

Council, 6 July 2016

HCPC response to the Report of the Mid Staffordshire NHS Foundation Trust Public Inquiry – Third update on commitments

Executive summary and recommendations

Introduction

In February 2013, the Mid Staffordshire NHS Foundation Trust Public Inquiry reported to the Secretary of State for Health. At its meeting in March 2013, the Council considered a paper from the Executive which highlighted and discussed the recommendations made by the Inquiry which were relevant to the HCPC.

The Council considered a further paper in May 2013 containing a policy statement and an action plan aimed at meeting those recommendations in the short to medium term. It was agreed that the action plan would be kept under regular review, with a progress update published at least once a year.

Updates on the work undertaken in relation to the agreed commitments of the action plan were provided to the Council in July 2014 and June 2015. The Council agreed that one more formal update would be prepared, after which any future reporting against the action plan would be done via routine departmental reports.

The attached paper provides the third update on commitments in the action plan.

Decision

This paper is to note.

Background information

- Council, 27 March 2013. Report of the Mid Staffordshire NHS Foundation Trust Public Inquiry.
<http://www.hpc-uk.org/assets/documents/10003F71enc06-ReportoftheMidStaffpublicinquiry.pdf>
- Council, 9 May 2013. HCPC response to the Report of the Mid Staffordshire NHS Foundation Trust Public Inquiry.
<http://www.hcpc-uk.org/assets/documents/10003FDCenc05-MidStaffordshireNHSFoundationTrustPublicInquiryactionplan.pdf>

- Council, 2 July 2014. HCPC response to the Report of the Mid Staffordshire NHS Foundation Trust Public Inquiry – Update on commitments.
<http://www.hcpc-uk.org/assets/documents/10004703enc05-HCPCresponsetotheReportoftheMidStaffordshireNHSFoundationTrustPublicInquiryUpdateoncommitments.pdf>
- Council, 30 June 2015. HCPC response to the Report of the Mid Staffordshire NHS Foundation Trust Public Inquiry – Second update on commitments.
<http://www.hcpc-uk.org/assets/documents/10004C44Enc05-HCPCresponsetotheReportoftheMidStaffordshireNHSFoundationTrustPublicInquiry2ndupdateoncommitments.pdf>

Other background: see paper.

Resource implications

There are no resource implications as a result of this paper.

Financial implications

There are no financial implications as a result of this paper.

Appendices

None

Date of paper

16 June 2016

HCPC response to the Report of the Mid Staffordshire NHS Foundation Trust Public Inquiry – Third update on commitments

1. Introduction

- 1.1 In February 2013, the report of the Mid Staffordshire NHS Foundation Trust Public Inquiry ('the Report') was published¹. The terms of reference of the Public Inquiry were to examine the 'operation of commissioning, supervisory and regulatory organisations and other agencies...in relation to their monitoring role of Mid Staffordshire NHS Foundation Trust' (Executive Summary, p. 10).
- 1.2 In its introduction, the Report urges organisations to do the following in implementing its recommendations:
- 'It is recommended that:
- All commissioning, service provision, regulatory and ancillary organisations in healthcare should consider the findings and recommendations of this report and decide how to apply them to their own work;
 - Each such organisation should announce at the earliest practicable time its decision on the extent to which it accepts the recommendations and what it intends to do to implement those accepted, and thereafter, on a regular basis, but not less than once a year, publish in a report information regarding its progress in relation to its planned actions' (pp. 24-25).
- 1.3 This paper provides a brief summary of the HCPC's response to the Report, as well as a progress update on our agreed action plan to implement the recommendations.

2. Our response to the Report

- 2.1 In March 2013, the Council considered a paper from the Executive which summarised key areas addressed in the Report; grouped and analysed recommendations which were relevant to the HCPC; and proposed specific responses and actions to be taken².
- 2.2 Subsequently in May 2013, the Council considered a policy statement acknowledging the important role that HCPC as a professional regulator has to play in helping to ensure quality and safety in health and social care services. An action plan was also presented to the Council, including specific actions identified for the short to medium

¹ The full report is available here: <http://www.midstaffpublicinquiry.com/report>

² Our detailed analysis of the Report is available here: <http://www.hpc-uk.org/assets/documents/10003F71enc06-ReportoftheMidStaffpublicinquiry.pdf>

term, which would enable HCPC to meet, or contribute towards meeting, the Report's recommendations³.

3. Agreed action plan

3.1 The action plan covers the following areas:

- Fitness to practise – improving the process and sharing of information
- Education and training – improving the quality assurance process, in particular ensuring the safety of service users in the practice learning environment
- Standards of conduct, performance and ethics – clarifying expectations for professionals to raise and escalate concerns
- Professionalism – promoting professionalism among registrants
- Complaints about the HCPC – improving transparency and the availability of information about complaints

3.2 The plan includes timescales for implementation of each commitment, and it was agreed to keep it under regular review and to publish reports on our progress.

3.3 Progress reports relating to the action plan were previously presented to the Council in July 2014⁴ and June 2015⁵. The following section provides an third update on progress made since last year against the agreed commitments. This includes an indication of which actions have been completed and which are ongoing.

3.4 In June 2015, the Council agreed to consider one more formal update on the agreed actions; and that due to the ongoing nature of some actions, they will be best monitored in future via approval of directorate workplans each year and scrutiny of operational reports at Council meetings.

³ The policy statement and action plan can be found here: <http://www.hpc-uk.org/assets/documents/10004097HCPCresponsetotheReportoftheMidStaffordshireNHSFoundationTrustPublicInquiry.pdf>

⁴ The July 2014 progress update is available here: <http://www.hpc-uk.org/assets/documents/10004703enc05-HCPCresponsetotheReportoftheMidStaffordshireNHSFoundationTrustPublicInquiryUpdateoncommitments.pdf>

⁵ The June 2015 progress update is available here: <http://www.hpc-uk.org/assets/documents/10004C44Enc05-HCPCresponsetotheReportoftheMidStaffordshireNHSFoundationTrustPublicInquiry2ndupdateoncommitments.pdf>

4. Update on the action plan

Area	Commitment	Agreed timescale	Updates
Fitness to practise			
Sharing of fitness to practise information	We will monitor and review the effectiveness of the existing Memorandum of Understanding (MOU) with the Care Quality Commission.	2013-2014 and ongoing	<p>Complete.</p> <p>The Executive reviewed and re-signed the MOU with the Care Quality Commission (CQC) in September 2014 and has also agreed:</p> <ul style="list-style-type: none"> • a joint operating protocol, setting out how the MOU will be operationalised; and • an information sharing agreement, setting out what, how, when and with whom information will be shared, along with any necessary security arrangements. <p>In addition to responding to the CQC's routine information requests, the HCPC has since made four referrals to the CQC.</p>
	We will explore the scope to develop similar MOUs with other UK health and social care service regulators and other relevant organisations and to share information and trends analysis.	2013-2014 and ongoing	<p>Ongoing.</p> <p>Since 2013 the HCPC has also signed MOUs with the Disclosure and Barring Service (DBS); NHS Protect, NHS Counter Fraud Services (Wales) and Department of Health Anti-Fraud Unit; and the Regulation and Improvement Authority in Northern Ireland.</p> <p>We are in continuing dialogue with the Health Inspectorate Wales and the Office for Standards in Education, Children's</p>

			Services and Skills (Ofsted) with a view to establishing MOUs.
Improving the fitness to practise experience	We will continue to review and improve the experience of complainants and witnesses during the fitness to practise process.	2013-2014	<p>Complete.</p> <p>Following the publication of the 'Review of the NHS Hospitals Complaint System Putting Patients Back in the Picture' final report by Rt. Hon. Ann Clwyd MP and Professor Tricia Hart in October 2013, the Executive reviewed the report and the recommendations relevant to HCPC. A paper was presented to Council in March 2014 outlining our response to the report; the actions to be taken as a result of the recommendations; timescales for implementation; and arrangements for reporting progress⁶.</p> <p>In order to improve the experience of complainants and witnesses, we updated our fitness to practise service standards and reminded staff of our service standard commitments.</p> <p>Our brochure for members of the public – 'How to raise a concern' has been revised (published in May 2016)⁷. The brochure focuses on providing information about the fitness to practise process which is directly relevant to members of the public rather than just the process in general. The revised brochure has been certified by the Plain English Campaign. The member of the public referral form has also been revised, with the objective of supporting members of the public in providing the information we need to deal with their concerns as quickly and as efficiently as possible.</p>

⁶ The paper is available here: <http://www.hcpc-uk.org/assets/documents/100045AEEnc02-AReviewoftheNHSHospitalComplaintSystemHCPCResponse.pdf>

⁷ The brochure is available here: <http://www.hcpc-uk.org/assets/documents/10002F7462600HPCHowtoMakeaComplaint.pdf>

			<p>In May 2016 we also refreshed the fitness to practise homepage so it is clearer, less text heavy and easier to navigate.⁸ Two new webpages were also been added. A 'Contact us' page setting out the contact details for the Fitness to Practise Department and a 'Guidance and resources' pages which sets out direct links to all fitness to practise brochures, factsheets, legislation, policies, practice notes and annual reports.</p> <p>We have developed internal operational guidance on 'Managing complaints about FTP' to ensure we are effectively using the complaints we receive to review, amend and revise our current processes where necessary.</p> <p>We have reviewed our Standard of Acceptance policy document and developed a factsheet to explain the policy specifically for members of the public, which has been certified by the Plain English Campaign⁹.</p> <p>Since January 2016, following a pilot, we have used feedback forms to help understand the experience of raising a concern with the HCPC. The forms ask complainants and registrants, whose case has been closed either by an Investigating Committee Panel or a final hearing Panel, to provide feedback on the service they received from the Fitness to Practise Department.</p>
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⁸ See <http://www.hcpc-uk.org/complaints/>

⁹ See Standard of Acceptance factsheet: <http://www.hcpc-uk.org/assets/documents/10004E79Factsheet-Standardofacceptanceexplained.pdf>

	<p>We will review the Patients Association's peer review into complaints at Mid Staffordshire and identify any learning for our handling of fitness to practise complaints.</p>	<p>May 2013</p>	<p>Complete.</p> <p>The Executive undertook a review of the fitness to practise process in light of the Patients Association's 12 standards of effective complaint handling, in order to identify good practice or areas of improvement.</p> <p>Following the review, we identified five areas of work. To date, we have reviewed our operational guidance to ensure that complainants and registrants are notified if there is a change in the case manager managing their case, in order to maintain a single point of contact. A new 'consent to release health records' form has been developed. The new form has been specifically designed to be easier to follow and complete. We have also introduced a form for persons acting in a representative capacity.</p> <p>We continue to review our standard letters as part of the 'tone of voice' review. To date we have completed the review of the standard letters used in relation to protection of title concerns and have developed a factsheet.</p>
	<p>We will explore the potential for work with the Patients Association to peer review how the HCPC has handled fitness to practise complaints.</p>	<p>2013-2014</p>	<p>Complete.</p> <p>The Patients Association was contracted to conduct a peer review of our fitness to practise process using the model they designed for Mid Staffordshire NHS Foundation Trust. HCPC is the first health and social care regulator to work with the Patients Association in this way.</p> <p>The Patients Association final report and the HCPC's response to the recommendations was presented to Council</p>

			in September 2014 ¹⁰ . Commitments made in response to the report have been incorporated into the Fitness to Practise departmental workplan for 2015/16 and 2016/17.
Guidance for employers	We will develop guidance for employers on making fitness to practise referrals	2013-2014 into 2014-2015	<p>Complete</p> <p>A paper which summarised the work we have completed to enhance our engagement with employers and, in particular the information sources we have available to them, was presented to the Council in March 2015¹¹.</p> <p>Outputs of this work include the following:</p> <ul style="list-style-type: none"> • a revised brochure which focuses on providing information which is directly relevant to employers rather than the fitness to practise process in general; • a revised FTP complaint referral form; • updated webpages; • refreshed FTP sessions at HCPC employer events including new case studies; and • the establishment of single points of contact at large employers.

¹⁰ See: Council meeting, 25 September 2015. The Patients Association's Peer Review of the HCPC's fitness to practise process – the final report and the HCPC's response. <http://www.hcpc-uk.org/assets/documents/100048A2Enc05-ThePatientsAssociationReview.pdf>

¹¹ See: Council meeting, 26 March 2015. Fitness to practise – Employer engagement. <http://www.hcpc-uk.org/assets/documents/10004B1DEnc08-FitnesstoPractiseEmployerEngagement.pdf>

Education and training

<p>Sharing information – education and training</p>	<p>We will consider how we might routinely identify trends in practice learning environments, including the potential development of formal information sharing arrangements with other professional and systems-based regulators.</p>	<p>2013-2014 and ongoing</p>	<p>Ongoing.</p> <p>The Executive continues to develop and maintain partnerships with other organisations across the education sector to support the timely sharing of information. We will continue to work collaboratively with professional bodies, education and commissioning bodies (including the Quality Assurance Agency, Health Education England, NHS Education for Scotland and NHS Wales Shared Services Partnership) and other health and care regulators and share information where appropriate.</p>
<p>Involvement of service users and carers in education and training</p>	<p>We will amend the standards of education and training to require the involvement of service users and carers in approved programmes.</p>	<p>Introduced on a phased basis from 2014-15 academic year</p>	<p>Complete (phased introduction ongoing).</p> <p>In July 2013 the Council agreed to add a standard requiring the involvement of service users and carers in the design and delivery of approved programmes¹². It is being phased in over a number of years.</p> <p>In the 2014-15 academic year, the following programmes were assessed against this new standard:</p> <ul style="list-style-type: none"> • new programmes being visited for the first time (excluding prescribing programmes); • transitionally approved social work programmes; and • programmes requiring a visit as a result of a major change or an annual monitoring submission.

¹² See Council meeting, 4 July 2013. Service user and carer involvement in education and training programmes – consultation responses and our decisions. <http://www.hcpc-uk.org/assets/documents/100040C1Enc08-Serviceuserandcarerinvolvementineducation.pdf>

			<p>An analysis of the findings from the 2014-15 academic year was incorporated into the Education annual report 2015¹³.</p> <p>From the 2015-16 academic year onwards, all new and existing programmes being visited will be assessed against the new standard. In the 2015-16 and 2016-17 academic years, all existing approved programmes are being assessed against this new standard as part of the annual monitoring audit.</p> <p>An analysis of the findings from the 2015-16 and 2016-17 academic years will be incorporated into future Education annual reports.</p> <p>The criteria for approving Approved Mental Health Professional (AMHP) programmes also includes a requirement in the same terms as the new standard, which has applied to AMHP programmes since the 2013-2014 academic year. An analysis of the findings from the 2013-14 and 2014-15 academic years was incorporated into the AMHP review in 2016¹⁴.</p> <p>In addition, the new standards for podiatric surgery, published in June 2015, include a similar standard requiring the involvement of service users and carers in the design and delivery of approved programmes.</p>
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¹³ Available at <http://www.hcpc-uk.org/assets/documents/10004FF1Educationannualreport2015.pdf>

¹⁴ See 'Approved mental health professional (AMHP) training in England and its engagement with the HCPC approval process' report: <http://www.hcpc-uk.org/assets/documents/10004EDEAMHPreview.pdf>

	We will pilot the inclusion of service users and carers as part of visit panels.	Inclusion from 2014-15 academic year and ongoing	<p>Complete.</p> <p>Following a series of papers on this topic in June 2013 and September 2013, the Education and Training Committee agreed to the involvement of individuals with service user and carer experience on visit panels¹⁵. Prior experience of using or engaging with services was captured in a revised lay visitor role brief.</p> <p>In summer 2014, 17 lay visitors were recruited and trained. Since the 2014-15 academic year, all visits are now assigned a third, lay visitor to work alongside the two registrant visitors. A meeting with service users and carers involved in the programmes has also become a mandatory part of all visits.</p> <p>The Executive is reviewing the inclusion of lay visitors in the 2014-15 academic year.</p>
Standards of education and training	We will begin to review and consider the scope for amendments to the SETs and SETs guidance which might better set out our expectations for education providers in ensuring the safety for service users of	<p>Paper to the Education and Training Committee – September 2013.</p> <p>Review of the standards of</p>	<p>Ongoing.</p> <p>In September 2014, the Education and Training Committee agreed the scope, content and process for the periodic review of the SETs.¹⁶ The review is on track to be completed in 2017.</p>

¹⁵ See: Education and Training Committee meeting, 6 June 2013. Service user and carer visitors as part of visit panels. <http://www.hcpc-uk.org/assets/documents/1000402Cenc06-serviceuserandcarervisitorsaspartofvisitpanels.pdf>

Education and Training Committee meeting, 12 September 2013. The use of lay visitors in the approval and monitoring of education and training programmes. <http://www.hcpc-uk.org/assets/documents/10004195enc04-Theuseoflayvisitorsonapprovalvisitpanels.pdf>

¹⁶ See: Education and Training Committee meeting, 11 September 2014. Review of the standards of education and training. <http://www.hcpc-uk.org/assets/documents/10004814Enc02-Reviewofthestandardsofeducationandtraining.pdf> .

	the practice learning environment (e.g. managing feedback from students on placement).	education and training – 2014-2015.	<p>As part of the first phase of the review, we explored stakeholders' views on key issues and themes, including the responsibilities of education providers in ensuring the safety of service users of the practice learning environment.</p> <p>A Professional Liaison Group (PLG) was convened between September 2015 and March 2016 to inform the drafting of revised SETs and supporting guidance. The PLG recommended inclusion of a new standard requiring education providers to support and enable learners to raise concerns about the safety and wellbeing of service users. The PLG also recommended amendments to existing standards and guidance to strengthen expectations around the education provider's responsibility to maintain oversight of practice-based learning and to ensure that it takes place in a safe and supportive environment for both learners and service users.</p> <p>In June 2016, draft revised SETs and supporting guidance documents, incorporating these proposed changes, were agreed by the Education and Training Committee and recommended to the Council.¹⁷ We anticipate holding a public consultation on the revised SETs and supporting guidance from September 2016.</p>
Standards of conduct, performance and ethics			
Raising and escalating concerns	We will consider amending the standards of conduct, performance and ethics to	2014-2015 (Professional Liaison Group)	Complete.

¹⁷ See: Education and Training Committee, 9 June 2016. Consultation on revised standards of education and training (SETs) and supporting guidance. [http://www.hcpc-uk.org/assets/documents/1000504DEnc04-Consultationonrevisedstandardsofeducationandtraining\(SETs\)andsupportingguidance.pdf](http://www.hcpc-uk.org/assets/documents/1000504DEnc04-Consultationonrevisedstandardsofeducationandtraining(SETs)andsupportingguidance.pdf)

	<p>better set out our expectations around reporting and escalating concerns about the safety of service users.</p>	<p>convened as part of our review of the standards of conduct, performance and ethics.)</p>	<p>The periodic review of the standards of conduct, performance and ethics has concluded, and revised standards were published on 26 January 2016.¹⁸</p> <p>The revised standard include a new dedicated standard on reporting concerns (standard 7). This places an expectation on registrants to report concerns about the safety or well-being of service users promptly and appropriately; to support and encourage others to do the same; and to follow up concerns they have reported and escalate them if necessary.</p> <p>Alongside the revised SCPE, we have updated the Guidance on conduct and ethics for students, which sets out how the SCPE apply to students on approved programmes. The revised guidance, which was published on 10 June 2016, now includes a similar expectation that students speak to an appropriate member of staff at their education provider or practice placement provider if they are worried about the safety or wellbeing of service users, carers or others.¹⁹</p>
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¹⁸ The revised standards can be found on the website: <http://www.hcpc-uk.org/aboutregistration/standards/standardsofconductperformanceandethics/>

¹⁹ The revised guidance is available here: <http://www.hcpc-uk.org/publications/brochures/index.asp?id=219>

Professionalism

Promoting professionalism	We will explore ways of continuing to engage with registrants about the importance of raising and escalating concerns as a part of our communications activities (e.g. continued engagement in the Department of Health’s ‘big conversation’ initiative).	2013-2014	<p>Ongoing.</p> <p>As part of the review of the standards of conduct, performance and ethics, we have strengthened requirements for professionals to raise and escalate concerns about the safety of service users (see above).</p> <p>We continue to engage with registrants on the subject of professionalism as part of our communication activities – for example, through presentations at HCPC events and other events.</p>
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Complaints about the HCPC

Improving the availability of information about complaints about the HCPC	We will include a section on complaints about the HCPC within the HCPC annual report.	2013-2014	<p>Complete.</p> <p>We have developed our approach to reporting the outcomes of complaints. The Executive Management Team (EMT) continues to receive a monthly report summarising each complaint; the response; and any corrective action where applicable. The Council will now receive a review of the themes of complaints on a six-monthly basis.</p> <p>The Executive has considered including a short section on complaints in the 2014-15 annual report, drawing on the reports considered by the Council in that period; however we have concluded that sufficient information is already available in the public domain.</p>
	We will explore ways to increase the accessibility	2013-2014	<p>Complete.</p>

	<p>of information about complaints about the HCPC already included in public Committee papers.</p>		<p>The Executive has amended the customer service section of the website to provide more information about how complaints are handled and to provide links to reports considered by the Council. Although these are already available elsewhere on the website, this change has increased their accessibility.</p>
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