

Tribunal Advisory Committee, 30 May 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 key statistics
- 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

16th May 2018

Tribunal Advisory Committee, 30 May 2018

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 our key statistics for 2017-18:

Concluded hearings

Year	Final hearings	Review hearings	Interim order and review	Restoration	Article 30 (7)	Total
2017-18	432	250	505	7	0	1194
2016-17	445	216	466	8	0	1135
2015-16	320	171	346	8	1	846

We concluded slightly fewer final hearings in 2017-18. However, overall we concluded 59 more hearings in 2017-18 compared to last year, this relates to the increase of interim order and review activity.

Final Hearing Outcomes

Caution	Conditions of Practice	No further action	Not well founded/ discontinued	Removed by Consent	Struck off	Suspension	Total
53	51	13	93	35	92	95	432

- 2.2. In terms of final hearing outcomes, half of all concluded cases resulted in either a Strike Off or Suspension order and 22% of cases were not well founded which is slightly lower than last year.
- 2.3. In 2017-18, 76 cases were part heard or adjourned. The numbers have fluctuated throughout the year, with significant spikes in July and October. The primary reason for adjournments in January/February was as a result of severe weather causing transport cancellations which was beyond the HCPC's control. In March, only 2 cases were adjourned or part-heard. The

rate over the year is 17% which is in line with the forecast and budget plans. We continue to review every case that does not conclude as expected, in order to make any improvements to pre-hearing preparation. Further detailed statistics relating to fitness to practise activity will be presented to Council in May and July 2018.

- 2.4 In May 2018, we will be rolling out the use of web based video conferencing (such as Skype) that has been tested for use during hearings. This will help to facilitate engagement in suitable cases where the registrant or witness is unable to attend in person. We will continue to review its efficiencies in the coming months. Future plans for this technology also include its wider use both internally and externally across HCPC.
- 2.5 In March 2018, the team successfully piloted a day of preliminary applications, ranging from special measures to adducing expert evidence. These would ordinarily be considered by e-mail by the Chair and Legal Assessor. Having reviewed the process, the team considered that this was not necessarily the most expeditious way of dealing with preliminary applications. The intention is that dealing with applications in-house will be more efficient. Over the coming months we will continue to pilot this approach. We will continue to hold oral preliminary meetings for preliminary matters that relate for example, to evidential issues or making substantial amendments to the allegation, as these require consideration by a full panel.

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. An outline plan of the improvements identified in response to the PSA's findings were presented to Council in December 2016. This outline plan has now been developed into a major project. This provides a more detailed and timed plan for the delivery of a range of activities to achieve the objective of improving our performance in relation to fitness to practise. The FTP improvement plan project has been approved by the HCPC Senior Management Team. There are a number of areas for improvement which include:

- The application of the Standard of Acceptance for Allegations (policy)
- The quality and timeliness of investigations
- Management of health cases
- ICP decision-making
- Quality of risk assessments
- Timeliness of case progression

The HCPTS will contribute to and support the project as required.

- 3.2 As advised in February, an area of the PSA performance review which HCPC have been developing is in relation to HCPC's policy on investigating health allegations. The development of the new policy forms part of the FTP improvement plan (as set out above) and is due to be considered by Council in May. If approved, this new and revised policy will not become operational immediately and a programme of work to roll out the new policy will begin. The impact for panels will be reviewed and any relevant training or updates for panels will be developed and incorporated into existing training as necessary. A revised Practice Note on this topic is being developed and TAC can expect to review this for approval at its next meeting in September 2018.
- 3.3 In relation to the changes to the Discontinuance and Disposal by Consent Practice Notes which were approved by TAC at the last meeting, all Panel members have been updated in the May FTP Partner newsletter and training provided to the relevant FTP teams with all new internal processes going live by May 2018.
- 3.4 As part of the FTP improvement plan and in conjunction with our case management colleagues we will also now begin a formal review of the feasibility of using ICP specific Panel Chairs. As part of this review we will be looking at what the legislation allows, identifying what the operational and resource impact may be as well as the risks and benefits. We welcome TAC's input and will consult further once this piece of work has progressed further.
- 3.5 Agreements have been put in place for the General Chiropractic Council (GCC) to use HCPTS facilities at 405 Kennington Road for all of their future hearings from June onwards. We are liaising closely with the GCC to ensure that all necessary operational arrangements are in place.
- 3.6 We continue to work with our Finance and procurement team to undertake a tender exercise for the provision of recording and transcribing services. The current contracts come to an end in August. This piece of work is being led by the Tribunal Services Manager – Scheduling.

4. PSA Learning points

- 4.1 We have recently received two new learning points from the PSA. The themes emerging from the learning points are currently being reviewed. We will continue to share these with the Panel Members who sat on the case, as well as using them for learning in upcoming panel training and the quarterly Partner newsletter (as appropriate).

5. Training programme

- 5.1 The existing training programme for all panellists, Panel Chairs and Legal Assessors continues as planned.
- 5.2 Since the last TAC meeting Panel Chair and Legal Assessor refresher training has taken place as well as training for the newly appointed Legal Assessors.

- 5.3 The feedback has continued to be positive, in particular from the 17 new legal assessors who attended training in April 2018. There was specific feedback that the recruitment process ran very smoothly. This indicates that the recent changes to the recruitment process undertaken by the Partners team has been worthwhile.
- 5.4 The Fitness to Practise quality compliance team will be producing a report on the feedback and outcomes from all recent panel training and this will be shared with TAC in September 2018.

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 are currently two matters that are being dealt with by the Tribunal Services Manager and the Partners team.
- 6.2 As set out above the recently recruited new Legal Assessors have now been trained and are available for use at all upcoming hearings.
- 6.3 Following a targeted recruitment campaign, interviews for Chiropodists/Podiatrists, Practitioner Psychologists, Radiographers and Hearing Aid Dispensers took place in April, we hope that these new appointments will address some of the profession shortages we have been experiencing.

7. HCPTS training and resource update

- 7.1 No team training has taken place since the last TAC meeting. The next team training is due to take place in July (mental health first aid refresher) and December, the topic for which is yet to be decided and is subject to budget availability.
- 7.2 Following a recent successful recruitment campaign, the hearings team is now at full complement.
- 7.3 The scheduling team currently has three vacancies for scheduling officer positions which are currently being covered by temporary resource.