

Council, 25 May 2017

Policy - Appointment of Registrant Assessors and Medical Assessors

Executive summary and recommendations

Introduction

Policies are regularly reviewed to ensure they remain fit for purpose and reflect any changes in case law and regulatory practice.

HCPC's approach to the appointment of registrant assessors and medical assessors, predominantly to assist fitness to practise panels, has until now been set out in separate but overlapping policies. Since the use of both types of assessor by panels is dealt with in the same Practice Note it makes sense to bring the two policies together into a single consolidated document.

The new draft policy makes clearer both the legal basis for appointing assessors and their function in assisting fitness to practise panels, and also consolidates the terms upon which such appointments should be made.

The new policy has been drafted by HCPC's Special Counsel.

Decision

Council is asked to approve the draft policy (Appendix A).

Background information

Article 35 of the Health and Social Work Professions Order 2001 provides for the appointment of medical assessors, who must be registered medical practitioners, to give advice on medical issues. Article 36 makes similar provision for the appointment of registered professionals as registrant assessors.

The updated Practice Note entitled "Opinion Evidence, Experts and Assessors", which was approved by Council at its March 2017 meeting, makes clear that fitness to practise panels may request the appointment of a medical assessor or registrant assessor in any case. The parties to fitness to practise proceedings may also request that the panel should appoint an assessor but the decision to appoint is a matter for the panel alone. Registrant assessors are most often appointed in the early stages of the fitness to practise process to assist an Investigating Committee panel in determining whether there is a case to answer. Typically, these will be

cases where the concerns raised relate to specialist areas of professional practice in which a registrant panel member is unlikely to have the necessary skills and knowledge.

Resource implications

None.

Financial implications

None; the fee structure for the appointment of assessors, which is set out in the new policy, remains unchanged.

Appendices

- A. New draft Appointment of Registrant Assessors and Medical Assessors Policy
- B. Current Appointment of Medical Assessors Policy
- C. Current Appointment of Registrant Assessors Policy

Date of paper

28 April 2017

Appendix A

Appointment of Registrant Assessors and Medical Assessors

Introduction

Articles 35 and 36 of the Health and Social Work Professions Order 2001 (the Order) enable the Council to appoint:

- registrant assessors, to advise on professional practice issues; and
- medical assessors, to advise on medical issues.

Normally, registrant assessors and medical assessors are only appointed at the request of a Panel conducting fitness to practise proceedings. Under the Council's Scheme of delegation, those appointments may be made by the Chief Executive or the Director of Human Resources.

Articles 35(4) and 36(4) of the Order provide that a registrant assessor or medical assessor must not be a member of the Council or the Education and Training Committee, a Visitor, perform any other HCPC fitness to practise partner role or be an HCPC employee.

Registrant Assessors

Wherever possible, registrant assessors should be appointed from among the existing HCPC's partners who are eligible to perform the role. In practice, this will be limited to registrant partners who conduct registration or CPD assessments but who are not Visitors, fitness to practise panellists or panel chairs.

Where an existing HCPC partner cannot be identified to fulfil the role, a registrant assessor must be identified and appointed from among other registrants who are suitably qualified and experienced, having regard to the professional practice issues on which the Panel will or is likely to need advice.

Medical assessors

Medical assessors should be appointed from among registered medical practitioners who are suitably qualified and experienced, having regard to the medical issues on which the Panel will or is likely to need advice.

Fees

The appointment of a registrant assessor or medical assessor should be made on the basis of the standard letter of engagement which, among other things, incorporates the HCPC Partners' code of conduct.

In all cases, an assessor must be asked to provide an estimate of time for the work required before any work is undertaken. Full day or half day fees should then be agreed based upon that time estimate.

Where a registrant assessor is identified from among the existing HCPC partners, the fee structure for fitness to practise panellists will apply. For other registrant assessors and for medical assessors the fees are to be determined on a case by case basis, in a similar manner to the fees for expert witnesses.

[Date]

Appendix B

Policy Appointment of medical assessors

Introduction

Medical assessors should be appointed to give advice on matters within their professional competence. Medical assessors should be appointed from among suitably qualified registered medical practitioners.

By virtue of Article 35 (4) of the Health and Social Work Professions Order 2001, appointed medical assessors must not be a member of the Health and Care Professions Council, a member of a statutory committee, a visitor or registrant assessor.

Medical assessors should be appointed to fulfil the role on an ad hoc basis. Any such appointment should be made on the basis of the standard letter of engagement which, among other things, incorporates the code of conduct for assessors.

Fees

Where a medical assessor is identified, an estimate of time should be requested from the medical assessor in advance of the work being undertaken, and full day or half day fees agreed depending on the amount of time required to provide the advice.

The fees may be determined on a case by case basis in a similar manner to the fees for expert witnesses.

August 2012

Appendix C

Policy Appointment of registrant assessors

Introduction

Where ever possible, registrant assessors should be appointed from among the HCPC's existing pool of registration assessor partners, provided that the partner is not also a panel member (or chair) or visitor. By virtue of Article 36(4) of the Health and Social Work Professions Order 2001, such partners may not be registrant assessors.

Where it is not possible to identify an existing HCPC partner to fulfill the role, a registrant assessor may be identified and appointed on an ad hoc basis. Any such appointment should be made on the basis of the standard letter of engagement which, among other things, incorporates the code of conduct for partners.

Fees

Where a registrant assessor is identified from within the HCPC's existing pool of partners, a fee structure equivalent to that used for panel members will apply. An estimate of time should be requested from the registrant assessor in advance of the work being undertaken, and full day or half day fees agreed depending on the amount of time required to provide the advice.

Where a registrant assessor is sought from outside of the HCPC's current partners, the fees may be determined on a case by case basis in a similar manner to the fees for expert witnesses.

August 2012