



Minutes of Scrutiny Committee meeting, 7 April 2010

Present

Sally Irvine (Chair)
Ann Curno
Ian Hamer

In Attendance

Harry Cayton
Tim Bailey
Lisa Foley

External attendees

Alasdair Johnson, South Coast Audit (for item 4)

1. Apologies

1.1 Michael Andrews, Director of Scrutiny & Quality, sent his apologies.

2. Minutes of the Council meeting on 9 September 2009

2.1 The minutes were approved as an accurate record of the meeting.

3. Matters arising from the meeting on 9 September 2009

3.1 *Para 3.2* – The Department of Health had asked CHRE to look at the implications of commencing powers under section 28 of the NHS Reform and Health Care Professions Act 2002, to examine complaints against regulators. No decision had been made.

3.2 It was mentioned that the Office of the Health Professions Adjudicator (OHPA) had requested access to CHRE's section 29 database to allow it to undertake an analysis of cases. This request would be considered, taking confidentiality into account.

4. Internal audit report on fitness to practise audits

4.1 South Coast Audit's report on CHRE's fitness to practice audits was introduced. Internal audit's overall opinion was 'satisfactory'.

4.2 It was agreed that CHRE should consider the recommendation not to leave the audit forms blank if there was no noteworthy good practise to record.

ACTION: MA /TB

4.3 It was agreed to consider how the recommendation that the audit trail be improved could best be implemented.

4.4 The Committee accepted the internal audit report.

5. Annual review of the Audit of initial stages of Fitness to Practise and consideration of the 2010 audit

- 5.1 The Executive asked the Committee whether the *Annual Review of the Audit of initial stage of Fitness to Practise* had been well constructed and had met the Council's standards. Additionally, the Committee were asked whether they were satisfied that the Executive's plans for the coming year's FTP audits.
- 5.2 The Committee felt the report was successful and suggested the next audit be more challenging. Suggestions were made that CHRE might benefit from observing investigation committee meetings. They also felt that the composition of investigating committees should be reviewed.
- 5.3 A series of forums and focus groups had been held with regulators, the public and professionals following this year's audit. Taking into account these meetings, and advice received from University of Reading statisticians, CHRE were considering the process for 2010.
- 5.4 In the first year, CHRE had taken a standard sample of 100 cases, or all cases at the smaller regulators who had less than 100 cases. This had provided a base line. This year the intention was to take a risk-based approach. It was too early at this stage to say that certain regulators were higher or lower risk and so should receive more or less attention.
- 5.5 The committee noted that the approach would be to take 50 cases randomly and 50 cases that looked at areas of risk identified from last years audit and from any other information CHRE had available.
- 5.6 Last year the sample had been taken from all cases closed during the financial year ending March 2009. The audit this year would take its sample from the six months ending immediately before the start of each regulator's audit. This rolling approach would have the benefit of assessing more recent casework.
- 5.7 A paper would go to a future Council meeting to outline the process and shape of the 2010 audit of initial stages of fitness to practise.

ACTION: TB/HC

6. Report on complaints received from September '09 – April '10

- 6.1 A report on complaints received from September 2009 to April 2010 was noted. Most complaints received had been from individual members of the public, but increasingly, more complaints had been received from PCTs or nurses, etc. The majority of complaints were around decisions made or cases being discarded too early. The Committee requested that comparative figures between the regulatory bodies be provided at the next meeting.

ACTION: EKD/HC

7. Any other business

- 7.1 The Committee reviewed recent section 29 figures. In summary, there had been an increase in cases (400) from 31 March 2009 to 31 March 2010. The Scrutiny Committee would review s29 cases at its meeting in December.
- 7.2 It was confirmed that the Committee would discuss the performance review at its meeting in September, s29 at its meeting in December, and the audit at its meeting in April.