

Tribunal Advisory Committee, 29 May 2019

Performance Review Fitness to Practice (FTP) Working Group

Executive summary and recommendations

Introduction

The FTP Working Group second meeting took place on 17 May 2019. The group reviewed an online 360 degree feedback platform presented by Kallidus, HCPC's provider for Learning and Development, and tested its functionality during the meeting. The group agreed that it was user friendly, looked professional, and had an excellent reporting tool.

During the second part of the meeting the group created statements for panel members and chairs based on their current competency framework. The group agreed that instead of questions the use of statements would be more appropriate. The reviewer will be asked to use a scale to judge the persons performance against each statement. The group decided that the number of competencies for legal assessors provides the right amount of questions, but the competencies for panel members and chairs had to be reduced to be more manageable for the purpose of the performance review.

Recommendation

The recommendation to the TAC is to approve the use of the Kallidus 360 degree feedback platform and the statements (questions) for panel members, chairs and legal assessors (Appendix A).

Next steps

The Partner team will develop email templates, communication and set up the questionnaires by end of July 2019. We hope to run a UAT with a selected group of internal and external stakeholders in August/September. The system should be ready for a six month pilot period from October 2019 to February 2020 with the hope to fully launch in March/April 2020.

Decision

The Committee is asked to consider the recommendations from the FTP Working Group.

Financial implications

The cost for the online platform is estimated as £4,950 per annum for 200 users.

Appendices

Appendix A - Panel member, chair and legal assessor statements/questions.

Date of paper

22 May 2019

Annex A

Panel Member, Chair and Legal Assessor Statements

Please consider the below statements and scale for the purpose of performance reviews of panel members, chairs and legal assessors.

Scalar Number	Scalar Description
1	Never
2	Rarely
3	Sometimes
4	Frequently
5	Always
N/A	Not Applicable

Assimilating and clarifying information

1. Assimilated, recalled and analysed information to identify and focus on essential issues.
2. Applied legal principles to the relevant facts and weighed evidence to make a reasoned decision.
3. Asked appropriate questions of witnesses and representatives.

PC only:

- a. Identified and communicated priorities.

Working with others*

*Others refers to all participants at hearings, e.g. The Panel Chair and Members, Legal Assessors, HCPTS staff, Registrants (and their advocate/representative) and HCPC Advocates and witnesses.

1. Treated people with respect, sensitivity and ensured that the requirements of those with different needs were properly met and challenged inappropriate comments and/or actions.
2. Ensured that all parties were provided with a fair opportunity to present evidence and participated fully in the hearing.
3. Worked constructively with others, took their views into account and encouraged cooperation and collaboration.

PC only:

- a. Managed the hearing fairly, provided objective directions and interventions, and sought the advice of the legal assessor when appropriate.
- b. Led the Panel by personal example and facilitated constructive and productive Panel discussions.

Exercising judgement

1. Exercised sound judgement and acted fairly and in an unbiased manner.
2. Contributed in an appropriate and timely manner to reach a fair and reasoned decision based upon relevant law.

PC only:

- a. Provided support to ensure the Panel performed effectively.

Possessing and building knowledge

1. Possessed a sound understanding of the FTP policies and procedures.
2. Demonstrated a clear understanding of public interest and public protection.

Managing work efficiently

1. Worked collaboratively, flexibly and contributed to the fair and effective conduct of the hearing.
2. Demonstrated appropriate preparation for the hearing and managed time effectively.
3. Sought guidance from and offered assistance to others where appropriate.

PC only:

- a. Ensured collaboration within the Panel and with the legal assessor.
- b. Ran the hearing effectively and took responsibility for the use of the Panel's time and resources.

Communicating effectively

1. Adopted a clear and succinct oral and written communication style and adjusted appropriately according to the audience.
2. Established authority and inspired respect and confidence.
3. Listened actively to others.

PC only:

- a. Explained relevant legal or procedural issues clearly and succinctly.
- b. Took responsibility for the preparation and clarity of the Panel's reasoning ensuring full engagement of all Panel members.

Legal Assessor Questions for 360 Degree Feedback

Advising effectively

1. Provided independent, proportionate and unbiased advice.
2. Tailored advice according to the circumstances of the case.
3. Applied relevant case law and concepts related to public interest and public protection.

Working with others*

*Others refers to all participants at hearings, e.g. The Panel Chair and Members, HCPTS staff, Registrants (and their advocate/representative) and HCPC Advocates and witnesses.

1. Ensured proceedings are conducted fairly and according to relevant rules and procedures.
2. Recognised and showed understanding of the differing needs of participants and provided appropriate support for registrants who are not legally represented.
3. Showed appropriate regard for the panels' autonomy in reaching decisions
4. Valued and promoted equality and diversity, and reminds the panel of its importance where appropriate.

Exercising judgement

1. Demonstrated integrity and applied independence of mind to ensure that proceedings are conducted fairly.
2. Ensured that the panel's decision is presented in a clear and well-reasoned manner in line with the Health and Social Work Professions Order 2001 and other relevant regulatory standards.
3. Respected confidentiality in relation to both evidence and to the panel's deliberations.

Demonstrating and building knowledge

1. Demonstrated and applied detailed knowledge of current law, Human Rights Act and relevant Court decisions.

Managing work efficiently

1. Undertook preparation in advance of each tribunal.
2. Assisted the Chair (and hearings officer) to effectively use time available.

3. Produced draft determinations in a timely manner (usually before the end of the hearing day) using HCPTS word processing packages.

Communicating effectively

1. Provided clear and succinct oral and written communication, in particular during hearings and in the assistance given to Panels in the drafting of decisions.

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Competence Framework for Panel Members and Panel Chairs

Introduction

This Competence Framework is based upon the *Judicial Skills and Abilities Framework 2014* for the Courts and Tribunals Judiciary and adapted specifically to the role of HCPC panel member and panel chair. There are six competency headings:

Competency heading	Panel Members and Panel Chairs	Panel Chairs
Assimilating and Clarifying Information	<ul style="list-style-type: none"> Assimilates, recalls and analyses information to identify essential issues Identifies and focuses on the real issues Applies legal rules and principles to the relevant facts and clarifies uncertainty Weighs evidence in order to make findings of facts and reach a reasoned decision Asks appropriate questions of witnesses and representatives 	<ul style="list-style-type: none"> Identifies and communicates priorities.
Working with Others*	<ul style="list-style-type: none"> Treats people with respect, sensitivity and in a fair manner without discrimination Ensures that all parties are provided with a fair opportunity to present evidence and participate fully in the hearing Values and promotes equality and diversity, ensures that the requirements of those with differing needs are properly met and challenges inappropriate comments and/or actions Demonstrates the appropriate balance between formality and informality in hearings Works constructively with others and encourages co- 	<ul style="list-style-type: none"> Manages hearings fairly, providing objective directions and interventions Leads the Panel by personal example Adopts an inclusive approach to develop and maintains the reputation of the Panel and tribunal Facilitates constructive and productive Panel discussions and manages disagreements between Panellists Seeks the advice of the Legal Assessor

<p>*Others refers to all participants at hearings, e.g. The Panel Chair and Members, Legal Assessors, HCPTS staff, Registrants (and their advocate/representative) and HCPC Advocates and witnesses.</p>	<p>operation and collaboration</p> <ul style="list-style-type: none"> • Recognises and deals appropriately with actual or potential conflicts of interest • Demonstrates familiarity with HCPC policies on expected behaviours including the HCPC Partner Code of Conduct. 	<p>when appropriate</p> <ul style="list-style-type: none"> • Provides leadership on E&D and challenges inappropriate comments and/or actions • Provides feedback on performance of Panel members and Legal Assessor.
<p>Exercising Judgement</p>	<ul style="list-style-type: none"> • Exercises sound judgement and common sense • Acts fairly and non-biased demonstrates integrity and independence of mind • Contributes, in an appropriate and timely manner, to reaching fair and reasoned decisions based upon relevant law • Makes effective use of advice in applying the relevant law and procedure before making decisions. 	<ul style="list-style-type: none"> • Enables all Panellists to contribute effectively to decision making • Provides support to maintain and improve the Panel's performance
<p>Possessing and Building Knowledge</p>	<ul style="list-style-type: none"> • Possesses an appropriate and up to date knowledge of the relevant law and its underlying principles and procedure • Shows an ability and willingness to learn and develop • Embraces new processes and procedures • Demonstrates openness to feedback • Possesses a sound understanding of the policy environment with a focus on regulation • Demonstrates a clear understanding of public interest and public protection. 	<ul style="list-style-type: none"> • Contributes to the development of training programmes • Encourages learning, keeps knowledge up to date and communicates developments to other Panel members
<p>Managing Work Efficiently</p>	<ul style="list-style-type: none"> • Works collaboratively and contributes to the fair, efficient and effective management of cases and the conduct of hearings • Responds calmly and flexibly to changing circumstances • Shows ability to work at speed and under pressure 	<ul style="list-style-type: none"> • Ensures collaboration within panel and with Legal Assessor • Runs hearings efficiently and effectively and takes responsibility for the use of the Panel's time and resources.

	<ul style="list-style-type: none"> • Undertakes necessary preparatory work, manages time and tasks to minimise delays and irrelevancies • Seeks guidance from and offers assistance to others as appropriate. 	
Communicating Effectively	<ul style="list-style-type: none"> • Adopts a clear and succinct oral and written communication style and adjusts according to the audience • Listens attentively and seeks clarification where necessary • Demonstrates courtesy through effective communication • Asks clear, concise, relevant and understandable questions without unnecessary technical jargon • Establishes authority and inspires respect and confidence • Remains calm and authoritative at all times. 	<ul style="list-style-type: none"> • Explains relevant legal or procedural issues clearly and succinctly • Supports and delivers change within the tribunal • Takes responsibility for the preparation and clarity of panel's reasoning ensuring full engagement of all Panel members • Provides clear, accessible and professional oral delivery

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Competence Framework for Legal Assessors

This Competence Framework is based upon the *Judicial Skills and Abilities Framework 2014* for the Courts and Tribunals Judiciary and adapted specifically to the role of HCPC Legal Assessor. There are six competency headings:

Competency heading	Description
Advising effectively	<ul style="list-style-type: none">• Provides independent, proportionate and unbiased advice• Tailors advice according to the circumstances of the case• Applies relevant case law and concepts related to public interest and public protection.
Working with others* *Others refers to all participants at hearings, e.g. The Panel Chair and Members, HCPTS staff, Registrants (and their advocate/representative) and HCPC Advocates and witnesses.	<ul style="list-style-type: none">• Ensures proceedings are conducted fairly and according to relevant rules and procedures• Recognises and shows understanding of the differing needs of participants and provides appropriate support for registrants who are not legally represented.• Shows appropriate regard for the panels' autonomy in reaching decisions• Values and promotes equality and diversity, and reminds the panel of its importance where appropriate
Exercising judgement	<ul style="list-style-type: none">• Demonstrates integrity and applies independence of mind to ensure that proceedings are conducted fairly• Ensures that the panel's decision is presented in a clear and well-reasoned manner in line with the Health and Social Work Professions Order 2001 and other relevant regulatory standards.

	<ul style="list-style-type: none"> • Respects confidentiality in relation to both evidence and to the panel's deliberations
Demonstrating and building knowledge	<ul style="list-style-type: none"> • Demonstrates and applies detailed knowledge of current law, Human Rights Act and relevant Court decisions • Demonstrates an ability and willingness to learn and develop.
Managing work efficiently	<ul style="list-style-type: none"> • Undertakes preparation in advance of each tribunal • Assists the Chair (and hearings officer) to effectively use time available • Produces draft determinations in a timely manner (usually before the end of the hearing day) using HCPTS word processing packages.
Communicating effectively	<ul style="list-style-type: none"> • Provides clear and succinct oral and written communication, in particular during hearings and in the assistance given to Panels in the drafting of decisions