

Tribunal Advisory Committee, 29 May 2019

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 – Tribunal Services Report

Date of paper

14 May 2019

Tribunal Advisory Committee, 29 May 2019

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:

Feb 2019 – April 2019 activity:

Cases concluded at final hearing	Final hearings adjourned/ part heard	Review hearings concluded	Cases in review cycle	Interim Order applications considered	Interim Orders reviewed	Ongoing Post-ICP
80	12	55	191	29	63	341

- 2.2. Between Feb 2019– Apr 2019, 12 cases were adjourned or part heard which is in line with forecast. The numbers of hearings that are not well found continue to remain slightly higher than we would expect and we are continuing to work with our colleagues in case management to put together an action plan to help assess and monitor the not well found outcomes.

Set out below is a summary of our concluded hearing numbers for 2018-19:

Concluded hearings:

Year	Final hearings	Review hearings	Interim order and review	Restoration	Article 30 (7)	Total
2018-19	353	203	476	6	0	1038
2017-18	432	250	505	7	0	1194
2016-17	445	216	466	8	0	1135

We concluded 79 (18%) fewer final hearings in 2018-19. Overall, we concluded 156 fewer hearings in 2018-19 compared to last year.

- 2.3. In terms of final hearing outcomes, less than half (43%) of all concluded cases resulted in either a Strike Off or Suspension order and 30% of cases were not well founded which is higher than last year (22%). As set out above, we will be starting an action plan to help monitor, assess and review not well found outcomes for the coming year. Initiatives to improve engagement and ongoing learning from panel decisions are aimed at reducing the numbers of cases that are not well found.
- 2.4. In 2018-19, 66 cases were part heard or adjourned. The numbers have remained relatively consistent throughout the year, with a slight increase in the Autumn. The rate over the year is 19% which is slightly above the forecast of 15%. We continue to review every case that does not conclude as expected. Further detailed statistics relating to fitness to practise activity will be presented to Council in May and July 2018.
- 2.5. Throughout last year, the Scheduling team have worked hard to make improvements to the scheduling processes as well as ensuring appropriate oversight of teams. Since the start of last year the team have reduced the time taken to schedule a hearing from the point of it being ready to fix by around 8 weeks which has made a significant contribution to the department's aim of reducing the overall length of time of cases.
- 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 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 April 2019. Key areas of discussion included:

- Learning from a recent ICP decision which was adjourned for further information. It was agreed that the Case Investigation Report could have been clearer in order to aid the panel's decision-making. This has been fed back to assist with improvements in the process;
 - Learning / discussion in relation to a recent interim order application decision where no order was granted. It was felt that the Panel's decision could have provided better reasoning. Feedback had already been provided to the Panel following receipt of a complaint in the case;
 - PSA feedback April – September 2018, which included information about identified feedback themes;
 - Examples were also discussed that could be used for future training for Panel Members, Case Managers and Presenting Officers;
 - Review of not well found cases undertaken by HCPC's external legal provider. Initiatives to encourage greater engagement from registrants at an early stage were discussed and agreed;
 - A review of cases adjourned at ICP between Jan – March 2019.
- 2.4 The adjudication development group also met in early May and discussed the following reports:

- Review of adjourned in advance cases;
- Review of cases administratively cancelled in advance of hearing;
- Stakeholder feedback report.

3. FTP/HCPTS activity update

- 3.1 Operational planning for the Social Work England transfer has begun and we continue to work towards an assumed December transfer date. This includes planning the cut off dates for the listing of Social Work cases.
- 3.2 A mid-point review of the pilot to explore the use of Panel Chairs who specialise in Investigating Committee Panels has been undertaken which covers the period Jan – March 2019.

The objectives of the pilot are as follows:

- To improve the quality of ICP decisions;
- To reduce the number of 'weak' cases referred to a final hearing;
- To improve the quality of allegations referred to a final hearing;
- To ensure requests for further information are specific and justified;
- To ensure ICP days are chaired effectively and constructively, including; appropriate time management and decision content.

Following a review of outcomes amongst the specialist and other ICP Panel Chairs, it was found that there was no significant difference between the numbers of cases that were adjourned for further information amongst both groups.

However, it was found that 58% of cases that were chaired by an ICP specialist Chair during the review period have now reverted back to an ICP with the further investigation completed. This is compared to 43% of cases heard by other Panel Chairs. This is a 15% difference, and could indicate that the requests for further information by the ICP specialist Chairs are specific and justified and therefore enables Case Managers to obtain the relevant information more quickly. This will be kept under review.

A sample of decisions were also reviewed to assess the quality of decisions amongst both the specialist and non-specialist group. The review identified that overall the quality of decisions was high amongst both groups. All decisions were found to be self-contained and 92% had clear and detailed reasons for the decision. The ICP specialist Chairs were found to have a slightly higher number of decisions that referred to relevant factors at each stage of the decision. It is promising that the quality of decisions overall was high. The mid-point review has not identified any significant differences in the quality or outcomes of cases between the ICP specialist and other Panel Chairs, however it may be too early for any distinction to be drawn. A further review at the 6 month point will be undertaken.

In general, the pilot appears to be meeting its objectives but the full impact will only be known once we are able to track cases through the process and review the final outcomes.

- 3.3 We are continuing to work with Policy, Partners and Learning and Development teams regarding the implementation of the new Sanctions Policy which is likely to go-live in July 2019.

4. PSA Learning points

- 4.1 No new learning points have been received since the last TAC meeting.

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, Panel Chair refresher and new Panel Member training has taken place.
- 5.2 Legal Assessor training also took place in May with the PSA in attendance to provide a briefing / overview of their work. The session was well received and we intend to continue this for upcoming Panel Chair training.

6. Partner complaints, recruitment and feedback

- 6.1 We continue to work with the Partners team to respond to any complaints or concerns raised. There are no current matters being dealt with.
- 6.2 In relation to partner recruitment, interviews for Physiotherapists, Practitioner Psychologists and Operating Department Practitioners have taken place since the last TAC meeting.

7. HCPTS training and resource update

- 7.1 Training for team managers took place in March.
- 7.2 In early May, additional members of the team undertook intensive first aid training.
- 7.3 The hearings and scheduling team are both at full complement and there are no current vacancies.