	30	42			747	776	479
SLTs	20	22	16	19	18	9	15	13	14	28	7	16	12	17	12	10	5	5	15	18	9	12			289	197	115
Total	630	521	577	480	522	396	361	276	411	649	229	474	352	473	436	249	351	166	427	477	278	486			5,991	5,526	3,695
Forecast	602	557	491	572	594	455	623	267	620	571	546	378	523	458	516	497	550	447	521	411	481	523	536	562	5,625	6,276	6,025

NOTE: All received applications, including those that may subsequently be returned, rejected or withdraw n.

Forecast is based on the average number of INT applications received each month from 11/12 - 16/17, normalised against the latest monthly actuals available

International Registrations April 2016 - March 2018

Registration Department



NOTE: Forecast is based on the average number of INT applications registered each month from 11/12 - 16/17, normalised against the latest monthly actuals available Social worker section of the Register opened 1 Aug 2012 (covers England only)



NOTE: Forecast is based on the average percentage increase or decrease on a monthy basis, using the actual figures between the period 11/12 - 14/15, normalised against the monthly actuals available.

#### European Professional Card (EPC) incoming applications April 2016 - March 2018



NOTE: The European Profssional Card (EPC) for physiotherapists has been in place and operational since 18 January 2016.

\* Applications that have been recognised may not be registered immediately as the registration fee is required. Figure does not include applications where the decision is a period of adaptation.

European Professional Card (EPC) outgoing applications April 2016 - March 2018



NOTE: The European Profssional Card (EPC) for physiotherapists has been in place and operational since 18 January 2016.

Registration of an outgoing application is completed by the host member state. The HCPC ensures the application is complete before transferring ow nership on.



#### UK applications workflow process at end of each month April 2016 - March 2018

NOTE: Information covers UK applications status progress only.

Represents the current workload within the UK section as at the end of the month.

17/18

YTD

1,219

2

13

1,234



**Registration Department** 



NOTE: Forecast is based on the average number of UK applications received each month from 11/12 - 16/17, normalised against the latest monthly actuals available. Social worker section of the Register opened 1 Aug 2012 (covers England only).



0



	2016									2017											:	2018			15/16	16/17	17/18
	Apr	Мау	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	Мау	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	FYE	FYE	YTD
Arts therapists	14	16	7	23	68	55	50	30	18	23	18	10	14	8	8	41	68	37	53	28	13	23			287	332	293
Bio. scientists	49	40	54	95	148	70	83	63	50	76	58	48	42	36	70	115	92	69	82	70	76	88			775	834	740
Chirops/pods	6	0	54	146	82	36	28	6	7	7	2	2	2	2	68	134	55	34	25	9	2	2			356	376	333
CI Scientists	26	13	10	11	14	8	11	24	75	51	24	27	26	20	18	20	13	18	27	101	46	37			285	294	326
Dietitians	34	7	40	132	82	24	27	12	5	8	2	11	3	8	48	153	86	30	22	10	1	8			419	384	369
Hearing aid disps	15	5	7	25	58	34	37	24	17	25	21	9	13	11	15	41	46	39	40	31	18	21			271	277	275
OTs	51	25	42	360	442	173	201	105	55	69	57	58	39	41	81	351	375	174	225	116	45	61			1,642	1,638	1,508
ODPs	35	14	23	30	132	168	120	35	14	31	7	18	40	25	25	58	114	203	124	43	23	18			673	627	673
Orthoptists	0	1	5	21	28	8	7	2	2	2	0	0	0	0	1	16	26	9	5	7	1	0			62	76	65
Paramedics	108	44	62	146	192	303	178	80	70	174	104	85	87	126	64	198	275	326	235	233	129	114			1,398	1,546	1,787
Physiotherapists	38	17	86	588	510	145	153	72	57	72	60	59	54	14	141	640	430	170	159	70	43	49			1,840	1,857	1.770
Pract psychs	43	35	33	45	66	124	344	173	60	83	35	35	51	32	43	45	63	123	364	137	86	55			1,027	1,076	999
Prosth/orthotists	0	0	5	24	14	5	0	2	1	0	2	1	0	0	7	21	8	1	3	2	1	2			50	54	45
Radiographers	18	9	152	664	286	120	44	40	22	17	17	22	14	7	198	621	219	142	77	31	9	16			1,366	1,411	1,334
Social workers	229	136	93	524	957	700	655	418	326	289	159	186	247	260	230	586	735	576	916	452	273	324			5,239	4,672	4,599
SLTs	27	19	17	131	178	61	120	38	20	50	25	50	13	12	24	148	140	90	103	53	22	51			778	<b>F</b> 1	<b>-</b>
Total	693	381	690	2,965	3,257	2,034	2,058	1,124	799	977	591	621	645	602	1,041	3,188	2,745	2,041	2,460	1,393	788	869				16,190	
Forecast	741	588	1,043	3,760	2,311	2,205	2,470	1,131	759	601	496	770	678	407	691	2,903	3,253	2,114	2,135	1,153	749	824	618	668		16,875	16,193

NOTE: Forecast is based on the average number of UK registrations each month from 11/12 - 16/17, normalised against the latest monthly actuals available. Social worker section of the Register opened 1 Aug 2012 (covers England only).

Application Types Received April 2016 - March 2018

**Registration Department** 



NOTE: The data relates to application forms received, not total fees received.

Forecast is the combined forecast of international applications received and UK applications received.

New Registrants April 2016 - March 2018

**Registration Department** 



NOTE: Forecast is the combined forecast of international applications received and UK applications registered.



**Registration Department** 





Registration Department



NOTE: Forecast is based on registration cycles, using the average figures betw een 12/13 and 16/17, normalised against the latest monthly actuals available.



**Registration Department** 



Registration Appeals Received April 2016 - March 2018



	2016									2017												2018			16/1	7 1	17/18
	Apr	Мау	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	Мау	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	FY	E	YTD
EMR (1)	4	2	1	0	4	2	0	3	5	4	1	2	2	1	1	3	2	3	1	1	1	4				28	19
Non-EMR (2)	1	2	1	0	0	5	0	2	0	1	1	2	1	5	4	1	3	1	0	0	1	1				15	17
Visitors (3)	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	1				2	1
UK (4)	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0				1	0
Returners to																											
practice (5)	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0				1	0
CPD (6)	0	0	0	0	0	0	0	0	0	0	0	0	0	1	2	1	2	4	1	0	1	0				0	12
Health and																									r -		
Character																											
declarations (7)	0	0	3	0	0	1	0	1	2	1	1	0	0	0	0	0	0	4	2	1	0	0				9	7
Total	5	4	6	0	4	8	1	7	8	6	3	4	3	7	7	5	7	12	4	2	3	6				56	56
Forecast	4	6	3	5	4	4	5	5	4	5	6	6	5	4	5	5	4	8	5	6	4	4	6	6		57	62

NOTE: Forecast is based on the average number of appeals received from 11/12 to 16/17.

1 International applications with European Mutual Recognition (EMR) rights.

2 International applications without EMR rights.

3 Delcarations to be on the Register of visiting health professionals.

4 UK applications for registration.

5 Applications for readmission to the Register.

6 Continuing Professional Development profiles.

7 Any application where a positive declaration has been made by the applicant for health and character.

Registration Appeal Decisions April 2016 - March 2018

**Registration Department** 





NOTE: Information covers registration appeals status progress only.

Represents the current workload within the appeals section as at the end of the month.

# Policy and Standards

### Equality, diversity and inclusion policy

- It is a good practice for public bodies to publish policies which set out how they will meet their legislative obligations for equality and diversity.
- A policy and action plan has been developed and is planned to be considered by the Council in May 2018 for discussion / approval.

### Jointly funded research with the Scottish Government

- We are co-funding with the Scottish Government a literature review on health and care professionals returning to practice. The review will look at the risks involved how they are best managed at a regulatory level; and identify good practice in supporting health and care professionals to return to safe and effective practice. The Scottish Government have also funded a stakeholder event to discuss the findings of the research once concluded.
- The outcomes might inform future work in reviewing our returning to practice requirements. They might inform future
  initiatives by the Scottish Government and other parts of the health and social care system in Scotland aimed at supporting
  returners to practice. The research will be carried out by the Nursing, Midwifery and Allied Health Professions (NMAHP)
  Research Unit (Glasgow Caledonian and Stirling universities).
- The research is funded from the 2017-18 Policy and Standards research budget.



Gwirio bod pobl yng Nghymru yn derbyn gofal da

Checking people in Wales are receiving good care



Memorandum of Understanding between:

**Healthcare Inspectorate Wales** 

and

the Health and Care Professions Council

January 2018

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## Version control

Version number	Date agreed
1.0	January 2018

Revision History and Approval

Date	Document revision description
January 2018	Draft v1.0 finalised by Huw Jones (HIW) and Eva Hales (HCPC)
January 2018	Agreed and signed by Kate Chamberlain (HIW)
January 2018	Agreed and signed by Marc Seale (HCPC)
#### Introduction

- 1. The purpose of this Memorandum of Understanding (MoU) is to set out a framework for a working relationship between Healthcare Inspectorate Wales (HIW) and the Health and Care Professions Council (HCPC).
- 2. The working relationship between HIW and the HCPC is part of the maintenance of an assurance system for healthcare that promotes patient safety and high quality healthcare services provided across the United Kingdom.
- 3. Both HIW and the HCPC are committed to exploring ways to develop more effective and efficient partnership working to promote quality and safety within their respective regulatory remits.
- 4. HIW is the independent inspectorate and regulator of healthcare in Wales,
- 5. The HCPC is the independent regulator in the United Kingdom for the 16 professions listed below:

Art therapists	Orthoptists
Biomedical scientists	Paramedics
Chiropodists / podiatrists	Physiotherapists
Clinical scientists	Prosthetists / Orthotists
Dietitians	Radiographers
Hearing aid dispensers	Practitioner psychologists
Occupational therapists	Social Workers (in England)
Operating department practitioners	Speech& language therapists

The individual responsibilities and functions of HIW and the HCPC are set out at <u>Annex A</u> to this MoU.

6. This MoU does not override the statutory responsibilities and functions of HIW and the HCPC and is not enforceable in law. However, HIW and the HCPC are committed to working in ways that are consistent with the content of this MoU.

#### Principles of cooperation

- 7. HIW and the HCPC intend that their working relationship will be characterised by the following principles:
  - a. The need to make decisions that promote high quality healthcare and which protect and promote patient health, safety and welfare.
  - b. Respect for each organisation's independent status.
  - c. The need to maintain public confidence in the two organisations.
  - d. Openness and transparency between the two organisations in those areas of cooperation considered necessary and appropriate and outlined in paragraph 9 of this MoU.

- e. The need to use resources effectively and efficiently.
- 8. HIW and the HCPC are committed to observing the principles for an effective regulatory system for healthcare as identified by the Professional Standards Authority: <u>http://www.professionalstandards.org.uk/docs/default-source/publications/thought-paper/right-touch-regulation-2015</u>).

#### Areas of cooperation

- 9. The working relationship between HIW and the HCPC involves cooperation between the two organisations to assist with individual regulatory activities and processes in the following areas:
  - cross-referral of emerging and/or urgent concerns;
  - sharing of registrant fitness to practise information upon direct request by either organisation;
  - sharing of feedback about particular health or adult social care providers upon direct request by either organisation;
  - sharing of intelligence to inform regular organisation-wide strategic events including biannual healthcare summits in Wales;
  - giving prior notice about any planned media announcements or publications that the other may need to know of; and
  - joint working projects relevant to each organisation's statutory powers.

#### **Cross-referral of concerns**

- 10. Where HIW or the HCPC encounters a concern which it believes falls within the remit of the other, they will at the earliest opportunity convey the concern and relevant information to the respective MoU Lead Officer named in <u>Appendix 1</u> by following the process outlined in the Joint Operating Protocol in <u>Annex B</u>. In the interests of patient safety or protection, the referring organisation will not wait until its own investigation has concluded.
- 11. In particular, HIW will share with or refer to the HCPC:
  - a. Any concerns and relevant information known about any of its registrants which may call into question their fitness to practise, or about any individuals when it is suspected that they are using a protected title (or implying that they are a member of one of the professions regulated by HCPC) however they are not registered with the HCPC.
  - b. Any concerns and relevant information known about a healthcare organisation which may call into question its suitability as a learning environment for students from any of the professions regulated by the HCPC.

- c. Any information about an individual purporting to be from any of the professions regulated by the HCPC where HIW has reason to believe that that person is not on the HCPC Register.
- d. Any concerns and relevant information, such as serious failings in professional leadership, supervision, case load management, training, safeguarding or other related factors that could affect the general delivery of care or services at a healthcare organisation in which any HCPC registrant practices.

#### 12. In particular, the HCPC will refer to HIW:

- a. Any concerns and relevant information known about a healthcare organisation in which an HCPC registrant practises or registrants are trained that falls under the remit of HIW;
- b. Any concerns and relevant information known about a healthcare organisation falls under the remit of HIW regarding the suitability of its supervision practices and /or learning environments for students from any of the professions regulated by the HCPC;
- c. Information about any investigations it conducts which raise concerns about poor team working, leadership, systemic record keeping issues, appraisal systems and general organisational failures in a healthcare organisation that falls under the remit of HIW;
- d. Any concerns and relevant information known about a registrant of the HCPC working as a HIW Registered Manager in a healthcare organisation registered with HIW that may call into question their suitability to perform their functions in that setting.

### **Exchange of information**

- 13. Cooperation between HIW and the HCPC will often require the exchange of information. All arrangements for collaboration and exchange of information set out in this MoU and any supplementary agreements will take account of and comply with the Data Protection Act 1998, the Health and Social Work Professions Order 2001, and any HIW and HCPC codes of practice, frameworks or other policies relating to confidential personal information.
- 14 HIW and the HCPC will only use the information they receive from each other for the purpose of discharging their statutory functions.
- 15. This MoU is supplemented by a separate Joint Operating Protocol at <u>Annex</u> <u>B</u> which sets out the detailed arrangements for sharing information between the parties. Both HIW and the HCPC are subject to the Freedom of Information Act 2000. If one organisation receives a request for information that originated from the other, the receiving organisation will discuss the request with the other before responding. However, the ultimate decision on the release of information will remain with the information owner (the organisation that has been requested to release it).

#### Wales Concordat Cymru

16. HIW and the HCPC are members of the Wales Concordat Cymru forum of bodies inspecting, regulating, and auditing health and social care in Wales. HIW and the HCPC have agreed to work together with the other bodies to improve services for patients, service users, and their carers whilst eliminating unnecessary burdens of external review on front line staff.

#### **Resolution of disagreement**

17. Any disagreement between HIW and the HCPC will normally be resolved at working level. If this is not possible, it may be referred through those responsible for the management of this MoU, up to and including the Chief Executive of HIW and the Chief Executive and Registrar of the HCPC who will then jointly be responsible for ensuring a mutually satisfactory resolution.

#### Duration and review of this MoU

- 18. This MoU commences on the date of signatures below. It is not time-limited and will continue to have effect unless the principles described within need to be altered or cease to be relevant. The Annexes may be reviewed more regularly. The MoU may be reviewed urgently at any time at the request of either party, but changes will require agreement by both organisations.
- 19. Both organisations have identified a Lead Officer in <u>Appendix 1</u> who will be responsible for the management of this MoU. The Lead Officers will liaise as required to ensure this MoU is kept up to date and to identify any emerging issues in the working relationship between the two organisations.

### Signatures

Vas

**Dr Kate Chamberlain** Chief Executive Healthcare Inspectorate Wales

Date:

Mrc Scale

Marc Seale Chief Executive and Registrar Health and Care Professions Council

Date:

## Annex A: Responsibilities and functions

1. Healthcare Inspectorate Wales (HIW) and the Health and Care Professions Council (HCPC) acknowledge the responsibilities and functions of each other and will take account of these when working together.

#### Healthcare Inspectorate Wales

- 2. Healthcare Inspectorate Wales (HIW) is the independent inspectorate and regulator of healthcare in Wales.
- 3. HIW carries out its functions on behalf of Welsh Ministers and, although part of the Welsh Government, protocols have been established to safeguard its operational autonomy. HIW's main functions and responsibilities are drawn from the following legislation:
  - Health and Social Care (Community Health and Standards) Act 2003;
  - Care Standards Act 2000 and associated regulations;
  - Mental Health Act 1983 and the Mental Health Act 2007;
  - Statutory Supervision of Midwives as set out in Articles 42 and 43 of the Nursing and Midwifery Order 2001;
  - Ionising Radiation (Medical Exposure) Regulations 2000 and Amendment Regulations 2006; and
  - the Independent Health Care (Wales) Regulations 2011.
- 4. HIW's work is structured to support the delivery of activities across three key areas:
  - Regulation of independent healthcare;
  - Inspecting the NHS; and
  - Mental health.
- 5. The collective combination of these activities supports HIW's three priorities to:
  - Provide an independent view on the quality of care;
  - Encourage improvement through reporting and sharing of good practice; and
  - Use what we find to influence policy, standards, and practice.
- 6. HIW's core role is to review and inspect NHS and independent healthcare organisations in Wales to provide independent assurance for patients, the public, and others that services are safe and of good quality. Services are reviewed against a range of published standards, policies, guidance and regulations. As part of this work, HIW will seek to identify and support improvements in services and the actions required to achieve this. If necessary, HIW will undertake special reviews and investigations where there appears to be systematic failures in delivering healthcare services to ensure that rapid improvement and learning takes place.

## The Health and Care Professions Council

- 7. The Health and Care Professions Council (HCPC) is the regulator of 16 professions:
  - Arts therapists Biomedical scientists Chiropodists / podiatrists Clinical scientists Dietitians Hearing aid dispensers Occupational therapists Operating department practitioners
- Orthoptists Paramedics Physiotherapists Prosthetists / Orthotists Radiographers Practitioner psychologists Social Workers (in England) Speech& language therapists
- 8. The responsibilities and functions of the HCPC are set out in the Health and Social Work Professions Order 2001 (the Order). The Order protects one or more designated titles for each of the relevant professions and anyone using one of those titles must be registered with the HCPC. Misuse of a title is a criminal offence.
- 9. Under the Order the principal functions of the HCPC are to establish standards of education, training, conduct and performance for members of the relevant professions and to ensure the maintenance of those standards. It does this by:
  - a) setting standards, including Standards of Proficiency, Standards of Conduct, Performance and Ethics and Standards of Education and training;
  - b) approving education programmes and qualifications which meets its standards;
  - c) maintaining a register of appropriately qualified professionals; and
  - d) investigating and adjudicating complaints about their fitness to practise.
- 10. The main objective of the HCPC in exercising its functions shall be to safeguard the health and well-being of persons using or needing services of registrants.
- 11. The HCPC also has a duty to co-operate, with, inter alia, bodies concerned with the regulation, or the co-ordination of the regulation, of other health and social care professionals, the regulation of health services, and the provision, supervision or management of health or education service.

# Annex B: Joint Operating Protocol

This protocol sets out the details of how HIW and the HCPC work together to operationalise the Memorandum of Understanding (MoU) in the following areas:

- 1. Key communication routes between HIW and the HCPC;
- 2. When and how information is shared; and
- 3. Media and publications.

This protocol is designed to work alongside, and not separately from, existing processes in each organisation and, where relevant, reflects these for the benefit of staff and management.

The persons in each organisation responsible for the MoU will oversee the application of the protocol. The protocol is not time limited and will continue to have effect unless any section needs to be altered or ceases to be relevant.

## 1. Key communication routes between HIW and HCPC

HIW and the HCPC have different structures. To make sure that there is always a clear point of contact and to record information sharing between the two organisations effectively, each organisation should use the following email address:

- The HCPC approaching HIW (Corporate Intelligence and Development Team): <u>HIW.CID@gov.wales</u>
- HIW approaching the HCPC (Assurance and Development Team): ad@hcpc-uk.org.

The email addresses should be used both to request information and to refer concerns. The email addresses are also an important component of how the exchange of information will be monitored and how the outcomes and effectiveness of the relationship will be evaluated. If a direct relationship already exists between HIW and the HCPC in relation to a matter, staff can email contacts directly, but should also copy in the relevant email address.

Key contacts within each organisation are attached at Appendix 1.

# 2. When and how information is shared

HIW and the HCPC will share information with each other through planned activities and when there is a need to respond to emerging, urgent concerns, as outlined below.

## 2.1. Emerging or urgent concerns

Emerging or urgent concerns that may present a danger to the safety of people using healthcare services and where those concerns are considered to be relevant to the other organisations' regulatory functions need to be shared promptly. Information for HIW and HCPC staff on when and how to make a referral to the other organisation is detailed here.

## Information for HIW staff on making referrals to the HCPC

The HCPC regulates the following health and social care professionals:

Orthoptists Arts therapists **Paramedics Biomedical scientists Physiotherapists** Chiropodists / podiatrists **Clinical scientists** Prosthetists / Orthotists Radiographers Dietitians Practitioner psychologists Hearing aid dispensers Occupational therapists Social Workers (in England) Speech& language therapists Operating department practitioners

All of these professions have at least one professional title that is protected by law, including those shown above. This means that anyone using the titles must be registered with the HCPC. An individual's registration status can be checked by searching the Register on the HCPC's website: <u>HCPC - Health and Care</u> <u>Professions Council - The Register</u>.

### What concerns are appropriate?

<u>Unregistered individuals</u> – referring a concern to the HCPC is appropriate when you suspect that an individual is using a protected title (or implying that they are a member of one of the professions) however they are not registered with the HCPC. Further guidance on protection of title can be found on the HCPC's website: <u>HCPC - Health and Care Professions Council - Protection of title</u>.

<u>Registered individuals (registrants)</u> - referring a concern to the HCPC is appropriate when the conduct, performance or health of a registrant raises potential issues about their fitness to practise. A registrant is 'fit to practise' when they have the skills, knowledge and character to practise their profession safely and effectively. Further guidance about raising a concern about a registrant can be found on the HCPC's website: <u>HCPC - Health and Care Professions Council -</u> <u>Complaints</u>.

<u>Suitability of learning environments</u> – referring a concern to the HCPC is appropriate when the quality of a healthcare organisation calls into question its suitability as a learning environment for students for any of the professions regulated by the HCPC. An environment is suitable for use by an approved programme when it meets the requirements of our standards of education and training. Further guidance about raising a concern about a learning environment can be found on the HCPC's website: <u>HCPC - Raising a concern about an</u> <u>approved programme</u>.

Consider the reasons for referring your concerns and discuss them with your manager or Head of Branch first. It is important to establish whether:

local action has been taken;

- the employing organisation or agency has already investigated the concern or is in the process of doing so; and
- the employing organisation or agency has already made a referral to the HCPC.

Local action or an existing referral should not preclude HIW referral to the HCPC. HCPC processes often take place alongside any local action. Where a referral has already taken place, additional information can usefully support any investigation.

You can also ask for advice from the MoU Lead Officer (see Appendix 1).

Once you have decided to refer a concern to the HCPC you should complete an HCPC <u>'reporting a fitness to practise concern'</u> form and forward it to the MoU Lead Officer (see <u>Appendix 1</u>).

The HCPC should provide feedback by informing the MoU Lead Officer whether any activity will be undertaken. If the HCPC undertakes activity, The HCPC will provide the MoU Lead Officer with update/s on the activity and the final outcome.

### Information for HCPC staff on making referrals to HIW

HIW's organisational purpose is to check that people in Wales are receiving good care; this is achieved through the regulation and inspection of NHS services and independent healthcare organisations in Wales against a range of standards, policies, guidance and regulations to highlight areas requiring improvement.

System concerns about patient safety, quality of care or education and training practices may emerge during a fitness to practise investigation or education inspections on registrants or healthcare organisations in Wales.

If you are not sure whether to refer a system concern to the Operations Team for consideration for referral to HIW, you should speak to your manager.

Step	Activity
1	A HCPC function (for example, case management or a Panel) identifies an issue that may require referral to HIW. The issue is forwarded to the Operations Team via the Assurance and Development inbox: <a href="mailto:ad@hcpc-uk.org">ad@hcpc-uk.org</a> .
2	An Assurance and Development Officer reviews the information as soon as possible and makes a recommendation to an Assurance and Development Manager as to whether a referral is required.
3	If the Assurance and Development Manager decides a referral should be made, an Assurance and Development Officer should make a referral via email to the MoU Lead Officer (see <u>Appendix 1</u> ).
4	HIW should provide feedback by informing the MoU Lead Officer whether any activity will be undertaken. If HIW undertakes activity, HIW will provide the MoU Lead Officer with update/s on the activity

and the final outcome.

All documents in relation to the HCPC's decision making on referrals to HIW are added to the case on the relevant system. Any feedback or updates received from HIW to HCPC on a particular referral should also be added to the case on the system.

The HCPC keeps a separate audit trail of the referrals it makes to HIW and the outcome of those referrals. It can therefore report on the referrals it makes. The reports will be discussed as appropriate at appropriate forums at the HCPC.

## 2.2 Sharing of fitness to practise information

The HCPC is committed to sharing the information it publishes about the fitness to practise of individual registrants with HIW. Information about a registrant's health is always kept confidential.

The HCPC publishes information on its external website about upcoming hearings including details of concerns

(<u>https://www.hcpts-uk.org/hearings/upcoming</u>) and issues a media schedule of fitness to practise hearings

(https://www.hcpts-uk.org/hearings/mediareleases).

In addition, the HCPC publishes information about the sanctions it has imposed when its registrants are not fit to practise (<u>https://www.hcpts-uk.org/hearings/recentdecisions</u>).

The HCPC agrees to share more detailed information where this is requested by HIW. Requests for information should be sent to the MoU Lead Officer at the HCPC.

HIW routinely publishes reports of its findings arising from inspection visits. HIW agrees to share more detailed information supporting those findings where this is requested by the HCPC. Requests for information should be sent to the MoU Lead Officer at HIW.

## 2.3 HIW Healthcare Summits

Twice a year, HIW run healthcare summits to enable audit, inspection, regulation and improvement bodies to share intelligence on the quality and safety of healthcare services provided by NHS Wales.

Before each summit, HIW will contact HCPC to see if they hold any relevant intelligence on NHS organisations in Wales. If so, the HCPC will provide the information prior to the meeting where possible.

## 2.4 Evidence to parliamentary committees: central government

HIW and HCPC will, when appropriate (and subject to the standard rules on parliamentary hearings and engagements), share with each other details of

evidence provided to any parliamentary committees in relation to the operation of the regulatory regime or the exercise of their functions.

## 2.5 Joint working

HIW and the HCPC may, by agreement, undertake joint regulatory or strategic work, relevant to each body's statutory powers. If and when HIW and the HCPC decide to undertake joint work, a joint working statement will be developed setting out the specific detail and arrangements for that work. Throughout such work HIW and the HCPC will retain and exercise their own statutory powers. This work could include:

- joint reviews of information about a healthcare organisation;
- site visits to a healthcare organisation;
- the co-production of documents and reports and the coordination of any follow up action planning to address any recommendations;
- the joint production of research and analysis reports;
- joint public responses to external policy developments; and
- joint guidance or position statements.

### 3 Media and publications

HIW and the HCPC will seek to give each other adequate warning of and sufficient information about any planned announcements to the public that the other may need to know of.

Each organisation will involve the other as early as possible in the development of planned announcements, including the sharing of draft proposals and publications, which may affect both regulators.

HIW and the HCPC respect confidentiality of any documents shared in advance of publication and will not act in any way that would cause the content of those documents to be made public ahead of the planned publication date.

# **Appendix 1: Contact details**

# Organisational details:

Healthcare Inspectorate Wales	Health and Care Professions Council
Rhydycar Business Park	Park House
Merthyr Tydfil	184 Kennington Park Road
CF48 1UZ	London
Telephone: 0300 062 8163	SE11 4BU
	Telephone: 0845 300 6184

There will be specific points of contact between HIW and the HCPC as follows:

## MoU Lead Officers

HIW	НСРС
Huw Jones	Eva Hales
Corporate Intelligence Analyst	Assurance and Development
Email: huw.jones@wales.gsi.gov.uk	Manager
Tel: 0300 0255 996	Email: eva.hales@hcpc-uk.org
	Tel: 0207 840 9742

#### Media:

HIW	HCPC
Natalie Jones	Grant Imlach
Communications and Engagement	Media and PR Manager
Manager	Email: grant.imlach@hcpc-uk.org
Email:	Tel: 0207 840 9784
HIWcomms@wales.gsi.gov.uk	
Tel: 0300 062 8382	

# Reconciliation of Disagreements (internal escalating policies should be followed before referral to Chief Executives):

HIW	HCPC
Dr Kate Chamberlain	Marc Seale
Chief Executive	Chief Executive
Email:	Email: marc.seale@hpc-uk.org
kate.chamberlain@wales.gsi.gov.uk	

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