

Tribunal Advisory Committee, 12 November 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

05 November 2019

Tribunal Advisory Committee, 12 November 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:

Sept 2019 – Oct 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
81	9	31	169	17	20	466

- 2.2. Between September and October 2019, the numbers of cases that were adjourned or part heard were slightly below forecast. We had a high level of activity in October with 51 concluded final hearings, 4 cases were adjourned (8%). In October the numbers of hearings that were not well found increased significantly compared to previous months. This could be linked to the number of older, complex cases that were concluded. However, we continue to review the numbers and discussions around initiatives to review the cases continued at the last Decision Review Group (DRG) meeting in November.
- 2.3. There will continue to be a high level of hearings activity in November in order to ensure social work cases are concluded prior to the transfer on 2nd December.
- 2.4. We have also continued to work closely with our colleagues in the Case Preparation and Conclusion (CPC) team in order to ensure that any cases with an interim order are progressed and concluded as quickly as possible.
- 2.5. The time taken to schedule a hearing from the point of it being ready to fix remains consistent and in line with department indicators. This continues to contribute to the department’s efforts to reduce the overall length of time it takes for a case to conclude.

3. FTP/HCPTS activity update

- 3.1 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 October 2019. Key areas of discussion included:

- Final hearing decision audit
 - PSA learning points
 - Adjourned ICPs
 - NWF analysis and action plan
- 3.2 The group discussed the Final Hearing decision Audit which looked at 30% of decisions made between October – December 2018. The audit identified that the majority of decisions met or exceeded the threshold standard for each of the key elements of the decision-making process. It found that panels consistently provided clear reasons for their decision at each of the three stages of the decision-making process. The audit did not identify any systemic issues or risks with the quality of decisions produced by the Practice Committees and as such no recommendations were made.
- 3.3 The group also discussed a PSA learning point that was received in October. Further detail is set out in section 4 below.
- 3.4 The DRG continued to discuss and update on the initiatives set out in the not well found action plan which are aimed at addressing the numbers of cases that are not well found.
- 3.5 Operational planning for the transfer of Social Workers to Social Work England continues as planned. A number of Social Work hearings are listed in November to ensure that all existing interim and substantive orders are reviewed prior to transfer.

4. PSA Learning points

- 4.1 In October 2019, one learning point was received from the Professional Standards Authority (PSA). The learning point related to a panel decision that the Registrant was no longer impaired. There were no concerns about the substance of the decision but they found the determination to be too brief and it did not provide a full explanation of the panel's decision making in light of two previous regulatory hearings regarding the Registrant's fitness to practise. It was confirmed to the PSA that we have recently introduced a new round of material/ content for our panel refresher training in which there is a focus on ensuring the correct level of detail is included in decisions.

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, new Panel Member and refresher training has taken place.
- 5.2 This cycle of training has incorporated revised training material which has so far received positive feedback from existing FTP Partners.