

Fitness to Practise Committee

Public minutes of the 11th meeting of the Fitness to Practise Committee held on:-

Date: Thursday 23 May 2013

Time: 10:30 am

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

Present:

Pradeep Agrawal
Jennifer Beaumont
John Donaghy
Morag MacKellar
Penny Renwick
Keith Ross (Chair)
Robert Templeton

In attendance:

John Barwick, Head of Investigations
Claire Gascoigne, Secretary to Committee
Brian James, Head of Adjudication/Head of Assurance and
Development
Kelly Johnson, Director of Fitness to Practise
Francine Leach, PA to the Director of Fitness to Practise
Marc Seale, Chief Executive and Registrar
Anna van der Gaag, Council Chair

Item 1.13/21 Apologies for absence

1.1 Apologies were received from Richard Kennett.

Item 2.13/22 Approval of agenda

2.1 The Committee approved the agenda.

Item 3.13/23 Declarations of members' interests

3.1 The Chair declared that, at the time of the meeting, the Chair's wife was a member of the Professional Standards Authority (PSA). The Committee did not consider that this precluded the Chair from discussions.

Item 4.13/24 Minutes of the Fitness to Practise Committee meeting of 14 February 2013 (report ref: FTP 16/13)

4.1 It was agreed that the public minutes of the 10th meeting of the Fitness to Practise Committee should be confirmed as a true record and signed by the Chair.

Item 5.13/25 Matters arising (report ref: FTP 17/13)

5.1 The Committee received a paper to note from the Executive.

5.2 The Committee noted the actions list as agreed at the last meeting.

Item 6.13/26 Director of Fitness to Practise Report (report ref: FTP 18/13)

6.1 The Committee received a paper for discussion from the Executive providing a summary of the work of the Fitness to Practise Department.

6.2 The Committee noted the following points:

- due to the draft fitness to practise Annual Report 2012-13 appearing later in the meeting's agenda, data tables were not included in the report;
- there had been a lot of staff changes within the department. On the whole this was due to promotions and moves. Details of all new appointments were set out in the report;
- the Suitability Scheme is operational with transfer student cases received from the GSCC assessed via the scheme. It is expected the scheme will last three years whilst the HCPC Education

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Department completed its approval process for all Social Work courses;

- 9 First Tier Tribunal Cases have now been concluded. There are no outstanding high court cases and there are three on going judicial review cases;
- work continues on the tender for the provision of legal services and the tender for the provision of transcription services, with invitations to tender for transcription services dispatched the week commencing 29 April 2013; and
- work is underway to prepare the logistical arrangements for the upcoming audit of the initial stages of HCPC's fitness to practise processes by the Professional Standards Authority (PSA). The audit is scheduled to start on 5 June 2013 and will continue for a month.

6.3 The Committee noted the Director's report.

Item 7.13/27 Fitness to Practise Department Annual Report 2012-13 (report ref: FTP 19/13)

7.1 The Committee received a paper for approval from the Executive containing the draft 2012-13 Fitness to Practise Annual report.

7.2 The Committee noted that details of the cases that were transferred from General Social Care Council appears in a separate annexe and that the report is due for publication in September 2013. A timetable for editing and publishing the document has been developed with the Communications team.

7.3 The Committee noted the following points;

- the 2012-13 annual report is the first to be produced using the new case management system (CMS). The content has remained consistent to allow for year by year comparison;
- the document is a draft version and is still to go through quality checking and house style amendments;
- though there were many no case to answer examples in the case studies, this was representative of the complex nature of fitness to practice cases; and

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- plans are in place to evaluate the effectiveness of the changes to the standards of acceptance. It was noted that the changes apply more to employer referrals and not public concerns and that the changes were linked to ongoing work to improve the fitness to practice experience.

7.4 The Committee discussed the executive summary. It was agreed that it would be useful to have a percentage comparison of complaints in 2011-12. It was requested that the fourth paragraph be reworded for clarity. It was also agreed that the executive summary should make mention of the Francis Report, considering its importance.

7.5 The Committee noted that the reference to a 44% increase in complaints .It was agreed that the explanation for the increase should be placed ahead of the figure so as not to be misleading.

7.6 It was also requested that the second from last paragraph on page 11 of the report be placed before the prior 2011-12 comparison paragraph for clarity.

ACTION: Director of Fitness to Practise to make requested amendments to executive summary. 4 July 2013.

7.7 The Committee discussed the tone of the executive summary. It was noted that, for a large proportion of readers, the executive summary was the main message taken away. The Committee agreed that the Annual Report was not a promotional document and that it would be inappropriate to go into detail on the year's successes. It was also agreed that overloading the document with commentary would make the document less readable.

7.8 The committee discussed systematic versus practice issues and the trend amongst Social Work complaints for multiple registrants to be named

7.9 The Committee discussed the inclusion of the summary of cases for 2012-13 table on page 54. Whilst concerns were noted that its continued inclusion would greatly increase the size of the report and that the details of the cases were available online, it was agreed that the table should be included. It was felt that this was an important section for registrant readers to see what the year looked like in terms of FtP for their profession.

7.10 The Committee agreed that inclusion of the summary of cases would be revisited at the October 2013 meeting of this Committee with a fuller exploration of the issues involved. A decision will then be made on its inclusion in the 2013-14 report.

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7.11 The Committee agreed to recommend the Fitness to Practise Department Annual Report 2012-13 to Council, subject to editorial amendments.

Item 8.13/28 ICP Decision Audit (report ref: FTP 20/13)

- 8.1 The Committee received a paper for discussion from the Executive.
- 8.2 The Committee has agreed that the Executive should provide a report on the review of ICP decisions on a six monthly basis.
- 8.3 The committee noted the following points
- the case to answer rate for the period reviewed in the report was 62% which was higher than the case to answer rate for the period covered in the previous report (47%). This may in part be explained by the “on boarding” of Social Workers;
 - from September 2012-March 2013, Investigating Committee Panels were scheduled to meet thirteen times a month, four of those days were dedicated Social Worker days to ensure the timely progression of GSCC legacy cases. In 2013-14, Panels are scheduled to take place nine times a month; and
 - until January 2013, audits have been undertaken by the Policy Department. As of January 2013, audits are being undertaken by the Quality Compliance Officer within the Fitness to Practise Department.
- 8.4 The Committee discussed the increased use registrant assessor input.
- 8.5 The Committee agreed that the results of the audit were positive and that it was keen to foreground the in depth monitoring of panel decisions. It was noted that the Fitness to Practise Department would work with the Communications Department on this.

Item 9.13/29 Practice Note – Finding that Fitness to Practise is impaired (report ref: FTP 21/13)

- 9.1 The Committee received a paper for discussion from the Executive.
- 9.2 The Committee noted that the changes to the Practice Note were a result of recommendations resulting from a high court case.
- 9.3 The Committee recommended the paper and Practice Note to Council.

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The Committee noted the following papers:

Item 10.13/31 Review of the NMC and GPhC PSA audits (report ref: FTP 22/13)

Item 11.13/32 Patients Association 12 Standards of good complaint handling (report ref: FTP 23/13)

Item 12.13/33 Any other business

12.1 There was no other business.

Item 13.13/34 Date and time of next meeting

13.1 The next meeting of the Committee would be held at 10.30 am on Thursday 10 October 2013

Chair

Date

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