
Fitness to Practise Performance Report

Executive Summary

This paper provides:

- an update on the progress of the Fitness to Practise (FTP) Improvement Programme against the targets we set ourselves on improving quality and timeliness of case management.
- a brief update on phase 2 of the FTP Improvement Programme.

The Council is asked to note the progress made.

Previous consideration	Standing item (as of February 2021) to update the 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 the Council on 20 March 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 of the improvement programme includes 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 the Council is aware, improving our performance in Fitness to Practise (FTP) remains a priority for the HCPC. The focus remains on embedding the changes we have made to date and continuing with further improvements which focus on the support we provide to those involved in the FTP process and how we communicate during FTP cases.
- 1.2. Our overarching aim is to improve the quality and pace of our management of FTP cases.
- 1.3. This paper provides:
 - An update on our performance in relation to the quality and timeliness of case investigations;
 - An update on the projects in phase 2 of the FTP Improvement Programme (Annex 1); and
 - A summary of key risks and mitigations.

2. Quality of case management

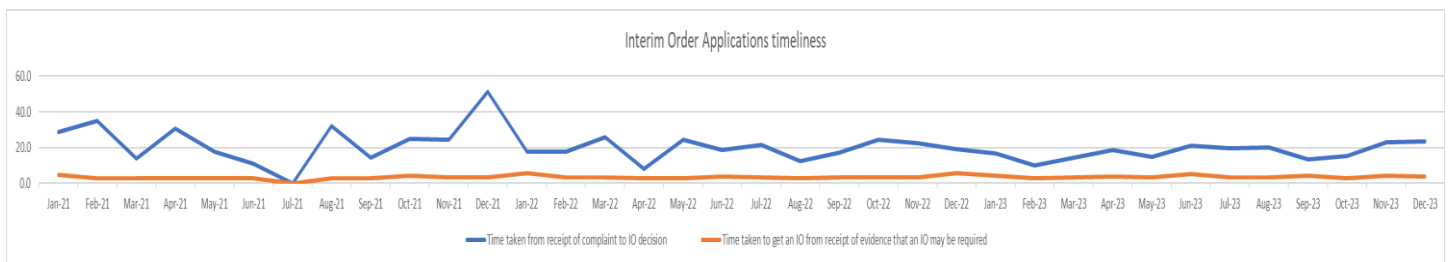
- 2.1. In this section we provide an overview of our performance in relation to the quality of our case investigations. As we have done previously, we have broken this down by themes of the key benefits we are seeking to achieve through this part of our improvement work. These are:
 - Risk management and Interim Order performance
 - Quality of our risk assessment of cases
 - Quality of our case planning

Risk management – Interim Order performance

- 2.2. Identifying high risk cases as soon as possible is a key part of ensuring we protect patients and service users.
- 2.3. A measure of how effectively we complete and keep up to date the risk assessments of our cases is the time it takes to apply for an Interim Order. Figure 1 shows our performance against the two measures of timeliness in relation to Interim Orders.
- 2.4. The orange line in Figure 1 shows how quickly we progress a matter to an Interim Order hearing once we have identified the need for an Interim Order. In November 2023 we were slightly above our three week target at four weeks. This was due to an Interim Order hearing being adjourned. In December 2023 our performance was back in line with the target.

- 2.5. The blue line identifies how quickly we progress a matter to an Interim Order hearing from receipt of the concern. Our target for this measure is 12 weeks. In November and December 2023 our performance was 23 weeks. This includes seven cases across that period where we had to wait for a third-party investigation to conclude or reach a particular evidential stage before we could apply for an Interim Order.
- 2.6. The risk presented in a case can change as we progress the investigation. It may be that on receipt of the initial concern the risk is identified as low, but this increases on receipt of further information and a greater understanding of the scale or seriousness of the concern.

Figure 1 – Interim Order performance



Risk management – adherence with our Best Practice Standard

- 2.7. Monitoring the quality and timeliness of our risk assessments continues. In March 2022 we increased our target to 80% adherence from the end of Q1 2022-23, to support our aim to achieve the 90% stretch target we have set ourselves.
- 2.8. Figure 2 shows, that we dipped below that target in October 2023. We would expect to see a dip in performance when we onboard new team members. In response we provided additional coaching, support and oversight to newer and less experienced Case Managers.
- 2.9. In November 2023, we achieved our target again with compliance at 85% and maintained this in December. We have achieved or exceed performance above the 80% target in nine of the last twelve months. This shows that the steps we have taken have enabled us to correct our course quickly and again achieve our quality target.

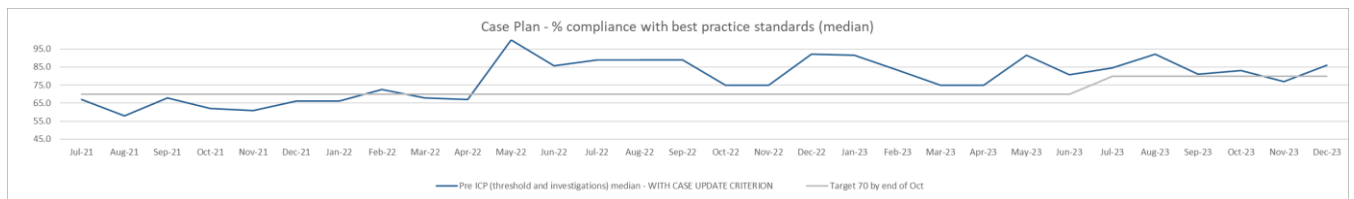
Figure 2 – quality of risk assessments: performance against target



Case planning – adherence with our Best Practice Standard

- 2.10. Monitoring the quality and timeliness of our case plans also continues, and we increased this target to 80% adherence in March 2022 after meeting our initial target of 70% adherence to our best practice standard in January and February 2022.
- 2.11. In November we introduced a new question to our case plan front-line checks relating to the timeliness of updates provided to relevant parties. This was to provide better oversight of this quality measure and help us identify opportunities for learning and improvement more quickly.
- 2.12. In November 2023 our performance dipped slightly below the target to 79%, as a result of introducing this new quality measure. We carried out focused work with the team to support them to provide timely updates to parties, and in December 2023 performance had increased to 88%. As outlined above, this again shows that monitoring our performance closely and taking action when performance does dip enables us to improve performance quickly.

Figure 3 – quality of case planning: performance against target



3. Timeliness of case investigation

- 3.1. 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 cases 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

- 3.2. To reduce the overall number of cases over our KPI it is important to make sure we do not progress older cases at the expense of younger cases. The median age of cases at the point they are closed provides a useful measure of how well we are balancing the progression of cases across the caseload.
- 3.3. Figure 4 shows the median age of cases closed at the Threshold and Investigating Committee Panel (ICP) stage (i.e., all pre-ICP case closures) month on month.
- 3.4. In December 2023, the oldest case closed was at 180 weeks, and the youngest was two weeks. The median age of cases closed in December 2023

was 20 weeks, which falls within the KPI of 33 weeks. This shows we continue to progress our oldest cases, alongside those more recently received.

- 3.5. Our KPI report to the Council shows the percentage of cases closed pre-ICP that are within KPI. In November and December 2023, we continued the trend since February 2023 of closing more cases at this stage of the process within our KPI of 33 weeks. In December 2023, 72% of cases closed at this stage were within our 33 week KPI. This is the highest number and proportion of cases closed within KPI we have ever seen and the first time we have met this KPI.

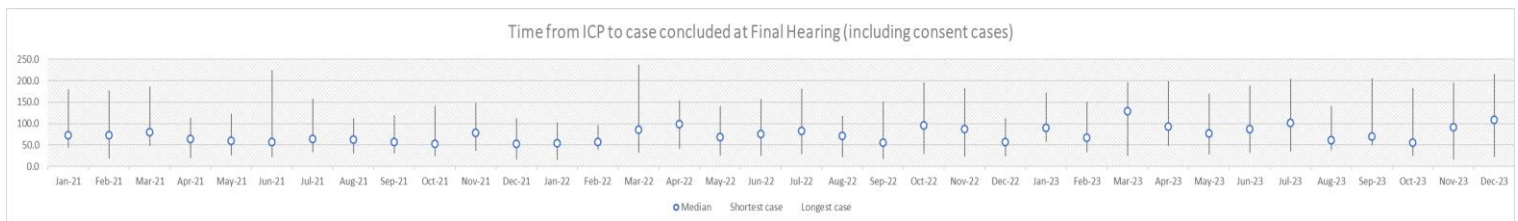
Figure 4 – receipt to closure at Threshold or ICP decision median



- 3.6. Figure 5 shows the median age of cases that were closed at a final hearing (including cases resolved by consent). We expect the median age at this point of case conclusion to be above our KPI of 39 weeks as our older cases move through the process.

- 3.7. The median age of cases concluded at a final hearing in December 2023 was 109 weeks, with the longest case at 216 weeks and the shortest at 21 weeks. The shortest age to conclusion continues to reflect the positive impact of frontloading, and the benefits we are realising in progressing frontloaded cases to a final hearing more quickly. In general, for frontloaded cases the time taken from Investigating Committee Panel to final hearing has reduced to 28 weeks, almost three months (11 weeks) faster than our 39 week service standard.

Figure 5 – ICP to final hearing decision median



Case volumes at each stage

- 3.8. Figures 6 to 8 show the number of open cases in our Threshold, Investigations and Post-ICP teams respectively.
- 3.9. As we have previously updated the Council, since June 2023 we have received noticeably more new FTP concerns each month than in the same period last year. In October we received 203 new concerns, which is the

highest monthly number since we ceased regulating social workers in December 2019. 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.

- 3.10. This increase in new concerns since June is reflected in the volume of cases at the Threshold stage, which had exceeded 700 at the end of November. The team have responded well to manage this increase and at the end of December the caseload was back below 700 at 641 cases.
- 3.11. In October and November 2023 we saw that the open investigations caseload had exceeded 800 cases for the first time since April 2023. By the end of December the caseload had reduced to 760 cases, which is in line with the caseload between April and September 2023. 80 of these cases are currently listed for a future Investigating Committee Panel. This means the number of cases under active investigation in the Investigations team is 680.
- 3.12. The number of cases at the post-ICP stage remains below 500 cases, as it has done since February 2022. In December 2023 the caseload was 488. 73 of these cases are listed for a future final hearing and a further 57 are in the process of being scheduled for a final hearing. This means the number of cases being actively investigated post-ICP is 365.

Figure 6 – number of open Threshold cases

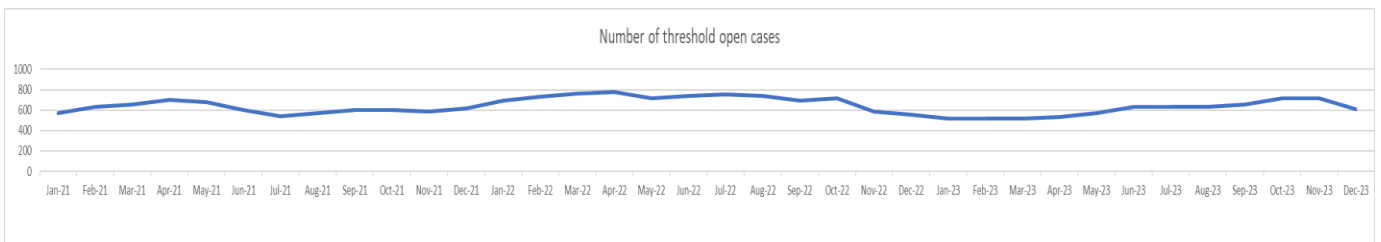


Figure 7 – number of open Investigations cases

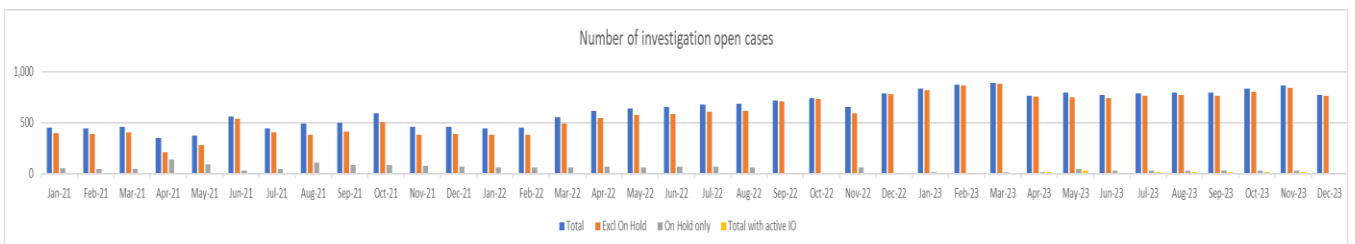
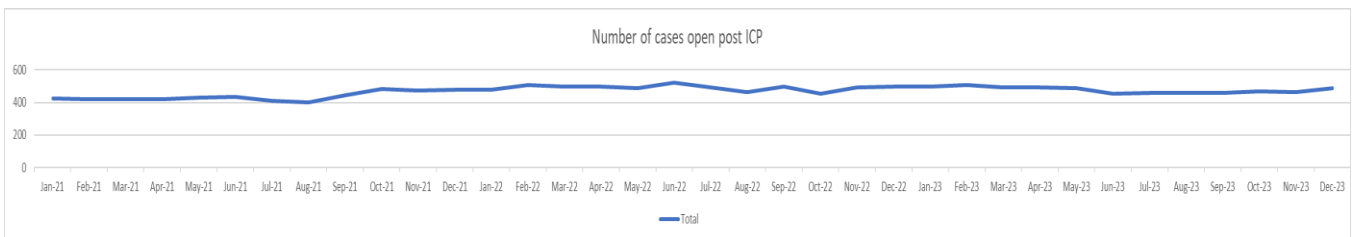


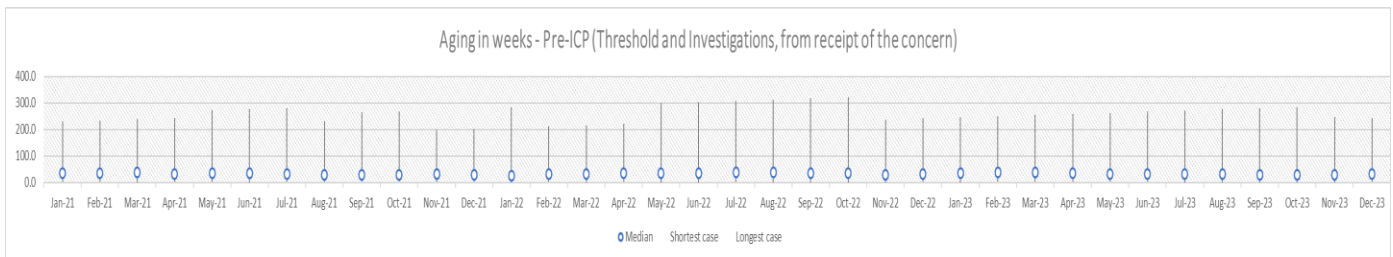
Figure 8 – number of open post-ICP cases



Age profile of the live caseload

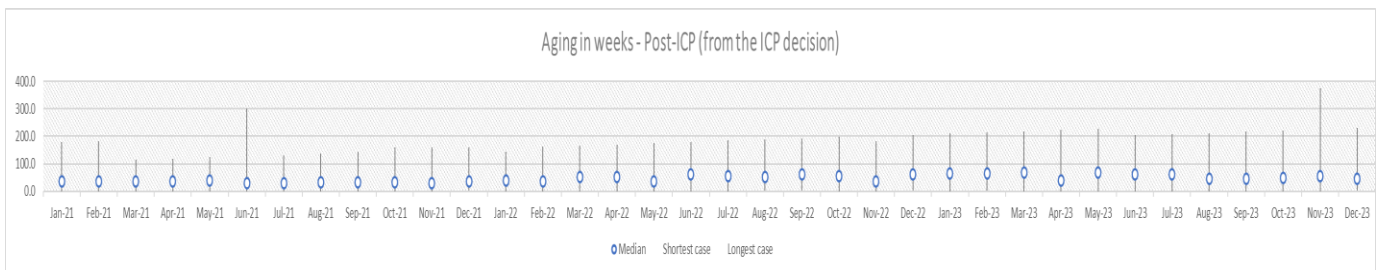
- 3.13. Figure 9 shows the median age of our live pre-ICP caseload. At the end of December 2023, the median age of our open pre-ICP caseload was 32 weeks, which is slightly higher than it has been for the previous six months but still within our KPI of 33 weeks for this stage of the process. The youngest case was one week and the oldest was 243 weeks. The median age of our live caseload includes cases that are or have been on hold due to a third party investigation.

Figure 9 – median age of live pre-ICP caseload



- 3.14. As our older cases progress through to the post-ICP stage, the median age of cases at this stage of the process increases. At the end of December 2023, the median age of cases at this stage was 47 weeks, which continues to sit above our KPI of 39 weeks from the ICP decision. The youngest case at this stage was 1 week and the oldest at 230 weeks.

Figure 10 – median age of the live post-ICP caseload



4. Overview of phase 2 improvement projects

- 4.1. As we discussed with the Council in November 2023, phase 2 of our improvement programme has focused on 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. We have also continued activity to ensure we are embedding the improvements in phase 1 of the improvement programme.
- 4.2. A progress update on phase 2 is provided in Annex A, and the following is highlighted:

- **Protection of title cases** – we have defined our new processes and implementation of the first stage of the process is under way. We expect this stage to go live from 1 April 2024.
- 4.3. The majority of initiatives in phase 2 are now completed. The next stage of our improvement work is targeted on timeliness and preparing for the future, as well as continuing to monitor, embed and develop the changes we have delivered in the earlier phases of the improvement programme.
- 4.4. Planning for this next stage of improvement activity is under way as part of work planning process for next year, and we will update the Council with further details at a future meeting.

5. Key risks and mitigation

- 5.1. As we have shared with the 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 have seen the impact of phase 1 of our improvement plan, which focused on the quality and consistency of our investigations, decision-making and management of risk in cases, in the PSA’s Performance Review report for 2022-23. We continue our improvement programme to ensure this work is embedded and sustained. Phase 2 of our improvement programme has a strong emphasis on the support we provide to those in the FTP process, and we are starting to see the tangible impacts of that work as reported to the Council in November 2023.
 - Increase in FTP concerns – 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. There are no discernible themes behind the increase in referrals and the trend in increased volumes of new referrals is also being experienced by other regulators. 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.
 - Transition to frontloading – we have begun planning and implementing the changes needed to enable us to undertake frontloaded investigations in-house. This requires changes to our processes and recruitment in all areas. We are carefully phasing in the changes needed to ensure minimal impact on the timeliness and quality of our case management work.
 - Resource – whilst turnover has improved, we continue to work on ensuring stability across the FTP teams and reducing our dependence on temporary and fixed term contracts. Recruitment in key roles, such as case managers, remains a challenge and we have been unable to fill all our current vacancies in the most recent recruitment campaign. We
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successfully recruited a new Operational Manager and three Case Team Managers for our Investigations team, and all four took up position in the autumn. In December 2023 we successfully appointed a new Head of Adjudication Performance, who will take up their role on 1 February 2024. We were unable to appoint a Head of Case Progression and Quality following a campaign in November/December 2023, and we will be re-advertising this role in February 2024. Recruitment of new legal roles required for frontloaded investigations commenced in January 2024.

- Need for regulatory reform – the changes we are making are helping progress older cases and improve the quality of our decision-making and investigations. However, to be able to accelerate the improvement of 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 is a case to answer (which is a low bar) must go to a final hearing. We continue to work closely with the Department of Health and Social Care on the plans for regulatory reform.

6. Next steps

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

Annex A

Project	RAG	Progress update	R&I	Plan
Risk assessment quality and adherence to best practice standard internal review		Ongoing. Monthly quality assurance checks in the department continue as part of our business-as-usual processes. Ongoing QA team support of the process is in place.		
Improving communications, engagement and support we provide:				
Workstream 1: Tone of voice review		Completed. New template letters and Fact Sheets were launched in October 2023.		
Workstream 2: QA review of case plans and stakeholder engagement		Ongoing. Monthly quality assurance checks in the department continue as part of our business-as-usual processes. Ongoing QA team support of the process is in place.		
Workstream 3: Developing additional guidance and support for unrepresented registrants and encouraging all registrants to engage earlier in the process		Not yet started. We phased the start of this project to ensure we focus on embedding the changes from the projects in phase 1 and to manage our capacity. The new Head of Adjudication Performance will lead on this workstream once they have been onboarded.		
Workstream 4: Lay advocacy service		Completed. Lay Advocacy service went live in September 2022.		
Workstream 5: Registrant support line		Completed. Registrant support line went live in April 2023.		
Consensual resolution of cases – ensuring our policy is applied consistently and at the point of referral from the ICP		Completed. Regular review of cases for consent is now embedded in the post-ICP case management process.		
Case management and investigation – embedding the learning from the frontloading pilot.		In progress. Frontloading of case investigations with our providers commenced in July 2022. Work to implement our operating model to support in-house frontloaded investigations is under way.		
CMS – phase 2 – this will be managed by the HCPC's Major Projects team		Completed. All items have now been delivered. Project close down actions are now under way.		
Review of KPIs and process for Protection of Title cases		In progress – new processes and KPIs have been defined. Work to implement phase 1 of the new process is on track to be completed by 31 March 2024.		