

Tribunal Advisory Committee, 31 May 2017

## Review of Practice Notes

### **Introduction**

Practice Notes exist to provide clear guidance to all parties with an interest or involvement in a Fitness to Practise investigation or Hearing. As our processes change, or there are case law or learning issues, it is necessary to review these documents. The following provides an update about the ongoing programme of review of these key documents.

There are currently 30 Practice Notes. These documents are available on HCPTS' website, and are actively referred to during the investigation and hearing processes.

We aim to review each Practice Note on an annual basis. The review has three stages: firstly, HCPC review any relevant case outcomes, complaints or learning points from bodies such as the Professional Standards Authority. Any changes to content or wording are then added. The second stage is for a review by HCPC's Special Counsel, to ascertain if any legislative changes are required. The third and final stage is to review the readability of the document prior to consideration at Council.

In most cases, there are little or no changes, or there is the requirement to edit the document to make it easier to understand or use.

The Practice Notes are not reviewed in isolation. Most relate to an element of an HCPC policy, so the review cycle of the Practice Notes is linked to the review of policies, or any operational guidance for HCPC or HCPTS team members.

The review cycle and number of documents is such that we envisage approximately three revised Practice Notes per Council meeting. We have prioritised the review based on operational impact on Fitness to Practise case activity, time elapsed since the previous review, and the volume of review time by Council.

### **Decision**

The TAC is asked to:

- i) consider the attached paper; and
- ii) agree the proposed approach and timescale .

### **Background information**

In preparation for the introduction of the TAC, all existing Practice Notes were reviewed, in order to make clear the roles of both HCPC and the Tribunal Service (HCPTS). As such, the current suite of Practice Notes are up to date in relation to:-

- Significant changes in case law
- Matters arising from learning points in HCPC or other regulators' cases
- Current operational processes

With the advent of the TAC, and the requirement for planning their involvement in the prioritization of the programme of review, and development of individual documents, this paper sets out a proposal for the order of the review of Practice Notes. It recognizes the input from HCPC and HCPTS team members, and also that of HCPC's Special Counsel. It also recognizes the sign off process for any changes on behalf of HCPC.

Appendix 1 sets out the current proposed timetable for the PN reviews.

For information, the current documents can be found at:

<https://www.hcpts-uk.org/assets/documents/10005380HCPTSPacticeNotes-consolidated.pdf>

The appendix suggests the order of review for the PNs, based on HCPC's assessment of the complexity of the review, or the potential impact on activity. It also reflects the known policy review timetable. On review, TAC may wish to re-order these dates.

The workplan has columns for input that may be considered from the Decision review Group, and will also calculate the dates when changes need to be reviewed and signed off by HCPC's Special Counsel. These dates will be inputted after the TAC meeting on 31 May.

### **Resource implications**

The review process is managed through the existing FTP processes and existing resources.

### **Financial implications**

The review of Practice Notes is part of the FTP workplan for 2017-18. Any deviations from the proposal may require review of the resources allocated to the workplan.

### **Appendices**

Appendix 1: Practice Note review workplan

### **Date of paper**

22 May 2017

Subject	Version	Date of current version	Team	Lead	Previous Review Date	TAC's last Review
Article 30(2) Reviews		Mar-17	CPC	COD	Mar-17	Mar-17
Case Management and Directions		Mar-17	INV/CPC	KV	Mar-17	Mar-17
Case to Answer Determinations		Mar-17	INV	CF	Mar-17	Mar-17
Child witnesses		Mar-17	TS	JR	Mar-17	Mar-17
Competence and Compellability of Witnesses		Mar-17	CPC	CB	Mar-17	Mar-17
Concurrent Court Proceedings		Mar-17	CRT/INV/CPC	RB	Mar-17	Mar-17
Conduct of Representatives		Mar-17			Mar-17	Mar-17
Conducting hearings in private		Mar-17	TS	JR	Mar-17	Mar-17
Conviction and Caution Allegations		Mar-17	CRT/INV/CPC	RW	Mar-17	Mar-17
Cross-Examination in Cases of a Sexual Nature		Mar-17	CPC	COD	Mar-17	Mar-17
Directions and Preliminary Hearings		Mar-17	TS	JR	Mar-17	Mar-17
Disclosure of Unused Material	Discontinued	Jan-15	CPC	CB	Mar-17	
Discontinuance of Proceedings		Mar-17	CPC	CB	Mar-17	Mar-17
Disposal of Cases via Consent		Mar-17	CPC	CB	Mar-17	Mar-17
Drafting Fitness to Practise Decisions		Mar-17	TS	JR	Mar-17	Mar-17
Finding that Fitness to Practise is Impaired		Mar-17	TS	JR	Mar-17	Mar-17
Half time submissions		Mar-17	CPC	COD	Mar-17	Mar-17
Health Allegations		Mar-17	INV/CPC	GB	Mar-17	Mar-17
Hearing Venues		Mar-17	TS	DO	Mar-17	Mar-17
Interim Orders		Mar-17	CRT/INV/CPC	SA	Mar-17	Mar-17
Joinder		Mar-17	CPC	CB	Mar-17	Mar-17
Mediation		Mar-17	INV/CPC	ES	Mar-17	Mar-17
Opinion Evidence, Experts and Assessors		Mar-17	CPC	CB	Mar-17	Mar-17
Postponement and Adjournment of Proceedings		Mar-17	TS	JR	Mar-17	Mar-17
Proceeding in the Absence of the Registrant		Mar-17	TS	JR	Mar-17	Mar-17
Restoration to the Register		Mar-17	CPC	COD	Mar-17	Mar-17
Review of Striking Off Orders: New Evidence and the		Mar-17	CPC	COD	Mar-17	Mar-17
Service of Documents		Mar-17	INV/CPC	CB	Mar-17	Mar-17
Special measures		Mar-17	TS	DO	Mar-17	Mar-17
Unrepresented Parties		Mar-17	TS	JR	Mar-17	Mar-17
Use of Welsh in Fitness to Practise Proceedings		Mar-17	TS	JR	Mar-17	Mar-17
Witness and Production Orders		Mar-17	CPC	CB	Mar-17	Mar-17

<b>Next review to be completed by:</b>	<b>DRG recommendations</b>	<b>Review to be completed by:</b>	<b>Completed</b>	<b>Were changes made?</b>	<b>JKB due to review (6 week lead time before Council deadline)</b>
Mar-18					
Sep-17					
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