

## Fitness to Practise Committee

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

**Date:** Thursday 3 June 2010

**Time:** 10:30 am

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

**Members:** Mary Clark-Glass  
Malcolm Cross  
Julia Drown  
Morag MacKellar  
Keith Ross (Chair)  
Annie Turner  
Neil Willis

**In attendance:**

Alison Abodarham, Head of Adjudication  
Ciara O'Dwyer, Lead Case Manager  
Anna van der Gaag, Chair of Council  
Kelly Johnson, Director of Fitness to Practise  
Zoe Maguire, Investigations Manager  
Steve Rayner, Secretary to the Committee  
Marc Seale, Chief Executive

## Part 1 – Public Agenda

### Item 1.10/17 Chair's welcome and introduction

- 1.1 The Chair welcomed members to the meeting.

### Item 2.10/18 Apologies for absence

- 2.1 Apologies were received from John Donaghy, Deep Sagar and Penny Renwick

### Item 3.10/19 Approval of agenda

- 3.1 The Committee approved the agenda.

### Item 4.10/20 Declaration of members' interests

- 4.1 The Chair declared an interest in item 16 (Update on CHRE report). The Chair's wife was a member of the Commission for Health Regulatory Excellence. The Committee did not consider that this precluded the Chair from discussions.

### Item 5.10/21 Public minutes of the committee of 25 February 2010

- 5.1 The minutes were agreed as a true record and signed by the Chair.

### Item 6.10/21 Matters arising from previous meetings

- 6.1 The Committee received a paper from the Executive recording the matters arising from the last meeting, and the actions taken in relation to those matters.
- 6.2 The Committee noted the actions.

### Item 7.10/22 Chairs report

- 7.1 The Chair had attended HPC to discuss the provision of information to the Committee with the Director of Fitness to Practice and Chief Executive.
- 7.2 Recruitment for Panel members was under-way.

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various	a	Secretariat	MIN	Committee minutes	Draft DD: None	Public RD: None

- 7.3 There would be a stakeholder workshop on the expectations of complainants in the afternoon following the meeting.

#### **Item 8.10/23 Director of Fitness to Practise report**

- 8.1 The Committee received a paper from the Executive providing a summary of the work of the Fitness to Practise Department (the Department) from March 2010 to June 2010. The report also included monitoring information on key performance indicators, as well as the management reporting information on the fitness to practise process.
- 8.2 The Committee noted the promotions of Zoe Maguire to the post of Investigations Manager; and of Ciara O'Dwyer and Sabrina Adams, both to the post of Lead Case Manager.

#### Current key projects

- 8.3 The case management project was progressing well with detailed design and construction. The intention was to achieve a paper free system within 18 months.
- 8.4 The Expectations of Complainants workshop would be held in the afternoon following the Committee. Brochures and guidance were being updated.

#### Management information – future provision of data to the Committee

- 8.5 The Committee noted that key performance indicators were most useful when read in conjunction with other management information. For example the average number of pre-ICP cases per case manager was more meaningful when compared to the amount of open cases.
- 8.6 The committee received three reports. The full management information pack, a set of key indicators with a commentary and a summary of headline indicators.
- 8.7 The Committee noted that the additional key performance indicators and commentary were useful but that they had caused the Department additional work to produce.
- 8.8 The Committee agreed that it was necessary for it to continue to monitor the full management information in order for it to fulfil its governance role, but that it did not need to discuss the data in detail at every meeting. The data should be provided to note at each meeting. If a member wished to raise a part of the data for full discussion they should notify the Chair prior to the meeting

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- 8.9 The Committee agreed that the Director should continue to provide the full information pack and the headline indicators with a narrative commentary on them in addition to exception reporting as part of the Directors report.
- 8.10 The Committee noted that the yearly annual report development process was an opportunity to discuss the reporting data in detail.

**ACTION:** **Director of Fitness to Practise** to provide Management reporting data to the Committee to note at every meeting and a narrative commentary on headline statistics in addition to exception reporting as part of the Directors report.

**Item 09.10/24 Fitness to practise annual report 2009-2010**

- 9.1 The Committee received a paper from the Executive introducing a draft of the FtP annual report 2009-10. The report had been produced on a yearly basis, but this was the first year it would be laid before Parliament.
- 9.2 The Committee were invited to discuss the report, and to recommend it to the Council.
- 9.3 The Committee noted that the report would be subject to the HPC publications procedure before publication.
- 9.4 The committee noted that the report was read with interest by registrants, which made its publication an opportunity to help stakeholders outside government understand the fitness to practise process at HPC.
- 9.5 The Committee agreed to recommend the annual report to the Council, subject to the following amendments:
  - (i) inclusion of a paragraph at the beginning on the purpose of fitness to practise;
  - (ii) clarification of the use of the phrase 'not well founded' to make it easier for lay readers to understand; and
  - (iii) graph 1 to be split in to two charts to make it easier to understand
  - (iv) signposts to the work planned and being done by HPC in response to issues highlighted by the report such as the increase in the number of complaints.

**ACTION:** **Investigations Manager** to make the above amendments and submit the report to the Council on 7 July 2010.

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### **Item 10.10/24 Website information policy**

- 10.1 The Committee received a paper from the Executive regarding the publication of information on fitness to practise cases. The report had been written in response to a recommendation from the IPSOS Mori research into the expectations of complainants that reasons for the provision of such information should be displayed on the HPC website.
- 10.2 The Committee were invited to discuss the report and recommend any updates to the information policy.
- 10.3 The Committee noted that the Executive planned to place a rationale for the information it published regarding fitness to practise cases on the HPC website.
- 10.4 The Committee agreed that it was in the public interest to retain the current policy to the publication of information without change.

### **Item 11.10/26 Practice note: Article 30(7)**

- 11.1 The Committee received a paper presenting a new practice note setting out the test that panels should apply when determining whether to grant applications to submit new evidence for review under Article 30(7) of the Health Professions Order 2001.
- 11.2 The Committee were invited to discuss the changes, and recommend them to the Council.
- 11.3 The Committee approved the practice note, and recommended it to the Council for approval.

### **Item 12.10/27 Practice note: hearings in private**

- 12.1 The Committee received a paper presenting changes to the practice note setting out issues that panels should consider when deciding whether all or part of a fitness to practise proceeding should be held in private. The practice note had been reviewed as part of the 2010-11 work-plan to ensure that it remained fit for purpose.
- 12.2 The Committee were invited to discuss the changes, and recommend them to the Council.
- 12.3 The Committee approved the changes, and recommended the amended practice note to the Council for approval.

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### **Item 13.10/28 Practice note: finding that fitness to practise is impaired**

- 13.1 The Committee received a paper presenting changes to the practice note setting out issues that panels should take into consideration at the impairment stage of a hearing. The practice note had been amended to add information regarding culpability and factors to take into consideration at impairment stage regarding aggravation and mitigation.
- 13.2 The Committee were invited to discuss the changes, and recommend them to the Council.
- 13.3 The Committee approved the changes, and recommended the amended practice note to the Council for approval.

### **Item 14/10.29 Practice note: case management and directions**

- 14.1 The Committee received a paper presenting changes to the practice note setting out default directions that apply to fitness to practise cases. The practice note had been reviewed as part of the 2010-11 work-plan to provide more information on the purpose of case management and directions.
- 14.2 The Committee were invited to discuss the changes, and recommend them to the Council.
- 14.3 The Committee approved the changes, and recommended the amended practice note to the Council for approval.

### **Item 15.10/30 Practice note: hearing venues**

- 15.1 The Committee received a paper presenting changes to the practice note providing guidance on the location of hearings. The practice note had been reviewed as part of the 2010-11 work-plan to ensure that it remained fit for purpose.
- 15.2 The Committee were invited to discuss the changes, and recommend them to the Council.
- 15.3 The Committee approved the changes, and recommended the amended practice note to the Council for approval.

### **Item 16.10/31 CHRE audit – progress report**

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					DD: None	RD: None

16.1 The Committee received a paper from the Executive providing and update on progress in relation to recommendations agreed by the Council in response to the CHRE report into the initial stages of the fitness to practise process.

16.2 The Committee noted the progress report.

**Item 17.10/32 Any other business**

17.1 There was no further business.

**Item 18.10.33 Future meetings**

12.1 Thursday 21 October 2010  
Wednesday 16 February 2011  
Thursday 26 May 2011  
Thursday 13 October 2011

**Part 2 – Private agenda**

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

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

**Signed:** .....

**Date:** .....