

## **Tribunal Advisory Committee**

### **Public minutes of the 14<sup>th</sup> meeting of the Tribunal Advisory Committee held on:-**

**Date:** Tuesday 15 September 2020

**Time:** 1pm

**Venue:** Teleconference

**Present:** Catherine Boyd  
Philip Geering  
Sheila Hollingworth  
Alan Kershaw  
Marcia Saunders (Chair)

### **In attendance:**

Claire Amor, Secretary to the Committee  
John Barwick, Chief Executive and Registrar (items 1-7)  
Laura Coffey, Head of FtP  
Deborah Oluwole, Operational Manager – Scheduling  
Uta Pollmann, Head of HR Operations and Partners

## Public agenda

### **Item 1. Chair's welcome and introduction**

- 1.1 The Chair welcomed Committee members and the Executive to the fourteenth meeting of the Tribunal Advisory Committee.
- 1.2 She welcomed John Barwick and Laura Coffey to their first meeting of the Committee since their recent promotions, John as Chief Executive and Laura as Head of FTP.
- 1.3 Graham Aitken's term as a Committee member and a HCPC Panel Chair had ended. The Committee recorded its thanks to Graham for his contribution to the Committee's work.
- 1.4 Since its last meeting the Committee's submission to the Committee Governance Review 2020 had been finalised by correspondence. The Council would discuss the Senior Council Member recommendations in private session at its meeting on 24 September 2020. The Committee's annual report for 2020, finalised since the Committee's last meeting and formally presented to today's meeting, would also be reported to the Council at its September meeting.

### **Item 2. Apologies for absence**

- 2.1 No apologies were received.

### **Item 3. Approval of agenda**

- 3.1 The Committee approved the agenda.

### **Item 4. Declarations of members' interests**

- 4.2 Catherine Boyd had declared a standing interest as a sitting panel chair due to the nature of the Committee's remit.

### **Item 5. Minutes of the Tribunal Advisory Committee meeting of 13 July 2020 (report ref: TAC 10/20)**

- 5.1 The Committee agreed the minutes from its meeting held on 13 July 2020.

### **Item 6. Matters arising (report ref: TAC 11/20)**

- 6.1 The Committee noted the matters arising from its meeting of 13 July 2020.

## Item 7. HCPC Corporate Strategy development

- 7.1 The Chief Executive presented to the Committee the HCPC's developing Corporate Strategy 2020-21. The Council would be asked to launch a consultation on the draft Strategy at its meeting later in September.
- 7.2 The Committee congratulated Mr.Barwick, on his appointment and welcomed the strategy. The following points were noted:-
- there was a strong emphasis on stakeholder collaboration and engagement in developing the strategy and its focus;
  - the Strategy included more focus on prevention and upstream regulation, providing more support for professionals to meet the standards;
  - making better use of the data the HCPC held was a key strategy; and
  - targeted engagement with key stakeholders had been positive.
- 7.3 The Committee asked about progress with regulatory reform. It was noted that the government had confirmed it intended to take forward legislative change on a regulator by regulator basis, rather than the previous approach of themed change to all regulators' legislation. It was noted that the GMC was likely to be the priority regulator due to changes in legislation being needed to enable the regulation of the Medical Associate Professions. The HCPC had stressed the urgency of its own proposed reforms to the Department of Health and Social Care.
- 7.4 The Committee welcomed the focus on equality and diversity in the strategy. The representation of FTP Panels was of particular interest. The Committee recommended a review of the Appointment Commission's work on equality and diversity in appointments, as it had had a marked success in achieving diverse board representation. The Commission had however been abolished as part of the 2012 NHS reforms.
- 7.5 A member of the Committee expressed concern at the wording of 'upholding the highest standards' within the presentation. They noted that entry to the register and FTP judgements were not about the highest standards, but rather a threshold for safe practice. They considered the change in language could have unintended implications in these areas.
- 7.6 The Committee welcomed the focus on the use of data to identify risks. The Committee recommended that examples be used to illustrate how this would work in practice. The Committee advised that complaints not progressed through the FTP process would also hold useful data.

- 7.7 The Committee noted that greater stakeholder engagement would include a focus on early engagement and consultation on important issues, a lesson learnt from the recent fee increase consultation.
- 7.8 The Committee welcomed the inclusion of empathy as a key value, noting how important this was within the culture of FTP. A large part of demonstrating empathy would be improving the service received by those undergoing FTP processes, the potential for an online portal for registrants to track their FTP case through was welcomed.
- 7.9 The Committee thanked the Chief Executive for his presentation.

## **Item 8. FTP Improvement Programme**

- 8.1 The Committee received a presentation from the Head of FTP
- 8.2 The HCPC had developed an FTP Improvement Programme. The Committee noted the following points:-
- the programme aimed to understand and address root causes of FTP performance issues, in order to achieve sustainable improvements;
  - the root causes identified included, demand management, manual processes, management information, case decision making, risk management and change management issues;
  - key deliverables to address these root causes were enablers, process improvement and culture change. Enablers included workstreams such as a new case management software solution; and
  - the Head of FTP wanted a learning and development culture to be fostered within FTP.
- 8.3 The Committee welcomed the focus on culture within the improvement programme. They noted that in order to demonstrate empathy towards FTP registrants, as per the strategy presentation, employees too would need to feel valued and supported. The Committee was aware of the impact of home working on culture presently and the particular challenges of ensuring employees felt supported at a distance.
- 8.4 The Head of FTP noted that registrant wellbeing was a key focus of the HCPC strategy, and that tone of voice and wellbeing training would be integrated into the improvement activity. The Committee welcomed the proposed FTP apprentice scheme.
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- 8.5 The Committee welcomed the proposal to introduce ICP specific Panel Chairs. The Committee suggested extending this to ICP specific Panel Members as the time commitment for these hearings was more manageable than full final hearings, this could open up the opportunity to

diverse candidates who would not normally be able to commit the time needed.

8.6 The Committee thanked the Head of FTP for her presentation. The Head of FTP agreed to circulate the slides to Committee members.

### **Item 9. Tribunal Services Report (report ref: TAC 12/20)**

9.1 The Operational Manager- Scheduling, presented this report.

9.2 The Committee noted the following points:-

- as a result of the pandemic there had been a reduction in hearing activity. All interim order activity, as well as reviews of substantive conditions of practice or suspension orders continued remotely;
- from May some substantive hearing activity recommenced namely consensual disposal, voluntary removal and discontinuance cases. The first non-consensual substantive hearing concluded in July;
- the HCPC's approach to managing virtual hearings had been set out in a published Hearings Protocol document, which would be reviewed regularly;
- the HCPC would seek to amend its Rules in light of the ongoing pandemic to include the express provision of holding FTP hearings remotely during an emergency; and
- the HCPC received five observations from the PSA in the period April – June which were discussed at the DRG in July. The terms of reference for the DRG had been amended to ensure the right level of seniority and engagement in the meetings.

9.3 The Committee noted that five Practice Notes (PNs) were due to be reviewed in November. The committee advised that virtual hearing considerations should be included in PNs when they were reviewed.

9.4 The Committee noted its concern at the use of the term 'protocol' to describe the HCPC's virtual hearing approach. This had been contested by some representatives as implying the document was statutory. It was noted that the Executive were reviewing this.

9.5 The Committee agreed that as virtual hearings became the norm, the ability to use technology may need to be strengthened within the competency framework for Chairs and Panellists.

9.6 The Committee asked for clarity on the sign off process for PNs as some PNs had undergone changes due to legal advice post the Committee's consideration. The Hearings Manager agreed to report back to the Committee on this point.

9.7 The Committee suggested that a role for the Committee be considered when the DRG terms of reference were next reviewed.

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**Item 10. Partner Management Report (report ref: TAC 13/20)**

10.1 The Committee received a paper from the Head of HR Operations and Partners

10.2 The Committee noted the following points:-

- the first internal Panel Chair recruitment campaign would shortly launch. This would seek Panel Chairs solely from the existing Panel Member population;
- recent recruitment for Hearing Aid Dispenser Panel Members had been positive, this was typically a challenge to get the needed numbers. The campaign for Arts Therapists had been less successful with one appointment; and
- the Executive was running a survey to enquire about FTP partners preferences around returning to the office. This will provide an insight into the possibility of re-opening the hearing centre at some point in the future;

10.3 The Committee discussed the tabled equality and diversity data report, which included statistics on the protected characteristics of HCPC Partners. The Committee noted that improving its data in this area was a key aim for the HCPC. The Committee welcomed the report.

**Item 11. Equality, Diversity and Inclusion update (report ref: TAC 15/20)**

11.1 The Committee received a paper from the Policy Manager.

11.2 The Committee noted the HCPC's recent work on strengthening its equality and diversity practice. It noted that the HCPC was developing a 5 year Equality Diversity and Inclusion (EDI) Strategy.

11.3 The Committee welcomed the renewed emphasis on EDI.

11.4 The Committee discussed the registrant EDI data held by the HCPC. It was noted that the response rate to the last survey had been around 5.4% on average, this varied by profession and gender. The 2020 survey will include targeted communications with the professional bodies. The HCPC's new registration system would include data capture capabilities but this would not be a live feature in the initial launch and was expected to take another year.

11.5 The Committee welcomed the establishment of an external EDI forum. It was noted that managing expectations was key to meaningful engagement.

## **Item 12. Standards of Proficiency consultation (report ref: TAC 14/20)**

- 12.1 The Committee received a paper from the Policy Manager.
- 12.2 The Committee noted that the standards were targeted at registrants joining the register for the first time, they were set at a threshold level for entry to the register.
- 12.3 The Committee recommended that the way EDI requirements was expressed should be reviewed with consideration of changing words like 'understand' to, for example 'demonstrate' .
- 12.4 The Committee noted that the standards of education and training made reference to the SOPs but did not require amendment should the SOPs change. Education providers would need to show how there were embedding the new SOPs into programmes.
- 12.5 The Committee discussed the use of language in the standards, particularly the use of 'understand' and 'be able to' as requirements. A Committee member expressed confusion at the way these were applied in the standards. It was noted that the standards were primarily applied in educational settings with regards to producing safe to practice graduates. No concerns had previously been raised about unclear terminology with regards to requirements.
- 12.6 The Committee considered that the glossary would benefit from greater precision.

The Committee received the following items:

## **Item 13. Tribunal Advisory Committee Annual Report 2020 (report ref: TAC 16/20)**

## **Item 14. Committee review 2020 – final submission (report ref: TAC 17/20)**

## **Item 15. Any other business**

- 15.1 There was no further business.

## **Item 9. Future meetings:**

- 10 November 2020
- February 2021 (workshop)
- 10 March 2021
- 9 June 2021
- 15 September 2021

- 10 November 2021

**Chair.....**  
**Date.....**

Unconfirmed