
Council resolutions outside of meeting

Executive Summary

Council Standing Order 19 allows for the Council to pass resolutions outside of a meeting. This paper notes any such resolutions made by the Council since its last meeting (3 December 2020), these are:

1. Emergency Amendments to the Health and Care Professions Council Rules in response to COVID-19. (and amendment to previously agreed rules)
2. Health and Care Professions Council (Registration and Fees) (Amendment) Rules 2021
3. Council apprentice appointment
4. ICP Chair Partner role competency framework

The relevant supporting documents to provided to members when proposing the resolutions are appended to the paper.

Previous consideration	By correspondence.
Decision	To note. The Council passed the resolutions by correspondnace.
Next steps	The amended rules will be progressed by the DHSC when parliamentary time allows.
Strategic priority	Priority 1 - Continuously improve and innovate – ICP chairs Priority 4 - Be visible, engaged and informed – Council apprentice Priority 5 - Build a resilient, healthy, capable and sustainable organisation – Fees rules & Covid-19 rules
Financial and resource implications	Where there is a financial impact this was outlined in the supporting document for the resolution.
Author	Claire Amor, Secretary to Council Claire.amor@hcpc-uk.org

Council resolutions without meeting

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- the Chairs consent must be given to circulate the resolution; and
- at least three quarters of the Council must state their agreement to pass the resolution.

Resolutions passed without meeting are recorded by the Secretary to Council and must be reported at the next meeting of the Council.

Requested by	Laura Coffey, Head of FTP
Resolution	
<p>The Council approved emergency amendments to the Health and Care Professions Council Rules in response to COVID-19 on 2 October 2020.</p> <p>These amendments will formalise adaptations to our fitness to practise and registration appeals processes and procedures that we have been operating during the pandemic. Our aim in making these changes is to ensure that we are able to continue to fulfil our statutory duty to protect the public, progress fitness to practise investigations and conclude hearings as efficiently and safely as possible.</p> <p>The Department of Health and Social Care has since requested an amendment to these rules before they will lay them, and so reapproval is required.</p> <p>Approval outside of meeting is sought due to the parliamentary timetable.</p>	
Date passed	15 February 2021

This Statutory Instrument has been printed to correct errors in SI 2021/27 and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2021 No. 0000

HEALTH CARE AND ASSOCIATED PROFESSIONS

**The Health and Care Professions Council (Coronavirus)
(Amendment) (No. 2) Rules Order of Council 2021**

Made - - - - 2021
Laid before Parliament 2021
Laid before the Scottish Parliament 2021
Coming into force in accordance with Article 1

At the Council Chamber, Whitehall, the [x]th day of February 2021

By the Lords of Her Majesty's Most Honourable Privy Council

The Health and Care Professions Council has made the Health and Care Professions Council (Coronavirus) (Amendment) (No. 2) Rules 2021, which are set out in the Schedule to this Order, in exercise of the powers conferred by articles 26(3), 32, 37(4) and (5) of the Health Professions Order 2001(a).

In accordance with article 41(3) of that Order, the Health and Care Professions Council has consulted representatives of groups of persons who appear likely to be affected by the proposed rules.

In accordance with articles 41(1) and 42 of that Order, the Rules shall not come into force until approved by Order of the Privy Council.

Citation and commencement

1. This Order may be cited as the Health and Care Professions Council (Coronavirus) (Amendment) (No. 2) Rules Order of Council 2021 and comes into force immediately before 4th March 2021.

Privy Council approval

2. Their Lordships, having taken the Rules as set out in the Schedule to this Order into consideration, are pleased to, and do, approve them.

(a) S.I. 2002/254, amended by S.I. 2009/1182 and S.I. 2019/1436; there are other amending instruments but none is relevant.

SCHEDULE

Article 2

The Health and Care Professions Council (Coronavirus) (Amendment) (No. 2) Rules 2021

The Health and Care Professions Council makes the following Rules in exercise of the powers conferred by articles 26(3), 32, 37(4) and (5) of the Health Professions Order 2001.

The Council has consulted in accordance with article 41(3) of that Order with representatives of groups of persons who appear likely to be affected by the proposed rules.

Citation and commencement

1. These Rules may be cited as the Health and Care Professions Council (Coronavirus) (Amendment) (No. 2) Rules 2021 and come into force immediately before 4th March 2021.

Amendments to the Health and Care Professions Council (Coronavirus) (Amendment) Rules 2021

2. After each of the following rules 2(3), 3(3), 4(3) and 5(3) of the Health and Care Professions Council (Coronavirus) (Amendment) Rules 2021(a) insert—

“(3A) After rule 3 (Service of Documents), insert—

“3A. Any communications sent for the purposes of these Rules is to be treated as having been sent on the day the communication was posted or sent by electronic mail.””.

Given under the seal of the Health and Care Professions Council [*] th day of February 2021.



Christine Elliott
Chair

John Barwick
Registrar

EXPLANATORY NOTE

(This note is not part of the Order)

This Order approves Rules made by the Health and Care Professions Council (HCPC) (“the No. 2 Rules”). The No. 2 Rules amend the rules contained in the Schedule to the Health and Care Professions Council (Coronavirus) (Amendment) Rules Order of Council 2021 (S.I. 2012/27) (“the Rules”) to correct an error. The Rules omitted provisions specifying the day on which a document is treated as having been sent by post. The No. 2 Rules replace the omitted provisions and also provide for documents sent by electronic communication. The No. 2 Rules amend the following sets of rules:

(a) Rules as contained in the Schedule to the Health and Care Professions Council (Coronavirus) (Amendment) Rules Order of Council 2021 (S.I. 2021/27).

1. Health and Care Professions Council (Investigating Committee) (Procedure) Rules 2003 (Rules as set out in the Schedule to the Health Professions Council (Investigating Committee) (Procedure) Rules Order of Council 2003 (S.I. 2003/1574)).

2. Health and Care Professions Council (Conduct and Competence Committee) (Procedure) Rules 2003 (Rules as set out in the Schedule to the Health Professions Council (Conduct and Competence Committee) (Procedure) Rules Order of Council 2003 (S.I. 2003/1575)).

3. Health and Care Professions Council (Health Committee) (Procedure) Rules 2003 (Rules as set out in the Schedule to the Health Professions Council (Health Committee) (Procedure) Rules Order of Council 2003 (S.I. 2003/1576)).

4. Health Professions Council (Registration Appeals) Rules 2003 (Rules as set out in the Schedule to the Health Professions Council (Registration Appeals) Rules Order of Council 2003 (S.I. 2003/1579)).

Council resolutions without meeting

Council Standing Order 19 allows for the Council to pass resolutions outside of a meeting. For a resolution to be valid the following conditions must be met:

- the Chairs consent must be given to circulate the resolution; and
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Requested by	Claire Amor, Head of Governance
Resolution	
<p>The Council is asked to approve the Health and Care Professions Council (Registration and Fees) (Amendment) Rules 2021</p> <p>Approval outside of meeting is sought due to time restrictions.</p> <p>The nature of the changes to the fees have not changed since Council approved these in March 2020. At that time a full consultation was carried out as well as an equality impact assessment. The Council had previously agreed to postpone the enactment of the increase due to external factors.</p>	
Date passed	1 February 2021

2021 No. 0000

HEALTH CARE AND ASSOCIATED PROFESSIONS

The Health and Care Professions Council (Registration and Fees) (Amendment) Rules 2021 Order of Council 2021

Made - - - - - ***
Laid before Parliament ***
Laid before the Scottish Parliament ***
Coming into force - - - - - ***

At the Council Chamber, Whitehall, the *** day of *** 2021

By the Lords of Her Majesty's Most Honourable Privy Council

The Health and Care Professions Council has made the Health and Care Professions Council (Registration and Fees) (Amendment) Rules 2021 which are set out in the Schedule to this Order, in exercise of the powers conferred by articles 7(1) and (2) and 41(2) of the Health Professions Order 2001-(a).

In accordance with articles 7(1) and (3) and 41(3) of that Order, the Health and Care Professions Council has consulted the Education and Training Committee and representatives of groups of persons it considers appropriate, including representatives of the groups referred to in articles 7(3) and 41(3) of that Order.

In accordance with articles 41(1) and 42(1) of that Order, such Rules shall not come into force until approved by Order of the Privy Council.

Citation and commencement

1. This Order may be cited as the Health and Care Professions Council (Registration and Fees) (Amendment) Rules 2021 Order of Council 2021 and comes into force on 1st July 2021.

Privy Council approval

2. Their Lordships, having taken the Rules contained in the Schedule to this Order into consideration, are pleased to and do approve them.

Richard Tilbrook
Clerk of the Privy Council

(a) S.I. 2002/254, amended by S.I. 2009/1182; there are other amending instruments but none is relevant.

SCHEDULE

The Health and Care Professions Council (Registration and Fees) (Amendment) Rules 2021

The Health and Care Professions Council makes the following Rules in exercise of the powers conferred by articles 7(1) and (2) and 41(2) of the Health Professions Order 2001.

In accordance with articles 7(1) and (3) and 41(3) of that Order, the Health and Care Professions Council has consulted the Education and Training Committee and representatives of groups of persons it considers appropriate, including representatives of the groups referred to in articles 7(3) and 41(3) of that Order.

Citation and commencement

1. These Rules may be cited as the Health and Care Professions Council (Registration and Fees) (Amendment) Rules 2021 and come into force on 1st July 2021.

Amendment of the Health and Care Professions Council (Registration and Fees) Rules 2003

2.—(1) The Health and Care Professions Council (Registration and Fees) Rules 2003(a) are amended as follows.

- (2) In rule 14 (registration fee)—
 - (a) in paragraph (a), for “£90” substitute “£98.12”; and
 - (b) in paragraph (b), for “£180” substitute “£196.24”.
- (3) In rule 15 (renewal fee), for “£180” substitute “£196.24”.
- (4) In rule 15A (readmission fee), for “£135” substitute “£147.18”.
- (5) In rule 16 (restoration fee), for “£135” substitute “£147.18”.
- (6) In rule 17 (scrutiny fees)—
 - (a) in paragraph (1) for “£63” substitute “£68.68”; and
 - (b) in paragraph (2) for “£495” substitute “£539.65”.

Given under the official seal of the Health and Care Professions Council this 1st day of February 2021.



Christine Elliott
Chair

John Barwick
Registrar

(a) S.I. 2003/1572, relevant amending instruments are S.I. 2007/1280, 2014/532, 2015/1337, 2016/693 and 2019/593.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order approves Rules made by the Health and Care Professions Council (HCPC). The Rules amend the Health and Care Professions Council (Registration and Fees) Rules 2003, scheduled to

the Health Professions Council (Registration and Fees) Rules Order of Council 2003 (S.I. 2003/1572).

The Rules amend the fees the HCPC charges for processing and scrutinising applications for admission to its register, for renewal of registration and for readmission or restoration to the register.

The standard fee for registration or renewal of registration is now £196.24 (up from £180), although this is reduced to £98.12 (up from £90) in the case of applicants for registration with an approved qualification who have qualified in the previous two years. Applicants seeking readmission or restoration to the register must pay a further fee of £147.18 (up from £135).

The scrutiny fees paid by all new applicants, whose qualifications (and in some cases experience) need to be assessed, have also increased. The scrutiny fee is £68.68 (up from £63) for applicants relying on an approved United Kingdom qualification and £539.65 (up from £495) for all other applicants.

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Requested by	Claire Amor, Head of Governance
Resolution	
<p>The Council is asked to agree to appoint two Council Apprentices for 2021. The Council previously agreed at its December 2020 meeting to appoint one apprentice.</p> <p>Two apprentices are proposed due to the quality of the applications received as well as the benefit of peer support of each other.</p>	
Date passed	8 January 2021

Council resolutions without meeting

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Requested by	Laura Coffey, Head of FTP
Resolution	
<p>The Council is asked to approve a competency framework for the proposed ICP specific Chair Partner role.</p> <p>Approval outside of meeting is sought due to the need to progress with the FTP Improvement Plan work without delay and the lead time needed for recruitment.</p>	
Date passed	7 January 2021

Resolution outside of meeting

Competency Framework for legally qualified ICP panel Chairs.

Executive Summary

In November, SMT approved a proposal to introduce legally qualified panel Chairs that will sit on Investigating Committee panels (ICPs) only. The introduction of legally qualified ICP Chairs is a core activity in the accelerated FTP Improvement Plan, and will improve the quality, consistency and transparency of decisions made in the early stages of the fitness to practise process.

Due to the tight timeframes we are operating within, Council are being asked to consider the competency framework outside of their normal meeting.

The Tribunal Advisory Committee (TAC) would previously have recommended approval to the Council of panel Competency. Since TAC have been disbanded Council approval for the new Competency Framework for ICP Panel Chairs is sought without this step. TAC was in favour of introducing ICP specific Panel Chairs when this was first discussed with them early in the development stage.

Previous consideration	The proposal has been considered and endorsed by the SMT.
Decision	The Council is asked to approve the Competency Framework for ICP Panel Chairs.
Next steps	If Council approval is given, we will commence the recruitment process for ICP Panel Chairs in January 2021 with a view to Chairs being in post from April 2021.
Strategic priority	The strategic priorities set in 2018 are no longer current. We are developing a new strategy that we aim to confirm at the end of 2020.
Risk	<p>Strategic risk 1-4 - failure to deliver effective regulatory functions; failure to anticipate and respond to changes in the external environment; failure to be a trusted regulator and meet stakeholder expectations; failure to be an efficient regulator.</p> <p>Risk appetite consideration:</p> <ul style="list-style-type: none"> Public protection - The Council takes a minimal approach to public protection risks. Public protection is our aim and our strategy and processes are intended to provide this. Compliance - The Council takes a minimal approach to compliance and regulatory risk. We will meet the law,

regulations or standards in place to protect the public and employees and to protect data.

- Innovation - The Council seeks innovation that supports public protection, quality and efficiency. We balance embracing new technology and ideas with impact and financial investment and assess projects accordingly.

Financial and
resource
implications

An overview of the financial impact of introducing ICP Panel Chairs is set out in the attached paper. There is no adverse impact on the budget.

Author

Laura Coffey, Head of Fitness to Practise
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Competency Framework for legally qualified ICP Panel Chairs

1. Introduction

- 1.1 A core activity in the accelerated FTP Improvement Plan is to improve the quality of decisions made in the early stages of the fitness to practise process, up to and including the Investigating Committee. Better quality of decisions also impacts on the flow of cases through the system, by reducing the need for rework and ensuring cases are resolved appropriately at the earliest opportunity.
- 1.2 In November, SMT approved our proposal to introduce a dedicated cohort of legally qualified panel Chairs that will sit only on Investigating Committee panels (ICPs). These Chairs will have the expertise and skills required to make robust, quality decisions at the ICP stage.
- 1.3 By introducing ICP specific Chairs we aim to:
- Improve the quality, consistency and transparency of decisions made at ICP stage.
 - Reduce the number of cases adjourned by the ICP.
 - Reduce the number of cases Not Well Found by a final hearing panel, due to the quality of evidence or allegations that could have been identified by the ICP.
 - Improve the registrant experience of fitness to practise, by making proportionate and appropriate regulatory decisions earlier, and by providing clearer decisions at the ICP stage.
 - Develop agile mechanisms to train and provide focused feedback to ICP Chairs, and ensure decision making at this stage is responsive to changes in policy, process and case law.

2. Changing role of ICP Chair

- 2.1 At present the HCPTS has a pool of around 40 panel Chairs, from which Chairs are selected to sit on all committee and hearing types, including Investigating Committees.
- 2.2 The main advantage of this approach is that Chairs have experience of the evidential and legal tests to be applied when making determinations at a final hearing, and can use this to inform their decision making at the Investigating Committee stage¹. All panel Chairs in the pool are available to sit on ICPs and will be selected based on availability. ICP workload is shared across as many Chairs as possible. The competency framework for panel Chairs reflects the generic skills required for partners working at the level of Chair.

¹ The test the Investigating Committee must apply is whether, based on the evidence before it, there is a realistic prospect that the registrant's fitness to practise will be found to be impaired at a final hearing. If the ICP decide there is, and therefore that there is a case to answer, the matter will be referred on to one of the HCPC's two practise committees.

- 2.3 The quality and consistency of the decisions made at the Investigating Committee stage are subject to scrutiny by the PSA, the courts and other external stakeholders. They also influence the quality of the cases presented at substantive final hearings, and the outcomes from those hearings. External stakeholder feedback and learning, including that provided by the PSA performance review and our own internal audits, indicates that the current method of selecting ICP Chairs from a generic pool does not adequately serve the current and future requirements of the particular considerations and decisions made at the ICP stage.
- 2.4 The quality of an ICP decision can impact on the outcome of cases at the final hearing stage. ICPs are responsible for assessing the strength of the available evidence in support of the allegations against a registrant, and the robustness and accuracy of the allegations themselves. Approximately 25% of cases considered at final hearing are Not Well Found. Whilst there are a number of factors that may contribute to a Not Well Found outcome, issues with the allegations or evidence referred by an ICP is a recurring theme.
- 2.5 The quality of an ICP decision can also impact on the progression and cost of cases post-ICP, as issues with the allegations or evidence can result in the need for preliminary hearings to resolve these issues prior to the substantive final hearing. At present we are managing a large number of preliminary hearings in the department².
- 2.6 The skills requirements for an ICP Chair are different to other panel Chairs. In particular, ICP Chairs are required to contribute to the drafting of the panel's decision, with the assistance of a Hearings Officer. Decisions for all other hearing types are drafted by a Legal Assessor. The large pool from which ICP Chairs are currently drawn, and the varied experience of chairing in general and chairing ICPs specifically within that pool, increases the likelihood of inconsistency and variability of decision outcomes and quality.
- 2.7 A key part of the accelerated FTP improvement programme in the next year will be the introduction of 'front-loaded' investigations. In essence, this means bringing forward investigative steps currently undertaken by Kingsley Napley in the preparation of a case post-ICP, to the earlier pre-ICP stages of the process. Relevant cases would be presented to an ICP 'hearing-ready', with a greater volume and depth of case investigation documents, such as witness statements and expert reports. This will require Investigating Committees to take a more inquisitorial approach to their considerations and greater weight will be placed on their decision making. Panels will need strong management and expertise to deliver robust, quality decisions.
- 2.8 We are also mindful of the regulatory reform proposals which would allow alternative resolution of cases, through consensual routes, at the earlier stages of the FTP process. Whilst the detail of that reform is yet to be worked out, it is likely that alternative resolution would take place at what is now the Investigating Committee stage. Therefore greater responsibility would be

² We have recently asked Kingsley Napley to undertake an analysis of recent preliminary hearings to understand the high volumes.

placed on ICP Chairs to make a wider range of regulatory decisions, such as issuing warnings or agreeing undertakings.

2.9 Since March 2020, due to restrictions on travel and social distancing imposed by the government in response to the pandemic, Investigating Committees have taken place remotely using MS Teams. The Investigating Committee is a private hearing, held on the papers, and there are no statutory requirements that would prevent ICPs from being held remotely post-COVID. The remote ICPs have worked well and we do not intend to return to in-person ICPs in the future. However, chairing a remote ICP requires a particular skill set in terms of planning and preparation for the panel session, as well as confidence with using and leading on the technology. Our learning to date is that the ability of ICPs to get through all listed activity and produce good quality decisions, whilst working remotely, is dependent on the abilities of the Chair to effectively prepare for and lead the meeting.

3. Competency framework for ICP Panel Chairs

3.1 The current role requirements for our pool of panel Chairs do not meet the skill set we require at the ICP stage now, or as the role of the Investigating Committee will develop in the medium and long term. A small pool of specialist Chairs who sit on ICPs only, and are recruited to meet the specific skills requirements of the role, will ensure that the ICPs are making robust, consistent and quality decisions now and in the future.

3.2 A draft copy of the Competency Framework for the new ICP Panel Chairs is appended to this document³. The key differences from the current role are:

- ICP Chairs will be responsible for drafting their own decisions;
- ICP Chairs will need to be legally qualified.

3.3 To ensure we that we recruit at the right level, and have Chairs with the necessary skills to draft decisions that may be challenged in the courts, we would expect ICP Chairs to be legally qualified. This change also recognises that all other hearing decisions are drafted by a Legal Assessor. The qualification requirements for an ICP Chair would be that they have a current practising certificate. This is less stringent than for our Legal Assessors, who must have held a practising certificate for at least ten years, but guards against attracting candidates who may be over-qualified for the role.

3.4 We have undertaken a benchmarking exercise with the other regulators to provide assurance that we will be able to recruit to the new role. Whilst many of the other regulators do not have Investigating Committees, the Medical Practitioners Tribunal Service (MPTS) employ legally qualified Chairs for all their hearings. The MPTS do not have any issues with recruitment of appropriately qualified and experienced partners into the role.

3.5 From our own experience of recruiting Legal Assessors we attract a large number of qualified applicants for the role. In the last round of Legal Assessor

³ The competency framework is being developed in collaboration with the Partners team.

recruitment carried out by our Partners Team, we received 227 applications for 10 vacancies. Due to the high calibre of applicants, 17 appointments were made.

- 3.6 In addition, we have engaged with current panel Chairs and panel members on our proposals. In September, we discussed our plans to introduce legally qualified ICP Chairs with the former Tribunal Advisory Committee (TAC), which was welcomed by TAC.
- 3.7 Between January and June 2019, the HCPTS ran a small pilot to explore the introduction of (non-legally qualified) ICP Panel Chairs. Five current panel Chairs were involved in the pilot, and whilst they continued to undertake work on other hearing types, they specialised in ICPs. The feedback from those involved in the pilot was positive. An internal audit of ICP decisions carried out by the Quality Compliance Team in 2019 suggested that the ICP decisions made by Chairs involved in the pilot were slightly more likely to meet all the quality standards.
- 3.8 We are therefore confident that we will be able to recruit good quality, qualified candidates to the new ICP Panel Chair role.

4. Financial impact

- 4.1 We plan to recruit 10 ICP Chairs, with the expectation that they will each sit on a minimum of two ICPs per month.
- 4.2 In recognition of their legal qualifications and the requirement to draft decisions, ICP Chairs will be paid at a higher rate than other panel Chairs. The proposed day rate is set out in the table below, alongside current panel Chair and Legal Assessor rates for comparison.

	Panel Chair	Legal Assessor	ICP Chair
Day rate	£348	£627	£522

- 4.3 The proposed day rate for an ICP Chair has been calculated as the current panel Chair rate plus an extra half day fee, to reflect the drafting time. The impact of the increased fee on ICP panel costs is set out below:

	Daily costs	Monthly cost (20 panels p/m)	Monthly cost (26 panels p/m)	Annual cost 2021-22*	Annual cost 2022-23^
Cost	+ £174	+ £3480	+ £4524	+ £48024	+ £41760

* Assumes 26 ICPs p/m for the first six months decreasing to 20 ICPs p/m for the next six months. The higher number of panels per month reflects the additional ICPs needed to clear the current backlog.

^ Assumes steady state of 20 panels p/m for the year, based on current case volumes.

- 4.4 As explained above, we will continue to hold ICPs as remote events going forward. Consequently, we will make a saving on ICP travel, accommodation and subsistence costs. In the financial year 2019-20, total ICP expenses

(excluding panel fees) came to £122,876. When the increased fee for ICP Chairs is offset against the savings from the elimination of ICP expenses, we would expect to see the following approximate net savings:

	2021-22	2022-23
Saving	£74,852	£81,116

4.5 The removal of ICP work from the current pool of panel Chairs would create an immediate surplus of five panel Chairs. However, with the expected increase in final hearing activity next year as a result of clearing the backlog and the continued impact of COVID-19, additional panel Chair resource will be required.

5. Other benefits

5.1 The introduction of ICP Panel Chairs would provide benefits in terms of the training and learning and feedback cycle. At present, panel Chairs receive refresher training once every two years, and this must necessarily cover all aspects of their role across all hearing types. Learning, other feedback and changes to policy or approach outside of this training cycle are communicated via newsletter or email.

5.2 Having a small group of ICP Chairs would allow us to deliver focused and responsive training more frequently, and to a greater depth. In addition, we will be able to be more agile in our approach to providing learning and seeking feedback from panel members on change.

5.3 Similarly, we will also be able to review the approach to training for other panel Chairs and panel members, who will need minimal information about ICPs and whose training can be re-focused on substantive hearing considerations.

5.4 A further benefit of introducing ICP Chairs is that Hearings Officers will no longer be required to sit on every ICP to assist with drafting the decisions. This will increase Hearings Officer capacity for other hearing types, and by extension our capacity to list more substantive hearings. This will be particularly valuable from April 2021 as we undertake increased final hearing activity in the next financial year, caused by our work to progress the current backlog of cases and our ongoing response to the impact of COVID-19 on hearings in 2020.

6. Implementation timetable

6.1 We plan to go live with ICP Panel Chairs in April 2021. The proposed high-level implementation timetable is set out below:

- Recruitment campaign go live – week beginning 18 January 2021
- Interviews – Mid February 2021
- New ICP Chairs training – March 2021
- Training on new processes for Hearings Officers – March 2021
- Start date – April 2021

- 6.2 New ICP Chairs will be phased in during April, which means we will operate some ICPs with current panel Chairs during that month. This is partly due to the advance listing of ICPs that will need to be confirmed ahead of the recruitment process being completed, and partly to provide contingency whilst new ICP Chairs are onboarded.

Laura Coffey
Head of Fitness to Practise
21 December 2020

Health and Care Professions Council

Competence Framework for legally qualified Investigation Committee (ICP) Panel Chairs

Competency heading	Description
Advising effectively	<ul style="list-style-type: none"> • Applies relevant case law and concepts related to public interest and public protection.
<p>Working with others*</p> <p>*Others refers to all participants at hearings, e.g. Panel Members, HCPTS staff</p>	<ul style="list-style-type: none"> • Ensures proceedings are conducted fairly and according to relevant rules and procedures • Treats people with respect, sensitivity and in a fair manner without discrimination • Adopts an inclusive approach, works constructively with others and encourages co-operation and collaboration • Recognises and deals appropriately with actual or potential conflicts of interest • Facilitates constructive and productive Panel discussions and manages disagreements between the Panel. • Provides feedback on performance of Panel members • Values, promotes and provides leadership on Equality, Diversity and Inclusion, and reminds the panel of its importance where appropriate • Leads the Panel by personal example and demonstrates familiarity with HCPC policies on expected behaviours including the HCPC Partner Code of Conduct.
Exercising judgement	<ul style="list-style-type: none"> • Demonstrates integrity and applies independence of mind to ensure that proceedings are conducted fairly and without bias • Ensures that the panel's decision is presented in a clear and well-reasoned manner in line with the Health Professions Order 2001 and other relevant regulatory standards. • Exercises sound judgement and common sense

	<ul style="list-style-type: none"> • Respects confidentiality in relation to both evidence and to the panel’s deliberations • Contributes, in an appropriate and timely manner, to reaching fair and reasoned decisions based upon relevant law • Enables all Panellists to contribute effectively to decision making • Provides support to maintain and improve the Panel’s performances
<p>Demonstrating and building knowledge</p>	<ul style="list-style-type: none"> • Demonstrates and applies detailed knowledge of current law, Human Rights Act and relevant Court decisions • Demonstrates openness to feedback • Possesses a sound understanding of the policy environment with a focus on regulation and embraces new processes and procedures • Encourages learning, keeps knowledge up to date, demonstrates an ability and willingness to learn and develop, and communicates new developments to other Panel members • Demonstrates a clear understanding of public interest and public protection • Contributes to the development of training programmes, mentoring schemes and collaboration with other ICP chairs
<p>Managing work efficiently</p>	<ul style="list-style-type: none"> • Undertakes significant preparation in advance of each ICP meeting to ensure an effective use of time during the meeting • Leads the panel to ensure effective use of time available • Be responsible for drafting and producing high-quality determinations in a timely manner using HCPTS word processing packages. • Works collaboratively and contributes to the fair, efficient and effective case management progression • Responds calmly and flexibly to changing circumstances and shows the ability to work at speed and under pressure • Undertakes necessary preparatory work, manages time and tasks to minimise

	<p>delays and irrelevancies</p> <ul style="list-style-type: none"> • Runs ICPs efficiently and effectively and takes responsibility for the use of the Panel's time and resources.
<p>Communicating effectively</p>	<ul style="list-style-type: none"> • Provides clear and succinct oral and written communication, using plain English and clear reasons in the determination and explains relevant legal or procedural issues clearly and succinctly during panel deliberations • Demonstrates courtesy through effective communication • Establishes authority and inspires respect and confidence • Supports and delivers change within the tribunal including responsible for feedback and learning points • Remains calm and authoritative at all times.