

Council

Meeting Date	22 May 2025
Title	Health and Care Professions Tribunal Service Report
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<p>Executive Summary</p> <p>This paper is to update the Council on the following areas within the Health and Care Professions Tribunal Service (HCPTS):</p> <ol style="list-style-type: none"> 1. Summary of HCPTS hearing activity in 2024-25 2. Quality of panel decision making 3. HCPTS work plan 2025-26 <p>We will continue to provide the Council with progress of our performance and work plan activities at each meeting as part of our Fitness to Practise (FTP) Performance Report. In addition, we will continue to provide the Council with an annual review of HCPTS activities and contribution to overall FTP priorities.</p> <p>Appendices:</p> <ul style="list-style-type: none"> • Appendix A: Purpose and structure of the HCPTS • Appendix B: FTP hearings and purpose 	
Action required	The Council is asked to review the information provided and seek clarification on any areas.
Previous consideration	The last update was provided to the Council at its meeting in May 2024.
Next steps	This is an annual paper provided to the Council on any updates and progress in HCPTS performance.
Financial and resource implications	Financial and resource implications are provided for in the Tribunal Services 2025-26 budget.

Associated strategic priority/priorities	Continuously improve and innovate
Associated strategic risk(s)	1. We are unable to deliver our regulatory requirements effectively in a changing landscape, affecting our ability to protect the public
Risk appetite	Regulation - measured
Communication and engagement	Not applicable
Equality, diversity and inclusion (EDI) impact and Welsh language standards	Particular activities in our workplan for 2025-26 will develop the support we provide for witnesses involved in FTP cases and who are particularly vulnerable or in need of additional support and reasonable adjustments.
Other impact assessments	Not applicable
Reason for consideration in the private session of the meeting (if applicable)	Not applicable

Health and Care Professions Tribunal Service Report

1. Introduction

- 1.1 This paper provides Council with an overview of the activity of the Health and Care Professions Tribunal Service (HCPTS) and its core role in ensuring partner quality and performance, and the quality and timeliness of fitness to practise outcomes. The paper also outlines the next stage of FTP improvement activities led by the HCPTS.
- 1.2 For those less familiar with our tribunal service, background information on the purpose and structure of the HCPTS has been set out in Appendix A.

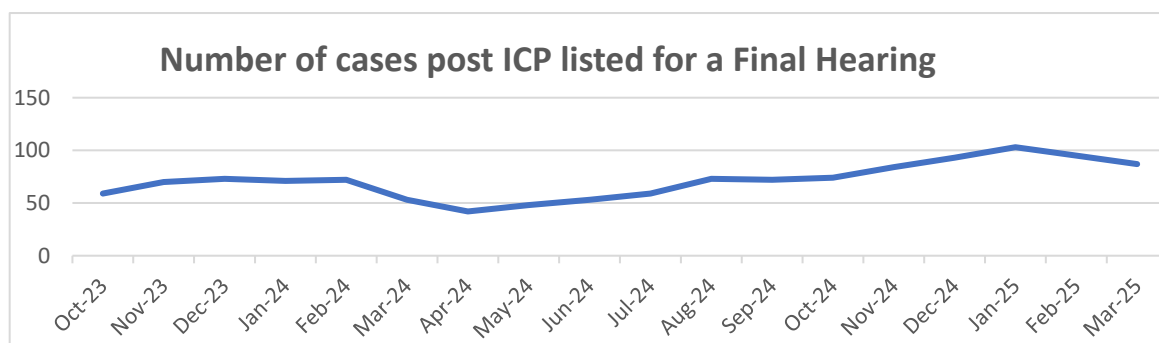
2. Summary of HCPTS hearing activity in 2024-25

- 2.1 The HCPTS is responsible for the listing and running of all fitness to practise hearings, held by one of our three practice committees (Investigating Committee, Conduct and Competence Committee and Health Committee). Details of the type of hearings we hold are listed in Appendix B.
- 2.2 Our core purpose is to ensure that hearings are concluded efficiently, and that our panels reach high-quality regulatory decisions that are fair, consistent, proportionate and compliant with our procedures and legislation. We also have a key role to play in supporting registrants, witnesses and other participants through the hearing process.
- 2.3 The HCPTS manages over 1,900 different tribunal events each year. The table below sets out a summary of the key activity between April 2024 and March 2025:

	Cases concluded at final hearing	Cases concluded by consent	Review hearings concluded	Interim order applications considered	Interim order reviews	Number of cases considered at ICP
2023-24	194	37	88	162	469	601
2024-25	189	22	100	265	651	698

- 2.4 Over the last year we have continued to see a significant increase in interim order applications hearings, of 64% on the year before, and consequently an increase in interim order review hearings of 39%.
- 2.5 Any interim order is subject to regular review cycles (initially six months and then every three months). This means that each interim order application granted by a panel will involve a minimum of four hearings in the lifetime of the order.
- 2.6 This increase in interim order activity generally reflects the overall increase in the number of FTP concerns that we have received over the same period. However, we have also started to see a trend recently in an increase in the percentage of cases requiring an interim order compared with the total number of referrals received. We will continue to monitor this trend to understand if there are particular themes arising from these interim order applications.
- 2.7 Despite this significant increase in interim order activity, we have been able to maintain the number of cases concluded at final hearing on a par with the year before. We have also concluded more substantive review hearings in this period.
- 2.8 A key focus for next year will be implementing a change to our operating model for the team, which will include additional resource to reflect the higher levels of interim order activity and to ensure we can continue work we have started in the second half of last year to increase final hearing output, reducing the time it is taking to list and maintain consistency.
- 2.9 A priority for last year when I came into the role of Head of Adjudication Performance was optimising the scheduling and pre-hearing case management process within our current operating model to reduce the time taken to list a matter for a final hearing.
- 2.10 I have been working with Brendon Edmonds, the Head of Regulatory Performance, to increase the visibility of the team's performance via dashboards and use of milestone tracking. This enhanced management information has informed how has increased productivity in final hearings listings over the last six months.
- 2.11 The median time taken to list a final hearing in 2023-24 was seven weeks upon point of allocation. In 2024-25 the median time taken to list a final hearing was five weeks upon point of allocation. This is reflective of work we have done with the team to be more directive in their approach to listing hearing and has included scheduling case clinics to progress and unpick some of the barriers to listing.

- 2.12 Reducing the time taken to list a final hearing has increased the team's final hearing output as show in the table below:



- 2.13 Between October 2024 and March 2025, on a rolling average there were 89 cases listed for a future final hearing. This is in comparison with October 2023 to March 2024 where we had a rolling average of 66 final hearings listed for a future final hearing. Whilst the team focus has been on the increase interim order activity, we have still been able to see an increase in final hearings listed over this period due to the developments mentioned above.
- 2.14 A key part of our performance is monitoring our adjournment rates across each hearing type. Whilst there might be valid reasons which are outside of our control for a hearing not taking place, it is important we review any trends and whether there are any improvements we can make.
- 2.15 This has included monitoring the adjournment rate of cases going to the Investigating Committee Panels (ICPs). Between August and December 2024 we saw a 10% increase in adjournment rates. We implemented an adjournment action plan which included, implementing a new feedback loop with the FTP Investigating Committee Manager role; monitoring performance of ICP Chairs; review of training for panel members and review of guidance in place.
- 2.16 In the last three months of last year, we have seen a 19% decrease in ICP adjournment rates and will continue to monitor this and any further actions we need to consider.
- 2.17 We have also been focused on any improvements we can make to the final hearing adjournment rate, which has been 24% in 2024-25. Of these, 7% adjourned with no evidence heard, meaning they didn't start when scheduled or were relisted for another date prior to the original hearing date. 17% went part heard, meaning the hearing started but was unable to conclude in the time allocated. There are various reasons why a hearing might adjourn part heard, such as applications being made by parties during the hearing and witness evidence taking longer than anticipate. The number of part-heard hearings also

includes hearings where we have deliberately listed the hearing in multiple parts due to limited panel member availability for our lengthier hearings.

3. Quality of panel decision making

- 3.1 A key focus of the Tribunal Service is ensuring panels are fair and consistent in their decision making. This includes reviewing and updating the guidance we have to support panel decision making, and ensuring that the content of training of FTP partners is up to date and addresses current themes and trends.

Practice notes

- 3.2 FTP partners are supported in their decision making by practice notes, which provide guidance on procedure, case law and HCPC processes. They are subject to regular review and revision at least every three years, and more often where changes may be required to reflect new case law, a change in process, to address themes in FTP cases or following recommendations arising from the internal review groups (as explained below).
- 3.3 We engage with internal and external stakeholders on changes to our practice notes and the development of new practice notes.
- 3.4 Over the last year we have reviewed 11 practice notes. This has included updates to the state of mind practice note to include a section on racial motivation and other allegations of discrimination. We have also updated our change in approach in dealing with expert evidence to streamline the process and reduce the number of preliminary hearings.
- 3.5 We also produced the following new practice notes in 2024:
- Professional boundaries – to support panels in considering matters involving professions boundaries and align with the new standards of conduct, performance and ethics. This includes reference to factors affecting the seriousness of boundary breaches, including abuse of professional position and the breach of professional boundaries between colleagues, which can undermine effective team working and risk harming the people that the team exists to serve.
 - Admissions – we introduced a new process to follow when a registrant admits some of all of the particulars of the allegation. This new process assists in improving the timeliness of hearings and reduce the number of HCPC witnesses being called to give evidence when the facts are not in dispute. This new approach had additional input from stakeholders to ensure we had the appropriate safeguards in place for registrants and to

ensure we had the necessary operational processes in place to support the change. We developed an e-learning training module for FTP partners to complete to support them to apply the new process consistently and appropriately. The new approach was implemented in October 2024 and we will be looking to undertake a review later this year to understand the impacts this has had on the hearing process.

- Freedom of expression – this is to assist panels on how to approach a decision that involves a registrant's freedom of expression and freedom of thought, conscience and religion, to ensure consistent, evidence based and fair approach to panel's decision making. We recognise social media, networking websites and on-line communication, in particular, as ways in which registrants may express their opinions, beliefs and share information raise particular issues. The practice note sets out how these freedoms apply to professional regulation and striking the right balance between the public interest and the rights of the individual registrant.

Internal review groups

- 3.6 We have a number of internal review groups to assure ourselves of the quality of our pre-hearing case management, case presentation, and panel decisions, and to ensure we continue to identify areas for further improvement.
- 3.7 Our Decision Review Group (DRG) is a cross-organisational group of senior colleagues who review panel decisions and Professional Standards Authority (PSA) learning points and feedback to identify opportunities for improvement. This includes learning and development opportunities for our panel members as well as FTP case management teams and external legal providers.
- 3.8 In 2024-25 the DRG reviewed 31 panel decisions. 15 of these related to final hearing decisions, three substantive review decisions, seven interim order applications decisions, one interim order review decision and five relating to ICP decisions.
- 3.9 Over the last year the DRG has taken the following action:
- Eight of the case outcomes discussed in this period were fed into refresher and new induction training for panel members.
 - We provided direct feedback to panels and legal assessors in relation to decisions on 24 cases.
 - We updated panel guidance following discussion on eight separate cases, some of which has informed any updates we consider for the sanctions policy review.
 - We had 14 separate actions around feedback/guidance and training for FTP case management teams. This has included additional training

around professional boundaries following introduction of the new practice note.

- 3.10 Where the DRG has a concern that a panel decision was not sufficient to protect the public, the decision can be referred to our Decision Appeal Group (DAG). The DAG is a senior management group who will review the decision and consider whether action should be taken within our limited powers to refer a decision back to the ICP or to the PSA for consideration under their Section 29 appeal powers.
- 3.11 In this review period the DAG has considered three cases. In all three cases the group agreed to refer the decisions for PSA to consider under their Section 29 powers. In one case the PSA agreed with our concern and appealed the decision to the High Court. In 2 cases PSA did not consider concerns raised met their threshold for an appeal. The learning from all these cases have informed training, guidance and process development.

FTP Partner training

- 3.12 The HCPTS is responsible for the delivery of training for all FTP partners. In 2024-25 we delivered 15 days of training which included sessions for new partners across all of the four roles as well as refresher sessions.
- 3.13 The training sessions have focused on any learning following trends picked up in the DRG, learning from any PSA feedback and the new practice notes. This has included clarification around admissibility of evidence and quality of reasoning at impairment and sanction stage.
- 3.14 We have also developed e-learning modules on our change of approach to admissions, the revised standards of conduct, performance and ethics and trends coming out of PSA feedback and case law.

4. HCPTS work plan for 2025-26

- 4.1 Our priorities this year are aligned with those of the wider FTP directorate and are focused on timeliness and enhancing the support and guidance we provide to participants at the hearing stage.

Scheduling efficiencies

- 4.2 As mentioned above, phase one of this project, which focused on improving management data and reporting on scheduling milestones and outcomes, has concluded. The next stage of the project will focus on the following areas.

- Continue to use data to drive performance: we will continue to expand our use of data to use across all hearing types. We are also looking at bringing more focus into each team and the work they do day to day.
- Rethinking the scheduling process: there are now only marginal gains left to be made within the current process. Our plan is to redesign how the team schedule final hearings with an aim to create a further step change in performance
- Use of technology: we have started to look into how we can use technology to assist us in the listing of hearings. We will be looking to progress this further this year, looking at any tools which will give the team the ability to be able to schedule a hearing more efficiently.

4.3 As part of our review and our monitoring of the increase in hearing interim order applications, we will also be looking at adapting our operating model to support the team in achieving their KPI's for each area of hearing activity.

Witness support

4.4 This piece of work, led by the HCPTS, has commenced. We are currently scoping our current offering in terms of witness support, the gaps and areas for enhancement. As part of this scoping exercise, we have engaged with other regulators and will look to take forward any learning from the witness to harm project.

4.5 We will particularly focus on support for vulnerable witnesses, while recognising that giving witness evidence can be a stressful process for all who do it. Introducing frontloaded investigations in-house provides an opportunity to review how we support witnesses and potential witnesses from the earliest stages of the process. The HCPTS and the HCPC will be collaborating on this piece of work.

Sanctions policy review

4.6 We have concluded our review of the policy and pre-consultation work and are proposing several changes to bring clarity to the sanctions policy. The consultation paper will be considered by the Council on 22 May 2025 with the aim of the consultation launching on 30 May 2025.

4.7 Following the consultation, we will be focused on the implementation of any changes to the policy. This will include any training for FTP partners.

Publication policy review

- 4.8 We will be reviewing our publication policy to ensure it is up to date with any new case law since it was last reviewed and continues to support our duties as a regulator to be open, transparent and proportionate in relation to our decision making, striking a reasonable balance between public interest and fairness to all participants involved in the process.

5. Next steps

- 5.1 We will continue to keep the Council updated on the progress of our improvement activities and our performance in the Tribunal Service.

Appendix A

Health and Care Professions Tribunal Service

1. Introduction

- 1.1. The Health and Care Professions Tribunal Service (HCPTS) was established in April 2017. It is the fitness to practise adjudication service of the HCPC. Although it is part of the HCPC, the distinct identity of the HCPTS seeks to emphasise that hearings are conducted and managed by independent panels which are at arm's length from the HCPC.

2. Purpose of the HCPTS

- 2.1. The HCPTS is responsible for the listing and running of all fitness to practise (FTP) hearings held by one of our three practice committees (Investigating Committee, Conduct and Competence Committee and Health Committee). Details of the types of hearings we hold are listed in Appendix B. Our core purpose is to ensure that hearings are concluded efficiently, and that our panels reach high-quality regulatory decisions that are fair, consistent, proportionate and compliant with our procedures and legislation. We also have a key role to play in supporting registrants, witnesses and other participants through the hearing process.
- 2.2. The HCPTS is structured into three main areas.

Health and Care Professions Tribunals

- 2.3. These are the panels that hear and determine cases on behalf of the HCPC's Practice Committees.
- 2.4. FTP partners are independent of the case management function of the FTP directorate. They play an important role in protecting the public, maintaining public confidence in the professions and maintaining proper professional standards and conduct. They are recruited by the HCPTS, working with our Partners team. The HCPTS has responsibility for the ongoing training and development of all FTP partners.
- 2.5. Partners are supported in their decision making by practice notes, which provide guidance on procedure, case law and HCPC process. They are subject to regular review and revision at least every three years, and more often where changes may be required to reflect new case law, a change in process, to

address themes in FTP cases or following recommendations arising from the quality assurance activity.

Scheduling Team

- 2.6. The scheduling team is responsible for the listing and coordination of all fitness to practise hearings. This includes, providing support and guidance to witnesses and others attending hearing who may be distressed or vulnerable.
- 2.7. The management of risk at hearings is an essential part of planning a safe and effective work environment for all parties involved in the hearing process. Although rare, there will be circumstances in which participants in FTP hearings pose a risk of disruption or harm. It is likely that signs of this behaviour will be displayed during the investigation stages of any complaint. The scheduling team are responsible for conduct hearing risk assessments to ensure any reasonable adjustments and special measures are put in place.

Hearings Team

- 2.8. The Hearings team are responsible for facilitating the fair and efficient progress of all events including managing complex hearings with various stakeholders. This includes providing support to witnesses, some of whom are vulnerable and require additional assistance.
- 2.9. We have a clear process in place to manage risk during a hearing, adopting a proactive approach to ensuring any potential risks are assessed before a hearing (as mentioned above). However, there may be occasions where despite all planning and risk assessments done by our scheduling team, an unforeseen event occurs during a hearing. If an unexpected situation occurs we have clear protocols in place to assist the hearings team in dealing with such events.

Appendix B

Table showing FTP hearings and purpose

Hearing Type	Purpose
Final (substantive) hearing	<p>Hearing that concludes a fitness to practice investigation to determine whether a registrant's FTP is impaired, and if so what sanction should be imposed.</p> <p>Witnesses may be called to give evidence. Registrant and/or their representative may attend and may give evidence and/or make representations to the panel.</p>
Substantive review hearing	<p>Hearing to review a suspension or conditions of practice order imposed at a final hearing.</p> <p>A substantive review hearing must take place before the order expires otherwise the HCPC will lose jurisdiction of the matter.</p>
Interim order hearing	<p>Risk assessment conducted by a panel to determine whether interim measures need to be imposed to restrict or prevent a registrant from practising whilst an FTP investigation is carried out.</p> <p>Hearing is convened at short notice due to the urgency.</p>
Interim order review hearing	<p>Hearings to review an interim suspension or interim conditions of practice order imposed at an Interim Order hearing.</p> <p>Review hearing must take place at regular intervals during the order.</p>
Preliminary hearing	<p>Case management hearing to ask a panel to make directions prior to a substantive hearing or review hearing, amend allegations or admit evidence.</p>
Consensual disposal hearing	<p>A final panel decision is required on any case we want to resolve by consent with the registrant. This includes voluntary removal, discontinuance of the case or consent to a sanction.</p>
Restoration hearing	<p>A registrant may apply to be restored to the Register a minimum of five years after they were struck off the register.</p>
Investigating Committee (ICP) hearing	<p>These are private meetings in which the panel determines whether the registrant has a case to answer or not by deciding if the HCPC has a realistic prospect of proving the allegation.</p>