

Tribunal Advisory Committee, 14 November 2018

Head of Tribunal Services Report

Executive summary

This paper provides an update to the committee on key areas of activity relating to the Health and Care Professions Tribunal Service (HCPTS), including:

- Summary of activity
- FTP/HCPTS work updates
- PSA learning points
- Panel training
- Partner complaints, recruitment and feedback
- Training and resource update

Decision

The Committee is asked to consider the update

Resource implications

There are no resource implications arising from this update paper

Financial implications

There are no financial implications arising from this update paper

Appendices

Appendix 1 – Head of Tribunal Services Report

Date of paper

01 November 2018

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Head of Tribunal Services Report

1. Introduction

- 1.1 This paper summarises a number of key areas of relevant activity relating to the Health and Care Professions Tribunal Service (HCPTS).
- 1.2 It is intended that this summary provides a useful context to the Tribunal Advisory Committee (TAC), and follows a similar format of previous reports.

2. Summary of Tribunal Services activity

- 2.1 Set out below is a summary of key statistics:

Aug - Oct 2018 activity

Cases concluded at final hearing	87
Final hearings Adjourned/ Part-heard	23
Review hearings concluded	67
Cases in review cycle	217
Interim order applications considered	37
Interim orders reviewed	93
Ongoing Post-ICP cases	305

- 2.2. Between Aug – Oct 2018, 23 cases were part heard or adjourned. We saw a significant increase in the numbers of hearings adjourning or concluding part heard in October. We are currently reviewing the reasons and will produce an action plan in conjunction with the Case Preparation and Conclusion (CPC) team in order to ensure any improvements to pre-hearing preparation. In the last month we have also seen an increase in the numbers of cases that are not well found at a final hearing. With our colleagues in CPC we are also reviewing the reasons for this.
- 2.3 The HCPC/HCPTS Decision Review Group (DRG) meets on a quarterly basis to review the quality of case management and decision making by HCPTS Panels. The purpose of the group is to support proactive organisational learning with particular emphasis on issues affecting key elements of the case management and tribunal processes.

The last meeting took place in October. Key areas of discussion included learning from recent ICP decisions and interim order application audits, as well as reviewing learning from six recent hearing decisions.

3. FTP/HCPTS activities - progress update

3.1 Following the PSA's decision last year that the HCPC had not met six of the 10 fitness to practise Standards of Good Regulation, a programme of improvement work was initiated, aimed at addressing the concerns raised by the PSA. The project continues as planned. The programme of improvement activities has continued in the last quarter, with a number of key elements delivered:-

- New threshold policy for investigations
- Case Progression strategy
- Investigating Committee Panel Chair pilot
- New e-learning module on risk assessment
- Piloting of new roles (Lead Case Managers) within case management, who act as technical specialists.
- A series of quality audits, to assess the impact of the changes being made.

3.2 At its meeting in September Council approved the new Threshold Policy for investigations. This policy describes HCPC's approach to how we receive and manage cases in the earliest part of the process. The policy sets out how HCPC assesses and documents whether a case is within its remit, and also how we assess – following further investigation - whether the case meets the threshold for consideration by an Investigating Committee Panel. Additionally, it clarifies how we identify and manage serious cases (including those where there is an interim order consideration). The policy sets out the timescales and escalation routes. Once a case has met the threshold, it cannot be closed by HCPC team members, and must be considered by an ICP. We are expecting and planning for more cases to go to ICP under this new approach. The new policy is currently at the implementation stage. Details of the policy are at:

<http://www.hcpcuk.org/assets/documents/10005899Enc11ThresholdPolicyforFitnessToPractiseInvestigations.pdf>

3.3 In September Council also approved the FTP Case Progression strategy. This sets out the continuing activities that need to be undertaken to reduce both the number of open cases in the system (at all stages), and also the length of time. Given that cases may be in our process for some time, it sets out how we measure “flow” from receipt, to meeting the Standard of Acceptance, to allegations, to having an ICP consideration, through to legal investigation, scheduling and conclusion of the final hearing. A key headline from the analysis is that more than one third of the cases in the system have advanced by one or more stage in the last three months. Progress against these measures will help with resource planning for next year, and form part of future submissions to Council and the Professional Standards Authority performance reviews.

<http://www.hcpcuk.org/assets/documents/10005898Enc10FitnessToPractiseCaseProgressionStrategy.pdf>

- 3.4 As part of the Fitness to Practise improvement plan project, the department is undertaking development of the Investigating Committee process. This includes the exploration of the use of Panel Chairs who specialise in Investigating Committee panels.

This piece of work is now underway, and five existing Panel Chairs will be taking part in an initial 6 month pilot to specialise. They will undertake 50% of all Investigating Committee Panels each month.

Bespoke training by case management and HCPTS teams will be provided to the Panel Chairs at the end of November.

- 3.5 Framework Agreements with four selected suppliers for the provision of recording and transcribing services have now been signed and a contract award notice has been published.

The next stage will involve running a further competition to award a HCPC specific contract to two suppliers under the Framework Agreement.

- 3.6 The Tribunal Service have been working on new and detailed guidance /information for registrants many of whom may be unrepresented. Once finalised this will be published on the HCPTS website with the aim of encouraging engagement by registrants at final hearings.

4. PSA Learning points

- 4.1 Fifteen new learning points were received from the PSA in October relating to the period between July- September 2018. A number of these relate to cases that were not well found. Any significant learning will be fed back to panel members on an individual basis.

5. Training programme

- 5.1 The existing training programme for all panellists, Panel Chairs and Legal Assessors continues as planned. Since the last TAC meeting, legal assessor and panel refresher training has taken place. The PSA attended the legal assessor refresher training in October to give an overview of their scrutiny work.
- 5.2 We have been working with our learning and development consultant for FTP to create an E-learning module for new panel members and panel chairs. This piece of work is now in its final stages and testing will be undertaken by managers and a group of existing panel members/ panel Chairs ready for it to be rolled out for use from December 2018. The aim of the module is to enable panellists to get a good understanding of the work of the HCPC, fitness to practise and HCPTS prior to attending their induction training session in person.

6. Partner complaints, recruitment and feedback

- 6.1 We continue to work with the Partners team to respond to any complaints or concerns raised about individual Panel Members. There is currently one ongoing matter that is being dealt with by the Tribunal Services Manager (Hearings) and the Partners team.
- 6.2 In relation to partner recruitment since the last TAC meeting, interviews for lay, Chiropodist and Biomedical Scientist panel members are taking place in November.

7. HCPTS training and resource update

- 7.1 No team training has taken place since the last TAC meeting. HCPTS team training is planned for 14th December 2018 and will focus on feedback from a recent all employee survey, communication, collaboration and building on the team's existing strengths.
- 7.2 Following a recent successful recruitment campaign, the hearings team is now at full complement.
- 7.3 The scheduling team currently has one vacancy which is being covered by temporary resource.