

Performance Review Fitness to Practice Working Group

Executive summary and recommendations

Introduction

Review of the current process of self-assessment and performance review for Fitness to Practice (FTP) panel members and chairs.

Decision

The Council/Committee is asked to consider the recommendations from the FTP Working Group.

Background information

The Partner team administrates two separate processes to ensure that FTP panel members and chairs undergo regular performance reviews.

Resource implications

Financial implications

Appendices

Date of paper 26 February 2019

Performance Review Fitness to Practice

Decision Required

The current process of self-assessment and performance review for Fitness to Practice (FTP) panel members and chairs has not been reviewed since 2012. The FTP Working Group met to discuss the 'Option Paper - Performance Review' and made the below recommendations to the TAC on how to move the review forward.

Current Status

The Partner team administrates two separate processes to ensure that FTP panel members and chairs undergo regular performance reviews. The first process is the self-assessment which takes place at the end of a partner's first term of contract (after four years). Partners are asked to complete a self-assessment form with questions based on the current 'Competence framework for panel members and chairs'. The self-assessment is similar to a written re-application (form) and is scored by two FTP managers. The partner is asked to reflect and provide examples for competencies as set out in the 'Competence framework for panel members and chairs'. Partners who achieve the minimum score will be offered a second term of contract after which their contract expires due to the 8-year-rule.

The performance review process is administered by the Partner team and involves paper based multisource feedback. Partners are selected to participate in this process based on a number of criteria including number of times services have been provided, last performance review etc. All participants of a panel are asked to provide feedback in form of a peer-review and the selected partner completes a self-review. Peer-reviews are subsequently shared with the partner whose performance has been assessed and learning points might be highlighted. The disadvantage of this process is the resource intensive administration, the difficult selection process, difficulty to make the feedback anonymous and the difficulty in capturing all partners.

Both process are very time consuming for partners and the partner team.

Considerations

The group noted the option paper and signed off the Working Group Terms of Reference (Annex A). The group discussed the value of an effective performance review system as a developmental tool. Members of the group shared their own experiences with performance review and feedback and agreed that 360 degree (multisource) feedback is the most effective way to capture performance successfully. The group decided that the current self-assessment is unnecessary and does not add any value to the process of re-appointment of panel members and chairs.

There were a number of barriers which the group envisaged such as the frequency of reviews especially for panel members from smaller professions, the type and length of hearings suitable to conduct a review and the timescale of feedback provided/received.

The group reviewed and discussed examples from other regulators such as NMC and MPTS and recognised that we require a cost effective and simple approach in line with the financial restrictions in which we operate.

The group discussed the type of hearings suitable for conducting a performance review and agreed that final hearings seemed most appropriate, but that it would be possible to include review hearings and IOPs. As these hearings differ from each other, we might need to consider if witnesses and/or registrants were in attendance and if a cross examinations took place.

The group discussed the need of performance reviews of legal assessors and agreed that these should be included in the process as reviewer and reviewee. It was also raised that it would be beneficial to include hearing officers into the performance review process (reviewers only) as a higher number of reviewers will add to the anonymity of the process.

A partner's first review should be completed within two years of their contract start date, but adjustments after the first review need to be made and consideration given to the frequency a partner is contracted for their service should be made. The group discussed if a percentage of hearings attended could provide a better value; eg a panel chair should participate in the feedback process around 5% of hearings chaired instead of every two years. The key point is that smaller professions will attend less hearings which raised the question how often they should participate in the performance review as we currently apply the two-year rule to all FTP roles.

The group stressed the importance of making the feedback process a positive experience for partners which requires to include personal reflections, identify development opportunities and help to recognise training needs.

Practical considerations:

- Deadline to complete after hearing
- 10-15 minutes maximum to complete the online form
- Three scale rating
- 360 degree used for developmental purpose, identify training needs
- Detailed guidance on how to provide constructive/developmental feedback including specific examples
- Explain to partner what will happen to their feedback (negative and positive)
- Limit number of questions to:
 - Criteria/questions under each competency heading
 - Question/s around future/further development could provide ideas for training sessions

Ethical considerations:

- Importance of positive communication
- Presented and 'sold' to partners in the *right way* (eg stress importance of feedback for own development)
- 'We listened to your feedback' – no more self-assessment
- Involve large pool of FTP partners in testing/UAT
- Stress the developmental purpose of the performance review
- Value around giving and receiving feedback and stretch importance of the exercise

Recommendation

The recommendation to the TAC is to discontinue the process of self-assessment and the current version of manual performance review. It wishes the TAC to consider an online multisource feedback system and we are currently exploring licenses and costing. It would limit the use of multiple systems going forward. The group is in agreement that legal assessor should be included into the process and that the frequency of service needs to be considered instead of 'one fit all' approach.

Next Steps

The partner team in collaboration with the learning and development team will explore the options in Kallidus further and provide the working group with an example of the online form and report. The working group will develop questions following the FTP competency framework for panel members, chairs and legal assessors. A detailed communication plan will be established with the HCPC's communication office.

Fitness to Practice Working Group Terms of Reference

Role/Purpose

The role of the Fitness to Practice (FTP) Working Group is to confirm scope and provide strategic direction to the development of a new FTP Performance Review (Appraisal) process for panel chairs and members.

Timescale

1 November 2018 (tbc) – 1 April 2019 (tbc).

Objective

To ensure that the revised process

- supports best practice, focusing on outliers at both ends of the performance spectrum
- encourages continuing personal development
- is timely and transparent, not cumbersome and encourages participation
- operates within the framework of the Council's Competency Framework and the Nolan Principles of Public Life.

Thus issues to be discussed may include such matters as frequency of reviews and timeframes; areas of focus/questions; multi-source feedback options.

Membership

The composition of group insures that different perspectives from involved parties are being considered.

- Partner Team Manager (chair)
- Learning and Development Consultant
- Tribunal Services Manager (Scheduling)
- Tribunal Services Manager (Hearings)
- Panel Chair (1-2)
- Panel Member (1-2)

Roles and Responsibilities

- Members are expected to attend all meetings or send an informed deputy if unavailable.
- In addition to attending meetings members may be asked to contribute individually and by email

- Members will be provided with information in a timely manner
- Members will be alerted to risks and issues that could influence the project's direction or outcome.

Meetings

All meetings will be chaired by HCPC Partner Team Manager. Meetings will be held at least twice within the period specified above at the HCPC London Office.