

Tribunal Advisory Committee, 27 February 2019

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 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 – Head of Tribunal Services Report

Date of paper

11 February 2019

Tribunal Advisory Committee, 27 February 2019

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 key statistics:

Nov 2018 – Jan 2019 activity

Cases concluded at final hearing	94
Final hearings Adjourned/ Part-heard	12
Review hearings concluded	61
Cases in review cycle	193
Interim order applications considered	33
Interim orders reviewed	174
Ongoing Post-ICP cases	305

- 2.2. Between Nov 2018– Jan 2019, 12 cases were adjourned or part heard. The higher than forecast number of adjourned and part heard hearings that we saw in October has now decreased, and the current numbers are below anticipated levels. The numbers of hearings that are not well found continue to remain slightly higher than we would expect and we will continue to work with our colleagues in CPC in order to review the reasons for this.
- 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 January 2019. Key areas of discussion included learning from two recent final hearing decisions, PSA observations from the last 6 months, a review of not well found cases from October 2018

and a review of adjourned ICP cases. The PSA observations have been included in the most recent FTP Partner newsletter which was issued in February. The observations are not formal learning points but provide useful and relevant feedback for panels.

3. FTP/HCPTS activities - progress update

3.1 The programme of improvement work that was aimed at addressing the concerns raised by the PSA is now coming to an end. The programme of improvement activities has delivered a number of key elements, including:

- New threshold policy for investigations
- Case Progression strategy for 2018-19
- Investigating Committee Panel Development
- Review of discontinuance and disposal by consent processes
- New e-learning module on risk assessment
- New health policy and operational guidance.

Improvements aimed at assisting the FTP department in meeting the PSA's standards of regulation will need to continue. Priorities will be set for the coming year, which will include planning for change in light of the transfer of Social Workers to Social Work England.

3.2 On 14th January, the new Threshold Policy for Fitness to Practise Investigations was launched. The Threshold Policy provides a new approach to the investigation of, and decision making on, cases in the early stages of the fitness to practise process. This approach will also ensure that serious and high risk cases are identified earlier and prioritised through new 'gateway' decision points in the process. The changes to our case investigation processes and decision-making criteria will be evident at the Investigating Committee panel stage. Further information was provided to Panels in the February FTP Partner Newsletter. As the new process is embedded, Panels will be supported by members of the team and additional operational guidance.

3.3 As previously advised, the pilot to explore the use of Panel Chairs who specialise in Investigating Committee Panels is now underway with five of our existing Panel Chairs. We are aiming to review progress in around April 2019.

3.4 Two new agreements with suppliers for the provision of recording and transcribing services are now in place. These agreements have been put in place under HCPC's new framework agreement. This has been a significant piece of work which has been led by Deborah Oluwole on behalf of Tribunal Services and which we anticipate will derive some cost benefits.

3.5 The Tribunal Service Managers have been working on new guidance and information for registrants, specifically aimed at those who are unrepresented. This will be going live on our website shortly. It aims to encourage engagement by registrants and is a starting point for further guidance and information which we hope to add to in the coming months.

4. PSA Learning points

- 4.1 One new learning point has been received since TAC last met in November 2018.

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 refresher and new panel member training has taken place. This included use of the new FTP Partners E-learning module.

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, we are currently recruiting for Physiotherapists, Practitioner Psychologists and Operating Department Practitioners. Interviews are due to take place in March.

7. HCPTS training and resource update

- 7.1 In December 2018, HCPTS team training took place. Both the scheduling and hearing teams attended the training which focussed on communication, collaboration and building on the team's existing strengths.
- 7.2 In February, 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.