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## Fitness to Practise Performance Report

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### Executive Summary

This paper is to update Council on the progress of the Fitness to Practise (FtP) Improvement Plan against the targets we set ourselves on improving quality and timeliness of case management.

This paper also includes a brief update of the projects we started in September 2021 following the successful completion of the first 16 projects in July 2021.

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| Previous consideration              | Standing item (as of February 2021) to update Council on the progress of the FtP Improvement Plan.<br><br>Oversight of the progress of our FtP Improvement Plan is also provided by the FtP Improvement Board. |
| Decision                            | Council is asked to note the update.   |
| Next steps                          | The next report on progress will be provided to Council on 7 December 2022.  |
| Strategic priority                  | Strategic priority 1: Improve our performance to achieve the Professional Standards Authority's Standards of Good Regulation.  |
| Financial and resource implications | None as a result of this paper.  |
| Author                              | Laura Coffey, Head of Fitness to Practise<br><a href="mailto:Laura.coffey@hcpc-uk.org">Laura.coffey@hcpc-uk.org</a>  |
| Sponsor                             | Andrew Smith, Executive Director of Regulation<br><a href="mailto:Andrew.smith@hcpc-uk.org">Andrew.smith@hcpc-uk.org</a>   |

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# Fitness to Practise Performance Report

## 1. Introduction

- 1.1 As Council is aware from our regular updates improving our performance in Fitness to Practise (FtP) remains a priority for the HCPC in 2022. The focus remains on embedding the changes we made during 2021 and continuing to make further improvements.
- 1.2 Our overarching aim is to improve the quality and pace of our management of FtP cases.
- 1.3 This paper provides:
  - A recap on the focus of our improvement work and the benefits we are realising.
  - An update on our performance in relation to the quality and timeliness of case investigations.
  - A review of our forecast median age profile of our live caseload.
  - An update on the work we are doing to support our people.
  - An update on the phase 2 improvement projects we began in September 2021 (Appendix 1).
  - A summary of key risks and mitigations.

## 2. Improvement programme and benefits realisation

- 2.1 At its meeting in July 2022, Council requested a recap on the objectives of the improvement work undertaken in the last year and the key benefits we're working to achieve.
- 2.2 In January 2021, we commenced an ambitious accelerated improvement programme across the FtP department. The key objective was to improve our performance in terms of the quality and pace of our case management.
- 2.3 To do this we prioritised 16 key projects to be delivered between January and July 2021. The projects comprised a holistic suite of activities to improve the quality and timeliness of our case management in a sustainable way. It also included short term targeted action to progress our oldest cases whilst building internal capability and capacity.
- 2.4 These projects were grouped under the four thematic objectives:

- improving the age profile of the caseload;
- improving the quality of case investigations, risk management, and decision making;
- developing our people and culture;
- implementation of key enablers e.g. a new case management system.

2.5 The main deliverables across the 16 projects were:

2.5.1 A new risk assessment tool embedded in the case management system to improve how we identify high risk cases and seek interim orders where necessary

2.5.2 New tailored case plans to improve the quality of case management

2.5.3 Pilot of frontloaded investigations for appropriate cases to improve the quality and timeliness of case management

2.5.4 Targeted support to reduce the age profile of cases at the Threshold stage and in the Serious Case Team

2.5.5 Introduction of legally qualified Investigating Committee Panel (ICP) Chairs to improve the quality and consistency of decision making

2.5.6 Revised approach to HCPTS panel member training to improve the quality and consistency of decision making

2.5.7 Implementation of an operational excellence programme (Perform Plus) to support the teams to improve engagement by adopting a problem solving/continuous improvement culture (see section 5), improve performance (output and efficiency), reduce staff turnover and provide greater visibility of our performance (see section 5 below)

2.5.8 A new case management system.

2.6 These projects were completed between January and July 2021 and we moved into the benefits realisation and monitoring stage. The key benefits we sought to achieve were:

- Improvement in the quality of case management, including risk assessment
- Quality of decision making
- Improvement in the age profile of cases

2.7 It takes time for changes to embed and be seen in the caseload. As we are committed to a continuous improvement approach within FtP, our benefits realisation activities and monitoring has been adopted as our business-as-usual way of measuring and reporting on our performance. We have been reporting these measures to Council in a consistent way (so Council can see the trends)

for twelve months. The remainder of this paper provides an update on our latest performance against these metrics.

### 3. Quality of case management

3.1 In this section we provide an overview of our performance in relation to the quality of our case investigations. As we have done previously, we have broken this down by themes of the key benefits we are seeking to achieve through the FtP Improvement Programme. These are:

- Risk management and Interim Order performance
- Quality of our risk assessment of cases
- Quality of our case planning

#### Risk management – Interim Order performance

3.2 One of the measures of how effectively we complete and keep up to date the risk assessment of our cases is the time it takes to apply for an interim order.

3.3 Figure 1 shows performance against the two measures of timeliness. The orange line shows how quickly we progress a matter to an Interim Order hearing once we have identified the need for an Interim Order. Our target for this measure is three weeks. We have consistently achieved our target.

3.4 The blue line shows how quickly we progress a matter to an Interim Order hearing following receipt of a concern. Our target for this measure is 12 weeks.

3.5 Performance against this second measure can be impacted by ongoing third-party investigations which must either be concluded or reach an appropriate evidentiary stage before we can apply for an interim order. Most often these are criminal investigations and/or ongoing court proceedings.

3.6 The length of time it has taken from receipt of a concern to consideration by a panel was 22 weeks in August and July. Overall, our performance in 2022 is improved compared to 2021 and is more consistent. We continue to train and support case managers on identifying high risk cases (as outlined below).

Figure 1 – Interim Order performance



## Risk management – Adherence with our Best Practice Standard

- 3.7 We continue to monitor the quality and timeliness of our risk assessments through monthly front-line checks. Our original target was to achieve 70% adherence with our Best Practice Standards. We achieved this target overall in January and February 2022 and at Council in March 2022 we increased our target to achieve 80% adherence by the end of Quarter 1 of 2022-23 (as part of our journey to achieve the 90% stretch target we have set ourselves).
- 3.8 In August 2022, the median overall compliance with the Best Practice Standard was 75%.

**Figure 2 – Quality of risk assessments: performance against our targets**

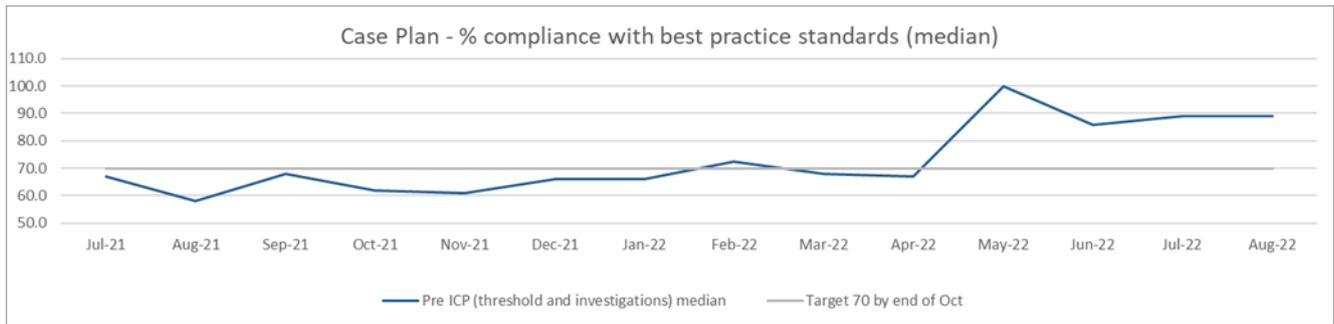


- 3.9 The main learning arising from the front-line checks related to making sure risk assessments were completed within expected timeframes and dating updated risk assessments on the system.
- 3.10 In September 2022 our Risk Assessment Champions and Case Team Managers led training for the teams, informed by the learning from the front-line checks over the last two months. This was an interactive session using case studies and test cases on the case management system to support the teams to apply their learning practically.

## Case planning – adherence with our Best Practice Standard

- 3.11 We continue to monitor the quality and timeliness of our case plans through monthly front-line checks. Our original target was to achieve 70% adherence with our Best Practice Standards. We achieved this target overall in January and February 2022 and at Council in March 2022 we increased our target to achieve 80% adherence by the end of Quarter 1 of 2022-23 (as part of our journey to achieve stretch target we have set ourselves).

**Figure 3 – Quality of case planning: performance against our targets**



3.12 In both July and August, the overall compliance with the Best Practice Standard was 89%.

3.13 We have met the revised target of 80% for four consecutive months. This indicates that we have been able to maintain the improvement in the quality of our case plans that we have seen since May.

3.14 Our focus for improvement is on continuing to ensure that case plans are updated regularly during the lifetime of the case.

#### 4. Timeliness of case investigation

4.1 In this section we provide an overview of our performance in relation to the timeliness of our investigation and the age profile of our cases. We have broken this down by:

- Age profile of case at the point of case conclusion
- Case volumes at each stage of the process
- Age profile of the live caseload

##### Age profile of cases at the point of case conclusion – medians and age range

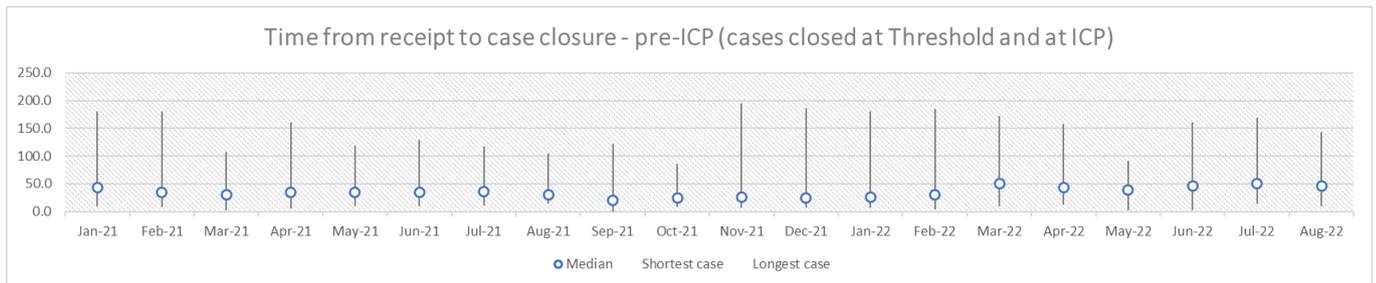
4.2 Figure 4 below shows the median age of cases closed at the Threshold and ICP stages (i.e. all pre-ICP case closures) month on month. Since November 2021, we have continued to close older pre-ICP cases as these are progressed through the process as a result of the changes made in phase 1 of the improvement programme to improve the age profile of our case load.

4.3 In August 2022 the median age of the cases concluded was 47 weeks. This is above our 33 week KPI, though consistent with the median since March 2022. We expect the median age of closed cases to increase as we progress our older cases to conclusion. It is also in line with our forecast (see paragraph 4.19 and Figure 11). It is therefore important to view this data alongside our live case data (see Figures 9 and 10) to get a more rounded view.

4.4 In August 2022, the oldest case closed was 143 weeks, which is the oldest case closed since March. The youngest case closed was 10 weeks showing we

are not progressing the oldest cases at the expense of new complaints we receive.

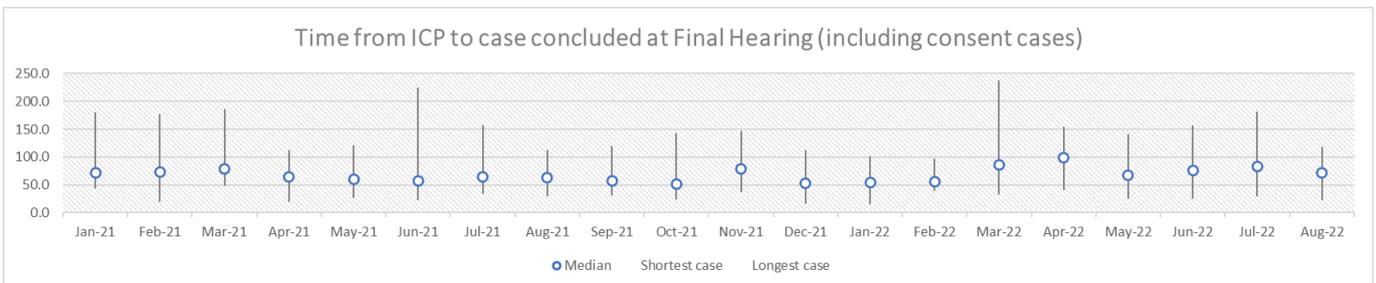
**Figure 4 – receipt to closure at Threshold or ICP decision median**



4.5 Figure 5 below shows the median age of cases that were closed at a final hearing (including cases resolved by consent). We generally expect the median age at the point of case conclusion to be above KPI as our older cases progress through the system.

4.6 In August the median age was 72 weeks which is the lowest it has been since May. This is because we have concluded older cases in previous months; the oldest case concluded in August was 118 weeks (which is not as old as cases concluded in earlier months). The youngest case concluded was 22 weeks. This reflects the impact of the frontloading pilot and direct listing projects, and the benefits we are realising of these two projects delivered in phase 1 of the improvement programme.

**Figure 5 – ICP to final hearing decision median**



### Case volumes at each stage

4.7 Figures 6 to 8 below show the number of open cases in our Threshold, Investigations and post-ICP teams respectively.

4.8 At the start of the year we saw an increase in cases in the Threshold team (Figure 6), related to an increase in cases coming through from an expanded Triage team. This has now started to decrease. We have created additional capacity to manage these cases by using resource provided by our external legal providers, and by increasing the headcount in the team (in line with our agreed budget and headcount). We are also prioritising the progression of cases through to our Investigations teams for cases which meet our threshold

criteria.

4.9 The Investigations caseload (Figure 7) has been maintained over the last quarter, as we have established a consistent and steady flow of cases that meet our Threshold into the team. The caseload includes 65 cases which are subject to the conclusion of a criminal or other third-party investigation, which means we are unable to progress the case to the ICP stage. As at the end of August, a further 81 cases are listed for a future ICP but still classed as being within the pre-ICP caseload and included in the graphs.

4.10 At the end of August the number of open cases post-ICP was 464 which is the lowest level this year (Figure 8).

Figure 6 – number of open Threshold cases

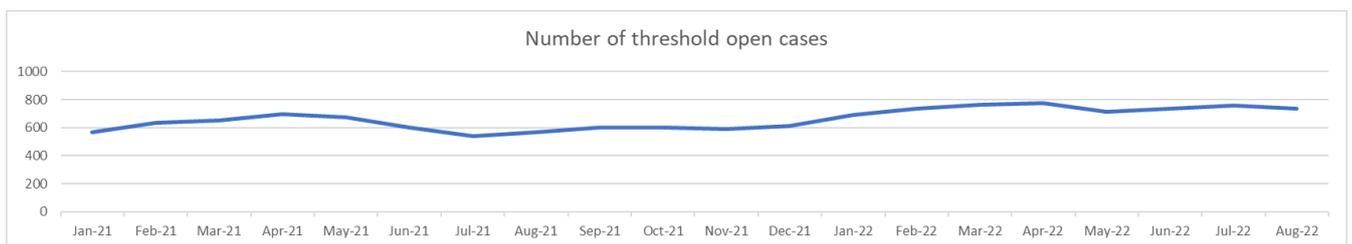
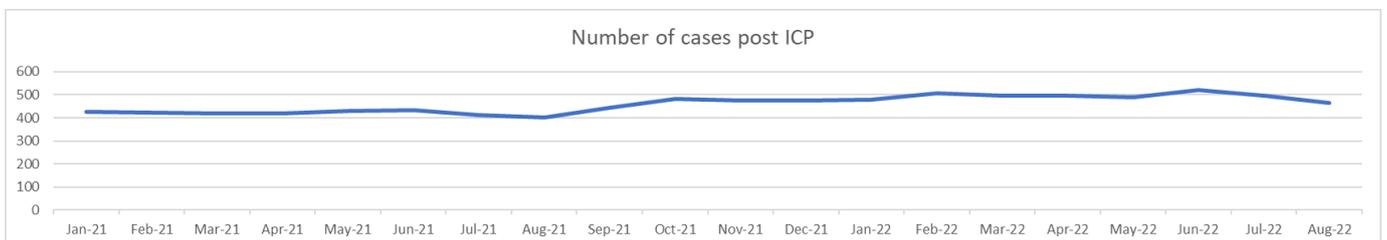


Figure 7 – number of open Investigations cases (including SCT)



Figure 8 – number of open post-ICP cases



### Age profile of the live caseload - medians

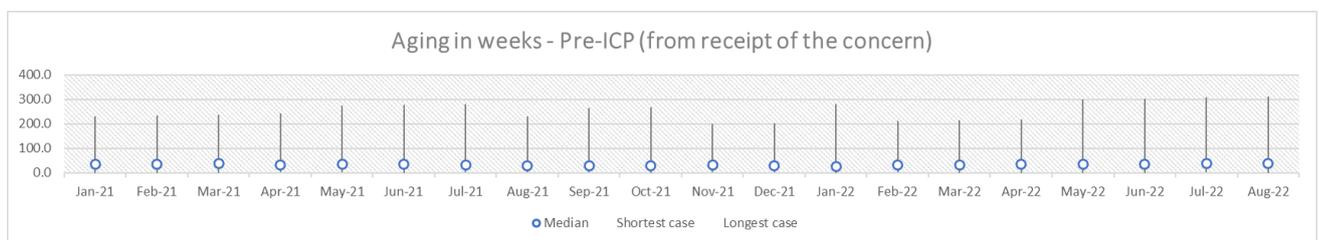
4.11 We know that improving the age profile of cases takes time, particularly when measuring to the point a case is concluded at the ICP stage or HCPTS panel.

4.12 As we set out to Council in November 2021, the median age of cases closed is a retrospective measure and will be affected by the volume of cases considered by an ICP or HCPTS panel in each month. Progressing our oldest cases through the process will therefore also affect that median age.

4.13 Alongside case volumes and age at point of case conclusion (as outlined above), also looking at the median age of our live caseload provides a rounded view of our performance.

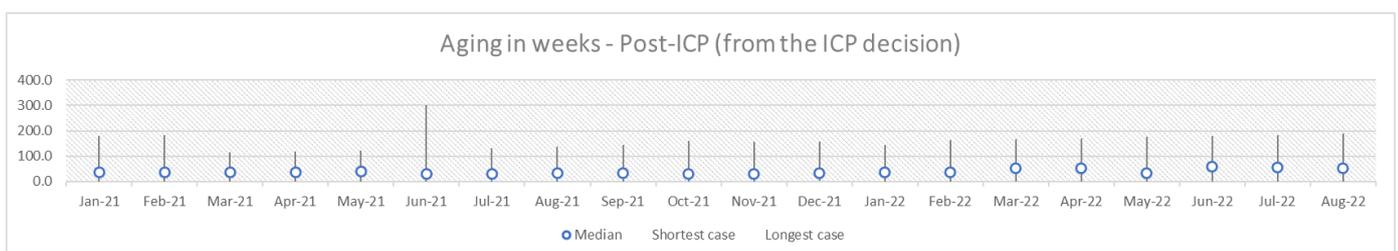
4.14 Figure 9 shows the median age of our live pre-ICP caseload. The median age has been consistently under our 33 week KPI since July 2021. In May and June 2022 this increased slightly to 35 weeks and in July and August has remained at 37 weeks. This is due to a third-party investigation being taken out of the on-hold status.

**Figure 9 – Median age of live pre-ICP caseload**



4.15 The median age of the live post-ICP caseload (Figure 10) is 52 weeks, which is above the KPI of 39 weeks but the lowest since May. We would expect to see the age profile of the post-ICP caseload increase as the older cases are progressed through the process.

**Figure 10 – Median age of the live post-ICP caseload**



### Forecasting the median age of the live caseload

4.16 Last November we shared with Council a model we had developed to track the trajectory of the median age of our live caseload over the coming 6-12 months. The trajectory was based on the caseload, headcount, processes and budgeted activity at the time.

4.17 As we explained when the forecast was developed, the data for the first six months was based on our current actual caseload. After that, the forecast was

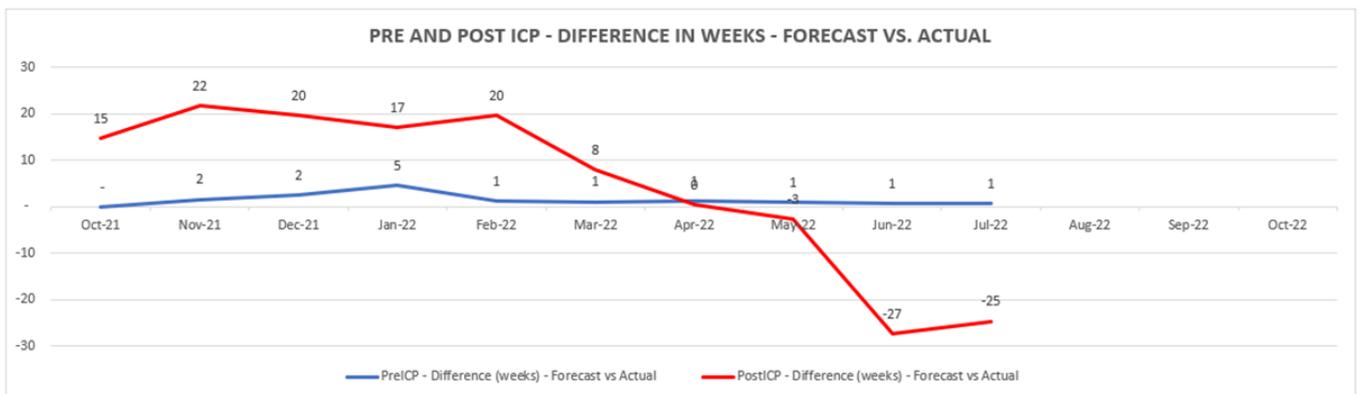
based on assumptions about the new cases we would receive and the make-up of our caseload. It was therefore necessarily less accurate over a longer period of time as actual caseload data was replaced with expected caseload data.

4.18 Post-ICP data is harder to forecast due to the lower number of cases being concluded at this stage in the process and the challenges of predicting when cases will be able to be scheduled for a final hearing which is based on a number of factors, such as registrant, witness and panel availability.

4.19 Figure 11 below shows how we have performed against that forecast over the last 9 months. The actual pre-ICP median age (blue line) was very closely aligned with the forecast median for the period of the forecast.

4.20 The post-ICP actual median (red line) varied from the forecast median over the year. Overall, the caseload was consistent and the actual median age was lower than forecast (i.e. cases were younger) between October 2021 and April 2022. The cases became older than forecast in May to July 2022. Forecasting the age of the post-ICP caseload is complex but it is worth noting that the total difference over the course of the entire period show below was 41 cases, which is less than 3% of the total caseload overall.

Figure 11 – performance against forecast median age of live caseload

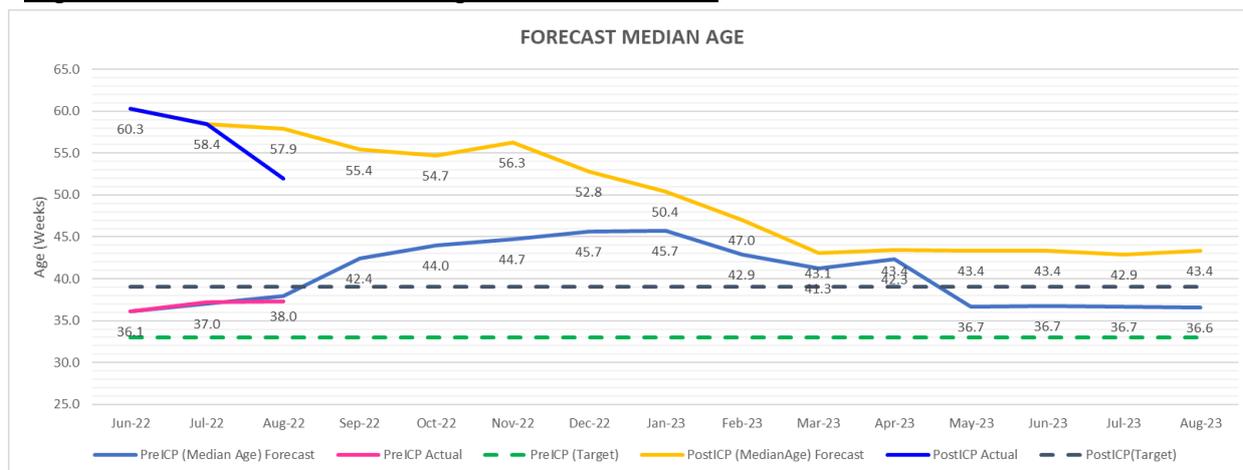


4.21 We have updated the forecast model informed by the actual data to give a view of our trajectory over the next 6-12 months. The trajectory is based on the current caseload, headcount, processes and budgeted activity.

4.22 The forecast shows that our trajectory is heading in the right direction over the next 6 months. This is based on us maintaining our current ways of working and KPIs.

4.23 As part of our move to introduce frontloaded investigations in-house from Q4 of this year, we will be reviewing our KPIs to align with our new processes. Our KPI measures will therefore change during the forecast period. We will provide further updates on the new KPIs and the impact on the forecast case age as that work is developed.

**Figure 12 – forecast median age of live caseload**



## 5. People

5.1 As outlined in section 2 above, last year we implemented an operational excellence programme to coach and develop our people in FtP and equip them with the tools and skills to bring a continuous improvement mindset, improved team working and productivity to our teams. The work is supported by PWC’s Perform Plus methodology. It has now been adopted across all teams as our way of working in the department.

5.2 Following completion of the initial implementation of the programme all team members received a Certificate of Lean Competency awarded by Cardiff University. Team members that have joined since then also have the opportunity to complete the certificate.

5.3 As part of the now established ways of working each team has a daily huddle that is structured around seven areas of focus to provide a vehicle for team members to identify areas for improvement, discuss performance and resolve issues together. In our Huddles the teams:

- Celebrate **success** – recognising individual and team achievements, contributions and support (including sharing this across teams and with senior management).
- **Communicate** – share information about what is going on in the team, department and across the organisation.
- Update on **performance** – discuss individual and team progress against targets and KPIs.
- Identify **problems** – work proactively within and across teams to resolve problems.

- Raise **opportunities** – make suggestions for how we can improve our ways of working.
- Note **actions** – keep track of actions assigned to individuals or teams to address a problem, develop an opportunity for example.
- Share their **mood** – let their colleagues know how they are feeling through a digital (anonymous) Moodboard.

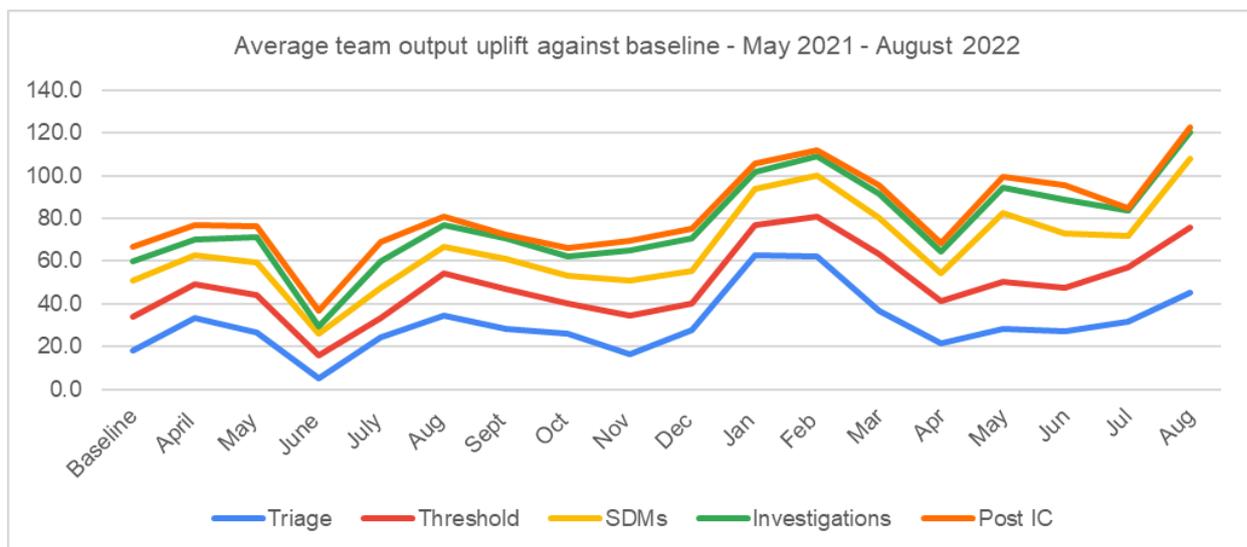
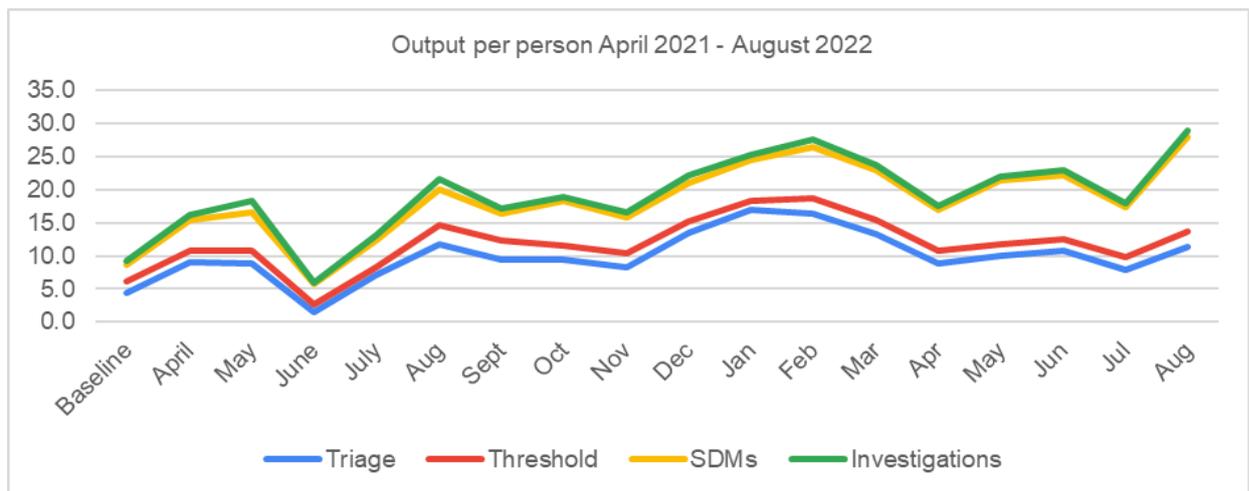
5.4 Alongside this programme we have introduced an award scheme to recognise individuals and teams. Monthly or quarterly, depending on the theme, we run an incentive for all teams across the department to recognise and reward productivity and performance, good customer service and examples of behaviours and work that reflect the HCPC values. This has included, for example, awards given to teams and individuals that have exceeded their targets, received positive feedback from people involved in final hearings, and demonstrated a compassionate approach to regulation in their interactions with participants in the process.

5.5 We have previously shared with Council data relating to the teams' productivity measured through the impact of the Perform Plus programme. Updated data is provided at Figure 13 below. The data shows individual and team performance against progression activity baseline data taken at the start of the Perform Plus programme in April 2021. These activities vary across the teams and the comparison should be considered in terms of the different teams' performance against their own baseline as opposed to a comparison across teams.

5.6 Productivity dropped as expected in June 2021 when we went live with our new case management system. Since then however, productivity has generally been on the increase at a team and individual level.

5.7 Dips in productivity occur when new employees join the team as they are learning in their role. The charts demonstrate that when dips in productivity do occur we are able to recover quickly.

Figure 13 – individual and team productivity against baseline



## 6. Overview of phase 2 improvement projects

6.1 In September 2021, we started work on some of the projects in Phase 2 of the FtP Improvement Programme. Due to our focus on embedding the improvements delivered in Phase 1, we decided to stagger the start of the six projects in Phase 2. The key areas of work that have commenced are:

6.1.1 **Application of our consensual disposal policy** – the work we have done to review how we identify suitable cases for disposal by consent is now embedded as business as usual. In July and August we concluded 3 and 1 cases by consent respectively.

6.1.2 **Tone of Voice review** – we have finalised our style guidance and completed the review of a small number of our letters/emails. We have recently recruited two secondees with experience of delivering tone of voice work at another regulator to support us as we progress this project.

6.1.3 **Lay Advocacy Service** – We have also engaged with POhWER, a charity and an external provider of advocacy services, to provide lay advocacy support designed for complainants and witnesses who may need additional support to access and engage effectively with the FtP process. POhWER are used by a number of other public bodies, including Local Authorities and other professional regulators. We launched the service at the HCPC in September 2022.

6.1.4 **Phase 2 of the Case Management System** – sprint one of the development and build of the enhancements to the system is underway and due to be completed by 1 October 2022.

6.2 A high-level progress update for each project is provided at Appendix 1.

## 7. Key risks and mitigation

7.1 As we have shared with Council, the current trend of gradual, incremental improvements are vulnerable to a number of risk factors, both internal and external:

- **Time** – it takes time for improvement work once delivered to be seen as a sustained and noticeable impact on performance measures. We need time to support the teams to embed change as business-as-usual ways of working.
- **Transition to frontloading** – as a result of the pilot we ran last year, it is clear to us that we need to transition to a ‘frontloaded’ FtP process in order to deliver more significant improvements in our performance in the medium to longer term. This requires changes to our processes, new legal provider contract(s) and recruitment in all areas. New legal providers have been appointed following a full procurement exercise. The new contracts came into effect from 1 April 2022 and frontloading of investigations started in July 2022. We are now developing the plans to build our internal capability to manage frontloaded investigations in house.
- **Resource** – whilst turnover has improved there is more we need to do to provide stability across the FtP teams. Reducing our dependence on temporary and fixed term contracts is key, especially where we rely on temporary staff to fill vacancies pending the outcome of recruitment. We have attempted and continue to plan to over recruit in core roles but this has been made challenging by insufficient numbers of appointable candidates following recruitment campaigns. We currently have vacancies in a number of key manager roles which are being covered by

existing staff and secondments. A new cohort of case managers joined the team in September. We have recently completed the recruitment for our new training partner roles and are awaiting confirmation of start dates.

- **Legal Assessor availability** – along with other regulators we have seen challenges with the availability of Legal Assessors who sit on all hearings. This is due to the uplift in court activity following the pandemic. This means that we have had to list some hearings in two parts, which increases the length of time for a matter to conclude. Recruitment to increase our pool of Legal Assessors is currently underway and we expect to have them in post by October.
- **Need for regulatory reform** – the changes we are making are helping progress older cases and improve the quality of our decision making. However, to be able to dramatically improve the timeliness of our FtP process we need legislative change to enable us to conclude cases earlier on in the process (at the moment all cases where there may be a case to answer (which is a low bar) must go to a final hearing. We are working closely with the DHSC on the plans for regulatory reform and proactively working with the DHSC on the GMC's draft legislation which will be the blueprint for the other regulators.

## 8. Next steps

- 8.1 We will continue to update Council on our progress against our improvement plan at each meeting in 2022 or until Council has sufficient assurance of our progress to reduce the frequency of reporting.

## Appendix 1: Project status report

|     | Project   | RAG | Progress update   | R&I | Plan |
|-----|---|-----|---|-----|------|
| 1   | Risk assessment quality and adherence to best practice standard internal review   |     | In progress. Monthly quality assurance checks in the department continue. QA team review and support of the process is in progress.   |     |      |
| 2   | Improving communications, engagement and support we provide   |     |   |     |      |
| 2.1 | Workstream 1: Tone of voice review  |     | In progress. Initial 'trial' review of a small sample of letters has taken place. Prioritisation of remaining templates is underway. Secondees from another regulator to support tone of voice review are due to start in October.  |     |      |
| 2.2 | Workstream 2: QA review of case plans and stakeholder engagement  |     | In progress. Monthly quality assurance checks in the department continue. QA team review and support of the process is in progress.   |     |      |
| 2.3 | Workstream 3: Developing additional guidance and support for unrepresented registrants and encouraging all registrants to engage earlier in the process |     | Not yet started – as explained in paper we are phasing the start of the projects to ensure we focus on embedding the changes from the projects in Phase 1 and to manage our capacity.   |     |      |
| 2.4 | Workstream 4: Lay advocacy service  |     | Complete. Final training for teams took place in early September and service is now live.   |     |      |
| 2.5 | Workstream 5: Registrant support line   |     | Not yet started - as explained in paper we are phasing the start of the projects to ensure we focus on embedding the changes from the projects in Phase 1 and to manage our capacity.   |     |      |
| 3   | Consensual resolution of cases – ensuring our policy is applied consistently and at the point of referral from the ICP                                  |     | Complete. Regular review of cases for consent is now embedded in the post-ICP case management process.  |     |      |
| 4   | Case management and investigation – embedding the learning from frontloading pilot.   |     | In progress. We have appointed our legal providers with the contract starting on 1 April 2022. Frontloading of case investigations with our provides commenced in July 2022. Work to review our operating model to support in-house frontloaded investigations is underway. |     |      |
| 5   | CMS – phase 2 – this will be managed by the HCPC's Major Projects team.   |     | Upgrade to the Core product to support the enhancements was completed in August 2022. Sprint one of the delivery of the change work commenced in September. All sprints are scheduled to be completed by December 2022.   |     |      |
| 6   | Review of KPIs and process for Protection of Title cases  |     | Not yet started - as explained in paper we are phasing the start of the projects to ensure we focus on embedding the changes from the projects in Phase 1 and to manage our capacity. This project will commence in Q1 2022-23 as discussed with the FtP Improvement Board. |     |      |