

HEALTH PROFESSIONS COUNCIL

Competence Framework for Fitness to Practise Panels

Introduction

This Competence Framework is based upon work conducted by the Judicial Studies Board on developing a framework of competences for those who serve on tribunals or regulatory bodies that have a disciplinary role. The Framework sets out the skills, knowledge and behavioural attributes needed to perform the functions of a HPC Panel member and is divided into six headline competences:

- A Law and Procedure
- B Equal Treatment
- C Communication
- D Conduct of Hearing
- E Evidence
- F Decision-making

Each headline competence represents a core element of the Panel member's role. Within each core element relevant competences are set out in the sequence they might occur during a typical hearing. In fact, many of the competences apply across the range of a Panel's functions, but to avoid duplication they are set out as six distinct areas of competence.

The competence relevant to each core element is shown in the first column. The second column contains one or more performance indicators for each competence which set out the evidence required to show that a competence has been demonstrated. The Framework is further divided into those competences required by all Panel members and those additional competences that apply to Panel Chairmen.

Whilst the Framework provides an essential self-development aid to individuals, it will also be used by those involved in training Panel members, enabling them to design programmes which ensure that Panel members and chairmen acquire the skills and knowledge necessary to undertake their role.

The Council is requested to approve the document.

A Law And Procedure

To ensure an appropriate level of knowledge concerning the jurisdiction, law and procedure of the Panel

Competences	Performance Indicator
1. Understands the legal framework, jurisdiction and procedures of the Panel.	<ul style="list-style-type: none">• Can accurately describe and explain (in outline) the legal framework, jurisdiction and procedures of the Panel.• Can describe the collective and respective roles of the members and staff within the Panel's culture.
2. Understands the subject matter of the Panel's jurisdiction.	<ul style="list-style-type: none">• Can describe and explain the subject matter of the Panel with accurate reference to relevant terminology, concepts and knowledge base.
<i>Chairmen</i>	
3. Possesses a detailed knowledge and understanding of the law and practice relevant to the Panel	<ul style="list-style-type: none">• Properly applies appropriate and relevant legal rules to the issues before the Panel.• Obtains further advice or information from appropriate sources when required.
4. Possesses a detailed knowledge of the jurisdiction and procedures relating to the Panel.	<ul style="list-style-type: none">• Appropriately conducts the proceedings in accordance with the Panel's procedural rules.

B Equal Treatment

To ensure and promote equal treatment for all involved with Panels

Competences	Performance Indicator
<p>1. Is aware of and respects:</p> <p>a. cultural and other differences among all who appear before the Panel, or who are members or staff of it, including differences in age, beliefs, gender, race, religious customs, sexual orientation and life styles.</p> <p>b. the particular needs of parties, their representatives, witnesses, members and staff with physical or mental disabilities.</p>	<ul style="list-style-type: none">• Uses correct forms of address and appropriate language.• Asks questions and makes comments in a manner that is sensitive to issues of age, beliefs, cultural differences, gender, physical or mental disabilities, race, religious customs, sexual orientation and life styles.• Participates in the Panel in a way that enhances and promotes equal treatment e.g. by appropriate approach, attitude and non-verbal communication.• Ensures that the needs of those with physical or mental disabilities are properly accommodated by the Panel.
<i>Chairmen</i>	
<p>2. Facilitates the participation of all parties, representatives and members to promote equal treatment.</p>	<ul style="list-style-type: none">• Elicits the extent of the understanding of those appearing before the Panel, from the outset of the proceedings, and explains in everyday language the procedural, evidential and legal issues involved in the Panel hearing, as appropriate.• Maintains a proper balance between (1) assisting and understanding what those appearing before the Panel require and (2) the impartiality

	<p>of the Panel.</p> <ul style="list-style-type: none"> • Takes necessary account of all factors that may unfairly discriminate and undermine full and effective participation of parties, representatives and members. • Makes effective use of interpreters and signers, to enable the parties and the Panel members to follow all the proceedings, and ensures effective use of communication aids such as loop systems.
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C Communication

To ensure effective communication between all Panel chairmen, members and parties

Competences	Performance Indicator
1. Communicates effectively.	<ul style="list-style-type: none"> • Asks clear, concise and relevant questions which are readily understood. • Makes appropriate comments. • Employs active listening skills e.g. is attentive, checks perception etc. • Uses appropriate body language e.g. posture, gesture,, eye contact etc. • Regularly checks the understanding of all participants.
Chairmen	
2. Communicates effectively.	<ul style="list-style-type: none"> • Explains any relevant legal or procedural issues to Panel

	<p>members and the parties in language that they can understand.</p> <ul style="list-style-type: none"> • Ensures that communication between the Panel and all the parties is effective. • Gives decisions using clear and concise language so that the parties understand the findings and decisions. • Drafts written decisions which properly reflect the findings and decisions of the Panel, so that the parties understand the findings and the decision.
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D Conduct Of Hearing

To ensure a fair and timely disposal of hearings

Competences	Performance Indicator
<p>1. Acts in a manner that establishes and maintains the independence and authority of the Panel</p>	<ul style="list-style-type: none"> • Is punctual. • Dresses appropriately. • Recognises and discloses any potential conflict of interest. • Recognises and respects the needs of those appearing without representation. • Behaves in a measured, calm and non-confrontational manner
Chairmen	
<p>2. Manages the hearing in a manner that enables proper participation by all those present.</p>	<ul style="list-style-type: none"> • Identifies the members of the Panel to the parties. • Explains the Panel's procedures

	<p>to all those present.</p> <ul style="list-style-type: none"> • Ensures that each party is properly heard. • Explains to the parties what will happen after the hearing has ended.
<p>3. Manages the hearing to facilitate a fair and timely disposal.</p>	<ul style="list-style-type: none"> • Holds any necessary preliminary meeting to agree role of members, identify issues etc. • Maintains an effective working relationship with staff. • Keeps a legible and accurate record of the proceedings. • Identifies areas of agreement between parties. • Ensures that if a party does not attend their case is fully considered, as the rules and circumstances may allow. • Makes fair and effective use of adjournments while minimising delay. • Deals with conflicts of interest. • Deals effectively with inappropriate conduct of a Panel member. • Maintains firm and effective control, including a proper balance between formality and informality • Ensures that reasoned decisions are delivered within the specified time.

E Evidence

To ensure that all relevant issues are addressed by eliciting and managing evidence

Competences	Performance Indicator
1. Undertakes necessary preparatory work for all cases.	<ul style="list-style-type: none">• Exhibits familiarity with the points at issue in the case.• Identifies the areas requiring clarification or investigation.
2. Identifies and assimilates relevant facts and expert evidence.	<ul style="list-style-type: none">• Identifies and uses only relevant facts and expert evidence from written and oral sources.
3. Asks questions concerning material issues.	<ul style="list-style-type: none">• Asks questions in such a way as to elicit evidence relevant to the issues.
<i>Chairmen</i>	
4. Conducts the hearing to encompass all relevant issues.	<ul style="list-style-type: none">• Ensures all and, as far as possible, only relevant issues are addressed and considered.• Encourages Panel members to ask appropriate questions.
5. Seeks further evidence as required.	<ul style="list-style-type: none">• Calls for additional reports and other evidence where necessary and appropriate.

F - Decision Making

To ensure effective deliberation, structured decision making and disposal of the case

Competences	Performance Indicator
1. Takes an active part in deliberations and decision making.	<ul style="list-style-type: none">• Appropriately participates in the decision making process by making a reasoned decision based on the relevant law and finding of fact.

	<ul style="list-style-type: none"> • Expresses opinions in discussion relevant to the issues. • Considers opinions and advice of others before making a decision. • Properly weighs the sufficiency and quality of evidence. • Makes reasoned decisions based on the relevant law and finding of fact.
<i>Chairmen</i>	
<p>2. Involves all members in the deliberations and decision making.</p>	<ul style="list-style-type: none"> • Summarises the issues and, if necessary reminding the panel of the evidence and relevant law before initiating deliberations. • Gives advice on burden and standard of proof. • Seeks relevant advice from legal assessor. • Ensures that there is an opportunity for full discussion and that each member expresses an opinion on all the issues to be decided.
<p>3. Establishes a structured decision making process.</p>	<ul style="list-style-type: none"> • Ensures that the Panel identifies the issues, makes finding of fact and provides reasons that indicate application of the relevant law. • Ensures that proper consideration is given to the reasoning of all members when there is a disagreement on any finding of fact, issue or decision • Ensures that a clear and final decision is reached on each issue and that the decision and reasons are agreed and recorded.