



**Council**  
**31 January 2018**  
**Fitness to practise report**

<b>Classification</b>	Public
<b>Purpose</b>	For noting
<b>Issue</b>	Quarterly update to Council on the work of the Regulation department and the GOsC's fitness to practise committees.
<b>Recommendation</b>	To note the report.
<b>Financial and resourcing implications</b>	Financial aspects of fitness to practise activity are considered in (Chief Executive's Report).
<b>Equality and diversity implications</b>	Ongoing monitoring of equality and diversity trends form part of the Regulation department's future quality assurance framework.
<b>Communications implications</b>	None
<b>Annex</b>	FtP Data Set
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## **Fitness to practise case trends**

1. The quarterly fitness to practise dataset for the relevant reporting period is attached at the Annex to this paper.
2. As previously reported to Council, the GOsC uses the term fitness to practise 'concern' to describe any professional conduct communication containing information which is capable of amounting to an 'allegation' or 'complaint' under the Act.
3. In this reporting period, the Regulation Department received 18 concerns and 10 formal complaints. During the same period last year, the figures were 21 concerns and 15 formal complaints.
  - a. Of the 18 concerns: seven related to clinical concerns (forceful treatment/inappropriate treatment); two concerned health; two related to communication; two concerned sexual impropriety; one related to advertising; one concerned a conviction; one related to record keeping; one concerned indemnity; and one related to conduct.
  - b. Of the 10 formal complaints: four related to clinical treatment; four concern registrant conduct; one related to insurance; and one concerned a conviction.
4. There were no applications made to the Investigating Committee for the imposition of an Interim Suspension Order during Q3. One application was made during a Professional Conduct Committee hearing. During the same period last year, the number of applications made was one and two respectively.
5. The Interim Suspension Order (ISO) application made during this reporting period related to serious concerns about a registrant's patient assessment, examination, consent process and patient communication. The PCC considered that an interim suspension order was necessary for public protection in this case.
6. As reported to Council in quarter 2, the Regulation department received a further 70 advertising concerns between March – June 2017. No further advertising concerns have been received since June 2017. Of the 70 advertising concerns 54 have been closed under the initial closure procedure. The remaining 16 have been prepared for consideration and sent to a Screener to be considered under the initial closure procedure.
7. As at 30 September 2017, the total number of advertising concerns the Regulation Department has received is 407. The current position and progression of the advertising concerns is summarised in the table below:

Total number of advertising concerns received (=A+B+C)	407
Number closed under the threshold criteria	272
Number closed other than under the threshold criteria <sup>[1]</sup>	100
Total number closed (A)	372
Number screened in for consideration by the Investigating Committee (B)	19
Number closed by the IC	17
Number referred by IC to a Professional Conduct Committee hearing	2
Number awaiting screening (C)	16

8. During this reporting period, the Regulation Department serviced 15 Committee and hearing events, including substantive, review and IC hearings before the PCC and IC.

### **Fitness to practise case load and case progression**

9. As at 30 December 2017, the Regulation Department's fitness to practise case load was 115 fitness to practise cases (42 formal complaints and 73 concerns). At the 30 December 2016, the fitness to practise case load was 101 cases (73 formal and 28 concerns).

10. The performance against KPIs for this reporting period is as follows:

Case stage	Key Performance Indicator	Median figures achieved this quarter
Screening	3 weeks	2 weeks
Investigating Committee	17 weeks	15 weeks
Professional Conduct Committee	52 weeks	55 weeks
Health Committee	52 weeks	no cases heard

11. In this reporting period, the median figures for the length of time taken for cases to be screened and considered by the IC are within KPI. The PCC median exceeds the KPI as the PCC considered a case that was adjourned by the IC twice (August and December 2016). The delay in this case receiving a final IC decision significantly impacted upon the PCC KPI median figure.
12. The Professional Conduct Committee heard 17 cases at 13 hearings during the relevant period. Thirteen of the cases concluded, three cases were part heard and one case was a review hearing. The Committee imposed a Conditions of Practice Order on one registrant which related to four cases, no UPC was found in four cases, three cases concluded with an admonishment, no UPC or PI was

<sup>[1]</sup> This figure includes concerns closed under the Initial Closure Procedure.

found in one case and one case against the registrant was dismissed by the Committee.

13. During the reporting period, the Investigating Committee considered 13 cases and concluded 10. The IC adjourned three cases, two cases were adjourned as the IC was inquorate due to the illness of a committee member who could not attend the meeting on the day and one case was adjourned so that additional allegations could be raised.

### **Section 32 cases**

14. Under section 32 of the Osteopaths Act 1993, it is a criminal offence for anyone who is not on the GOSc's register to describe themselves (either expressly or by implication) as an osteopath.
15. The Regulation department continues to act on reports of possible breaches of section 32 and as at 31 December 2017, is currently handling 24 active section 32 cases.

### **Determination Review Group**

16. On 15 November 2017, we held the second Determination Review Group meeting to review final outcomes from PCC decisions. External attendees were from the General Optical Council and the Care Quality Commission. At this meeting the DRG reviewed determinations of four final PCC hearings all relating to professional indemnity insurance cases, including three learning points issued by the PSA. Feedback from the DRG identified that the determinations focussed on registrants' mitigating circumstances without balancing the aggravating features. The DRG considered that the addition of aggravating features to the new draft Hearings and Sanctions Guidance will provide greater guidance in this area. The DRG also considered that issuing separate guidance on indemnity insurance for use by both Investigating and Professional Conduct Committees would help Committees generally in the approach they take to indemnity insurance cases.

### **Defence Organisations Meeting**

17. A further meeting with defence organisations and their insurers took place on 22 November 2017. The purpose of this meeting was to identify and discuss ways where we can work together to improve the efficiency and effectiveness of the fitness to practise hearings process. One of the agenda items was the draft Hearings and Sanctions Guidance. The items discussed at the meeting included: professional indemnity insurance, the draft practice note on standard case directions and the draft Hearings and Sanction guidance document.

## **Training for the Professional Conduct Committee**

18. The Professional Conduct Committee all member training day took place on 27 November 2017. The agenda included an innovative session on situational awareness training within a fitness to practise context, insight and remediation and case law updates on dishonesty and lack of integrity. The feedback from the members following the training has been very positive.

## **Other activities**

19. The Head of Regulation and the Regulation Manager attended the fitness to practise seminar organised by the Professional Standards Authority on 14 November 2017. The seminar included discussions on the fitness to practise process, rapid innovation, perspectives on thresholds and seriousness and the defence experience regarding fitness to practice investigations/hearings.
20. On 7 November 2017, the Head of Regulation attended the Regulator Expert Group – Social Work England Implementation team meeting at the Department of Education.
21. On 27 November 2017, the Regulation Manager attended the Cross Regulatory Group Meeting which is attended by representatives from the other healthcare regulators. The agenda included discussions on the feedback mechanisms used by various regulators post hearing, panel member training and the publication of health determinations.

## **Paperless Meetings and Hearings**

22. As previously reported to Council, we are in the process of introducing paperless' hearings where panel members would use tablets to access documents. the purpose of the project is to give the Committee Members the ability to annotate bundles when they are at the GOsC (or another secure environment) on a secure web based platform.
23. A three month pilot will commence with the Investigating Committee meeting on 26 January 2018.

**Recommendations:** to note the report.