
Fitness to Practise Performance Report

Executive Summary

We regularly provide Council with an update on the progress of the Fitness to Practise (FtP) improvement programme. We last updated Council in October 2023 and, due to the proximity of this meeting, there is little change in the granular data sets we present to Council during the last month.

This paper provides an opportunity for us to share with Council the focused work we have delivered to improve how we support participants in the fitness to practise process. This is a key objective of Phase 2 of our improvement programme and the subject of PSA Standard 18.

We also provide a high-level view of the progress we have made in reducing our older cases over the last 18 months.

Previous consideration	Standing item (as of February 2021) to update Council on the progress of the FTP Improvement Plan. Oversight of the progress of our FTP Improvement Plan is also provided by the FTP Improvement Board.
Decision	The Council is asked to note the update.
Next steps	The next report on progress will be provided to Council on 15 February 2024
Strategic priority	Strategy priority 1: Improve our performance to achieve the Professional Standards Authority's Standards of Good Regulation.
Financial and resource implications	Financial and resource implications are provided for in the FTP 2023/24 budget.
EDI impact	Improving the quality and timeliness of our management of fitness to practise cases will support all involved in the cases. In particular, Phase 2 improvement programme include developments that will improve our communication and support for those involved in fitness to practise cases and who are particularly vulnerable or in need of additional support and reasonable adjustments.

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Fitness to Practise Performance Report

1. Introduction

- 1.1. As Council is aware, improving our performance in Fitness to Practise (FtP) remains a priority for the HCPC. Phase one of our improvement programme addressed our core approach to fitness to practise investigations, with a focus on the quality and consistency of investigations, risk assessment and decisions. This year we achieved PSA Standards 16 (decision making) and 17 (risk assessments) in recognition of the changes we had delivered and embedded to date.
- 1.2. We are focused on regaining the two remaining Standards. The core objective of Phase two of our improvement programme has been the delivery of initiatives, in relation to PSA Standard 18, to develop and enrich the support we provide for those involved in the fitness to practise process. This paper provides an in-depth look at the work we have delivered to date in this area.
- 1.3. The paper also provides a high-level view of our older cases and the impact of the work undertaken to reduce those.

2. Support services for participants in the FtP process

- 2.1. We recognise that the fitness to practise process can be difficult and stressful for those who are involved in the process, whether they are registrants, complainants, witnesses or involved in some other way. In the last year we have worked with external partners to deliver independent, targeted expert support services for participants. These are:
 - A Lay Advocacy service for members of the public;
 - An intermediary service to support parties with communication needs at a hearing;
 - A Registrant Support Service;

Lay Advocacy and Intermediary Services

- 2.2. In September 2022 we partnered with POhWER to provide an independent lay advocacy service for members of the public who are involved in the fitness to practise process. The service provides high-quality, responsive and person-centred advocacy for people with mental health needs, learning disabilities or those who due to life events require support to be involved with a fitness to practise investigation in relation to one of our registrants.
- 2.3. The lay advocate's main role is to support people to make sure their voice is heard and express their own wishes and feelings. The term 'lay' is used

to describe an advocate who is not a professional member of a regulatory body and cannot give legal advice.

- 2.4. The type of support a lay advocate can provide includes:
- Supporting people with communication during the regulatory process;
 - Listening and trying to understand a person's point of view and situation;
 - Providing support to fill in forms when necessary;
 - Supporting people to tell others what they would like or introduce them to others who may be able to help in relation to the regulatory processes;
 - Helping people to understand what choices they have and what the consequences of these choices might be in relation to the regulatory process.
- 2.5. 8 people have used the service since it was established, with 75% of those using the service since April 2023. Our experience of take up of the service evolving slowly over time is reflected in the experience of other regulators who provide a similar service. To support take up of the service we have provided additional training to our Triage and Threshold teams, to ensure we are identifying people who may benefit from it as early as possible in the process.
- 2.6. The support provided by POhWER to date spans the entire fitness to practise process. This includes assisting an individual to formulate and submit their FtP concern to us, as well as supporting a witness to make representations to a fitness to practise panel at the final hearing stage.
- 2.7. We are currently undertaking a monitoring review of our first year of the service. Through that review we will identify any learning for how we can increase uptake of the service.
- 2.8. In early 2023 we started work with Communicourt to provide intermediary service for registrants and witnesses during hearings. Communicourt's intermediaries are communication specialists, who work with people to help them understand the hearing process they are going through and facilitate communication with a party to the proceedings. This includes carrying out detailed assessments to understand any provisions or adaptations that can be made to help someone participate in the proceedings.
- 2.9. We have used Communicourt to support a registrant who had particular communication requirements to give their evidence in a final hearing.

Registrant Support Service

- 2.10. In April 2023 we launched our Registrant Support Service in partnership with CiC, a leading wellbeing service provider. The Registrant Support Service offers independent, confidential and free emotional support and practical advice to all registrants involved in the FtP process. It is available 24 hours a day, 365 days of the year. All CiC counsellors are trained and

accredited professionals who are experienced in providing people with tailored support and solutions.

- 2.11. Information about the service is available on our website and is promoted to registrants in all of our letter templates and in our other communications with them. We have also engaged with Professional Bodies and registrants' representatives to share information about the service and encourage them to signpost their members and clients to the service.
- 2.12. Since it was launched, the service has received 99 contacts from registrants. This equates to just under 5% of those registrants with an open FtP case. The contacts can be broken down into:
 - 63 telephone calls
 - 12 emails sent to the clinical team
 - 2 online chat sessions
 - 22 logins to the WellOnline platform
- 2.13. The most frequently reported work-related issues by those using the service was impact on performance. The most frequently reported personal issue was impact on health.
- 2.14. We will undertake a detailed monitoring exercise of the service at the end of its first year of operation.

3. Communicating with participants during the FtP process

Tone of voice and information sheets

- 3.1. Earlier this year we commenced work to review the tone of voice of the letter and email templates we use in the fitness to practise process. Our aim was to adopt a more compassionate tone in the way we communicate with parties to cases, taking a person-centred approach to how we engage with others. We have also looked at how we explain our processes to make sure this is accessible and clear, and that parties are provided with relevant information at the right time.
- 3.2. During the review we sought input from registrant's representatives and professional bodies, as well as colleagues across the FtP department. We have reviewed over 125 templates on our case management system and the updated templates now provide better support to parties by:
 - Following a more consistent structure;
 - Using less jargon and more plain English;
 - Including hyperlinks to supporting information and reducing the number of email attachments so recipients are not overwhelmed by

the volume of correspondence (information can be provided in other formats as a reasonable adjustment);

- ‘speaking’ to the recipient on a person-to-person level, to help humanise the HCPC;
- Displaying empathy with those involved in the process, especially for registrants whose fitness to practise case may relate to their health;
- Acknowledging that participants might find the process difficult, and signposting registrants to the registrant support service and other support networks, throughout the process; and
- Directing participants to Fact Sheets which explain our processes in more detail.

3.3. To sit alongside the new templates we have produced 16 new Fact Sheets which explain each stage of the fitness to practise process in a straightforward way, including a ‘jargon buster’ to define key terminology. Links to the Fact Sheets are included in our letters so that participants receive focused information about the stage their case has reached at the relevant time. All Fact Sheets are also available on our website for anyone to access at any time.

3.4. During the launch of the new templates, training was provided to everyone in the fitness to practise department on communicating compassionately in line with our tone of voice guidance.

3.5. The new templates and Fact Sheets went live at the start of October. We will monitor feedback we receive on the new documents through our representatives and professional bodies forums, as well as through our Feedback channels, and implement any learning as appropriate.

Keeping parties updated on their cases

3.6. We recognise that updating registrants and complainants on the progress of their case at regular intervals is key to helping them feel supported through the fitness to practise process.

3.7. In 2021 we introduced stakeholder engagement plans as part of our case planning process. These plans are used to identify those stakeholders who may require additional support to participate in the process, and to record that information for all team members who may work on a case. For example, participants may require communication by post rather than email, or at pre-arranged intervals. The quality of our stakeholder engagement plans is reviewed through our monthly case plan front line checks process.

3.8. Our focus has now shifted to ensuring that all registrants and complainants receive regular updates on the progress of their fitness to practise investigation.

- 3.9. To support our teams to deliver this we have revised our Best Practise Standard on Customer Service to provide clear guidance and expectations on this area of work. We have also created new letter templates to support the teams to provide meaningful updates more efficiently.
- 3.10. As explained in paragraph 4.9 below, this year to date we have seen a decrease in the number of complaints we receive about our communication and investigation delays. This indicates that the changes we have made are starting to have an impact.
- 3.11. From November, our monthly front-line checks will include a new question relating to the timeliness of updates provided to relevant parties. This change will ensure we have better oversight over this quality measure and help us to identify opportunities for learning and improvement more quickly. We will update Council on our performance in this area as part of our regular reporting.

Training to improve our customer service

- 3.12. Our FtP Training and Development Partners have led a number of initiatives over the last year to support our teams to provide a better service and engage with participants in a compassionate way. These include:
 - Providing training on Conversations with Vulnerable People to our Hearings Officers to help them support registrants and witnesses during hearings;
 - Qualifying as Mental Health First Aid Instructors through Mental Health First Aid (MHFA) England, allowing us to train more Mental Health First Aiders across the department in-house;
 - Delivery of a new induction programme on Safeguarding and Vulnerable People, accompanied by an e-learning module, which covers recognising vulnerability, compassionate communication and call handling;
 - Revised training module on Communications, delivered to all team members and included in induction training for all new starters;
 - We invited one of our registrants to share their experience of disability and health declarations with the team in a Lunch and Learn session;
 - In the New Year we will hold a collaborative, co-designed workshop with some of our registrants' representatives to share experience and learning about good communication.

4. Seeking and learning from feedback

- 4.1. Seeking registrants' feedback on their experience of the fitness to practice process, and using that feedback to effectively improve our processes and services, is key to our continuous improvement model.
- 4.2. There are two formal mechanisms by which we receive feedback about fitness to practise: our FtP case closure survey and our HCPC Feedback process.

FtP case closure survey

- 4.3. In March 2023 we launched a new Fitness to Practise Survey. The survey was designed in collaboration with our Insights and Analytics team to ensure the questions and format were aligned with best practice methodology. This replaced a historic questionnaire that was sent to participants when a case had been closed by the Investigating Committee.
- 4.4. The Fitness to Practise survey is an online survey that registrants and complainants are invited to complete when their case is closed at Threshold, Investigating Committee and final hearing stage. The survey seeks feedback on our customer service, timeliness and quality of communication.
- 4.5. Between 1 March and 31 October 2023 we have received 16 survey responses. This is in line with response rates to the old survey format in previous two years. In 2021 we received 22 responses and in 2022 we received 34 responses.
- 4.6. Figure 1 below shows the percentage of positive scores that were reported in the three categories. Figure 3 below shows the percentage of negative scores that were reported in the three categories. These scores should be read in the context of the low response rates.

Figure 1: % of very satisfied / satisfied responses to FtP Survey

	Very satisfied/ Satisfied
Service	61%
Timeliness	43%
Communication	52%

Figure 3: % of very dissatisfied / dissatisfied responses to FtP Survey

	Very dissatisfied/ Dissatisfied
Service	33%
Timeliness	54%
Communication	29%

Corporate Feedback

- 4.7. Over the last three years the number of complaints about fitness to practise that we receive through our HCPC Feedback process has stayed broadly the same (Figure 4 below). We received fewer complaints in 2020, which we believe is due to the impact of the pandemic.
- 4.8. Figure 5 shows the headline issues being raised in complaints. In 2020, we received more complaints about our decision making than any other issue. Towards the end of 2020 we introduced our Senior Decision Makers and revised our decision-making process at the threshold stage, to improve the quality of our decisions and how they are communicated. Complaints about our decisions have reduced noticeably since that change was introduced.
- 4.9. In 2021 and 2022, the main themes being raised in complaints were communication and delays to investigations. In 2023 to date we have seen a noticeable reduction in the number of complaints we have received about complaints and delays to investigations. Investigation handling (for example changes of case manager, investigation processes and procedures) is the main issue we have received complaints about so far this year.
- 4.10. Figure 6 shows the proportion of complaints that are upheld, partially upheld or not upheld. In 2020, a significant proportion (82%) of complaints were either partially upheld or not upheld. This was driven by the larger number of complaints about our decisions, which were mostly not upheld.
- 4.11. In 2021 and 2022 the proportion of complaints partially or not upheld was 56%.
- 4.12. In 2023 to date we have seen a decrease in the number of complaints that are upheld and a 10 percentage point increase in those complaints that are not upheld on the previous two years. The proportion of complaints partially or not upheld has increased to 69%.

Figure 4: Feedback received about FtP through our corporate complaint process

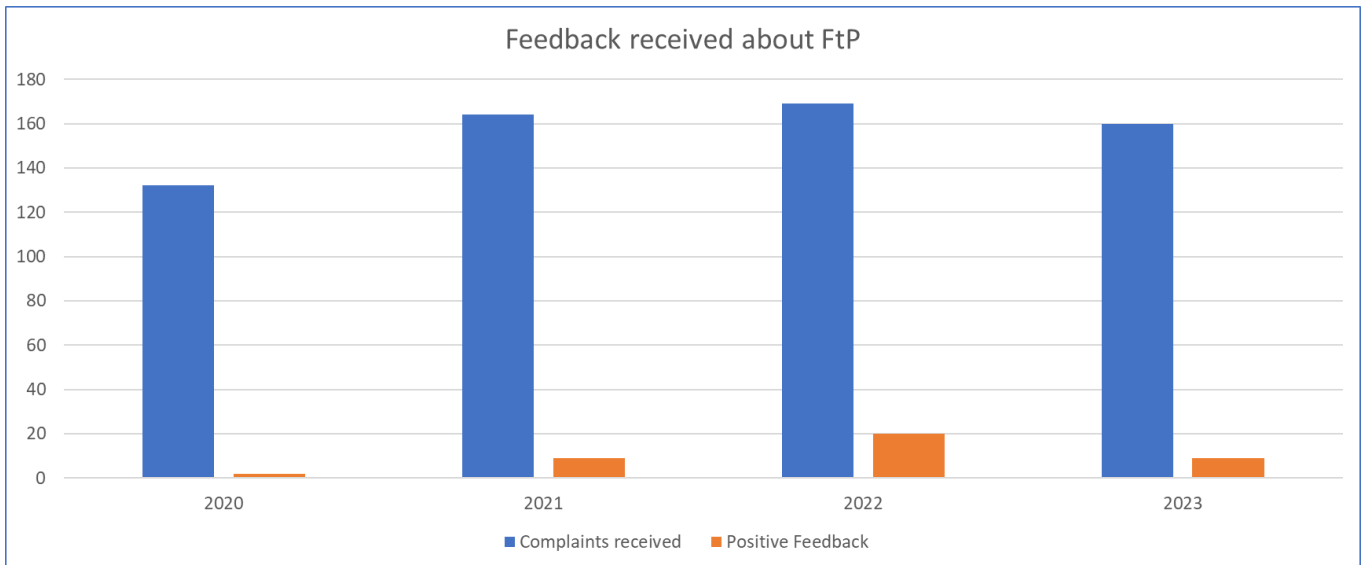


Figure 5: Feedback themes

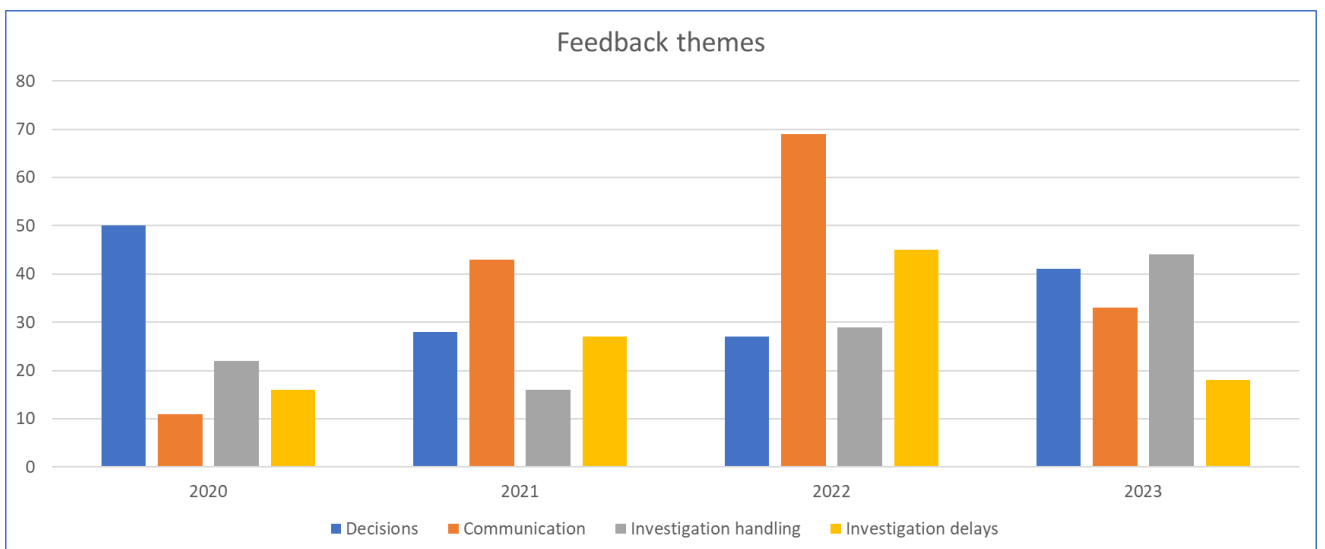
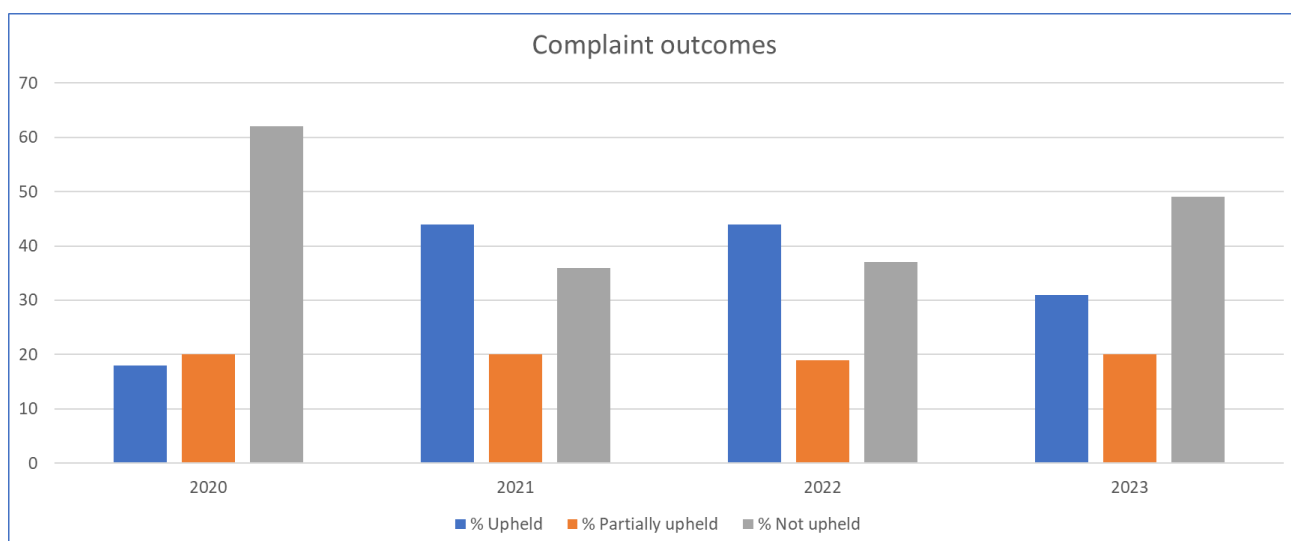


Figure 6: Outcome of complaints



4.13. The feedback we have received about our customer service, case handling and communication is discussed monthly by the FtP Management team. This learning about participants' experience of the fitness to practise process has informed the design and implementation of the improvement initiatives we have set out above.

4.14. We receive positive feedback about the fitness to practise department and the work of our teams through our Feedback process, our FtP survey and directly from participants. Some examples of the positive feedback we have received this year are included in Figure 7 below.

Figure 7: examples of positive feedback received about FtP in 2023

<i>The written account in the closure decision form was very clear, and helpful to read.</i>
<i>The communication was clear and timely. There was a recognition of the stress it would cause. The final decision was made quicker than I had anticipated.</i>
<i>My case manager was clear about the processes and outlined everything they required.</i>
<i>The time between receiving the letter about the information being forwarded to the senior decision-making team and the response of the team was very reasonable (1week).</i>
<i>Initial contact by phone with [case manager]. Gathered information concisely and clear what next steps would be. Interim email to inform me of progress</i>
<i>[case manager name] my case manager was always happy to talk to me on the phone and answered all my questions as clearly as she could. I found her empathetic and kind.</i>
<i>When I emailed with any questions I received a quick response.</i>

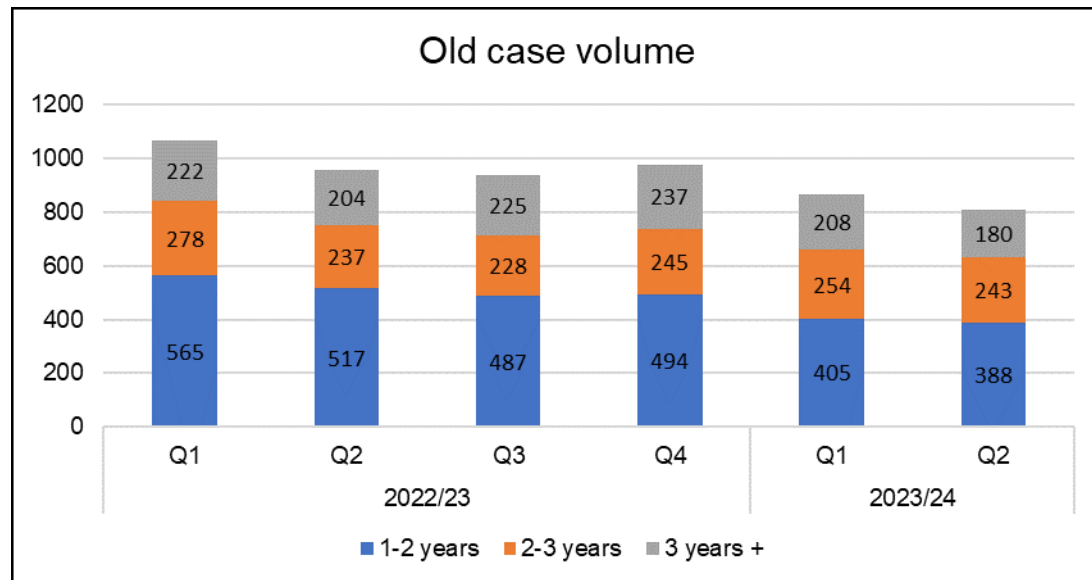
<i>[case manager] took time to listen to me and helped me to make sense of the situation and my options. He was professional, but also kind.</i>
<i>All communication was extremely clear and comprehensive, and the tone was always thoughtful and appropriately compassionate. I think I had only one question which wasn't answered by the information initially provided, and my Case Manager provided a response in good time. I felt very confident that the complaint was being thoroughly and appropriately investigated at all times.</i>
<i>[case manager] was very helpful advising me what I can do for dealing with it and meticulously managing it. I am very impressed with her professionalism competence and empathy alongside retaining to her professional boundaries and fairness</i>
<i>I have been discussing my hearing with the HCPC Hearings Office [Scheduling Officer name], who has been extremely helpful and informative, and I would like to thank him for his time and patience.</i>
<i>I just wanted to say thank you for the support, guidance and explanation from yourself [Hearings Officer] around the proceedings and format today. You certainly made me feel at ease and welcomed today – as did the panel as well. Please do pass this on to your team so they know the positive impact you have on witnesses attending hearings.</i>
<i>Thank you. I did find it a stressful experience, but your regular updates helped me to manage my anxiety.</i>
<i>I had just logged on to send a huge thank you to yourself and [Hearings Officer] for your support yesterday. You were both amazing. Thank you so much once again.</i>

5. Older cases

- 5.1. In addition to improving how we support participants through the FtP process, improving the quality and pace of our investigations is central to the FtP improvement programme.
- 5.2. We regularly share data with Council about the age profile of our open caseload and concluded cases at the pre- and post-ICP stages of the process. Every quarter we also provide data to the PSA on the number of older cases we have in the fitness to practise process. This data gives a high-level overview of our performance and progress in reducing the age profile of our caseload.
- 5.3. The PSA define an old case as one which is over 52 weeks since receipt. This measure is the same for all regulators. This measure may differ to the performance KPIs that each regulator has.
- 5.4. We report to PSA on the total number of open cases at all stages of the process in the following age categories: 1-2 years; 2-3 years. 3+ years. This data includes cases that are or have been subject to a third-party investigation.

5.5. Figure 8 below shows the number of our open cases in each PSA age category on a quarterly basis since the start of 2022.

Figure 8: PSA data set of old cases by volume



- 5.6. In the last eighteen months we have reduced the overall number of old cases in the department. We have also reduced the proportion of older cases that are 1-2 years old and over 3 years old. The number of cases that are in the 2-3 years old bracket has remained more consistent over the last three quarters but has noticeably reduced from the peak of 278 cases at the start of 2022.
- 5.7. We have made progress in maintaining or improving the age profile of our caseload despite the significant improvement programme we have delivered in the department since 2021. There is still more to do to improve the timeliness of our investigations and reduce the age profile of our cases further.
- 5.8. We are also mindful that we must continue to embed the quality and consistency of our investigations and decisions. We remain focused on building on the gains we have achieved in this area during phase one of our improvement programme, and which have been recognised in regaining PSA Standards 16 and 17.
- 5.9. Phase 2 of our improvement programme has concentrated on enhancing the support we provide to participants through the fitness to practise process. The next stage of improvement is targeted on timeliness.
- 5.10. Council should note that this financial year we have seen a significant increase in the number of new FtP concerns we receive, which makes it even more challenging to progress cases at pace. We have identified this trend in new referrals early and have taken action to plan our resource and adapt our ways of working to respond to it.

6. Next steps

- 6.1. We will continue to update Council on our progress against our improvement plan at each meeting, or until Council has sufficient assurance of our progress to reduce the frequency of reporting.