

## Finance and Resources Committee – 10 February 2010

### Partner Reappointment and Agreement Renewal

#### Executive summary and recommendations

##### **Introduction**

486 of our 623 partner agreements are due to expire on 31<sup>st</sup> July 2010. The last partner agreement expiry took place in July 2008 when the Finance and Resources Committee agreed that the 548 expiring partner agreements should be renewed for a period of two years.

As a result the current system requires that a major renewals exercise takes place every two years. For the July 2010 exercise, we are proposing that a different approach be taken for specific partner roles to suit the particular requirements and legislation pertaining to each role type.

The attached paper entitled Partner Reappointment and Agreement Renewal sets out more information about the approach that we would like to take for each category of partner, and why.

##### **Decision**

The Committee is requested to agree:

- (i) that 288 agreements for Registration Assessors, CPD Assessors and Visitors which are due to expire on 31 July 2010 be renewed for a period of 4 years.
- (ii) that 185 Panel Members and 13 Panel Chairs with agreements that are due to expire on 31 July 2010 be subject to the reappointment process set out in the attached paper
- (iii) that Panel Members and Panel Chairs be reappointed on agreements of varying length between 2 and 4 years to enable a phased process to be carried out for replacement of the Practice Committee.
- (iv) that the 88 contracts for Registration Assessors, CPD Assessors and Visitors expiring between 1<sup>st</sup> August 2010 to 30 July 2012 be renewed for a period of four years.
- (v) that the 39 contracts for Panel Members and Panel Chairs expiring between 1<sup>st</sup> August 2010 to 30 July 2012 be reappointed on agreements of varying length between 2 and 4 years to enable a phased process to be carried out for replacement of the Practice Committee.

**Resource implications**

The Partner Coordinator and Partner Administrator will process the agreement renewals and correspondence.

The Partner Department, Fitness to Practice Department and representative from the Fitness to Practice Committee will undertake the reappointment process for Panel Members and Chairs.

**Financial implications**

There will be cost implications in posting the agreement renewals to Visitors, Registration Assessors and CPD Assessors and reappointment papers to the Panel Chair and Panel Members. This has been budgeted for in the 2009-10 budget and 2010-11 budget respectively.

Replacement recruitment has been budgeted for in the 2010-2011 partner budget to replace any Panel Chairs and Panel Members who are not reappointed.

**Appendices**

Appendix 1 – Competence Framework for Fitness to Practise Panel Members

Appendix 2 – Competence Framework for Fitness to Practise Panel Chairs

**Date of paper**

10 February 2010

## **Partner Reappointments and Agreement Renewals**

### **Registration Assessors and CPD Assessors**

There are 139 Registration Assessor agreements and 19 CPD Assessor agreements due to expire on 31<sup>st</sup> July 2010. We propose that these agreements be renewed for a period of 4 years.

Renewals of 4 years, as opposed to 2 years, will result in significant efficiency gains for the HPC, and will assist with forward planning of partner resourcing requirements. The appointment and roles of Registration Assessors and CPD Assessors are not governed by specific provisions in the Health Professions Order so we believe that agreement renewal, as opposed to a reappointment process, is proportionate.

### **Visitors**

There are 121 Visitor agreements due to expire on 31<sup>st</sup> July 2010. We propose that these agreements should be renewed for a period of 4 years.

As with Registration Assessors and CPD Assessors, we believe that agreement renewals as opposed to a reappointment process is an appropriate approach for Visitors. Agreements of 4 years as opposed to 2 years will result in significant efficiency gains for the HPC, and will assist with resource planning.

In addition to the 260 agreements referred to above that expire on 31<sup>st</sup> July 2010, there are a further 88 Registration Assessor, CPD Assessor and Visitor agreements due to expire between 1<sup>st</sup> August 2010 and 30<sup>th</sup> July 2012. These partners were appointed outside of the normal cycle due to on boarding of new professions, partner turnover, etc. We also seek permission to renew these agreements for a period of 4 years.

### **Panel Members and Panel Chairs**

There are 185 Panel Members and 13 Panel Chairs with agreements that are due to expire on 31<sup>st</sup> July 2010. It is proposed that (i) these partners undergo a re-appointment process, and that (ii) they are reappointed on agreements of varying length, of 2, 3 and 4 years' duration.

### Reappointment Process

The Council for Healthcare Regulatory Excellence, in its report on the Performance Review of Health Professional Regulatory Bodies 2008/09 identified the continued importance of appraisal and assessment of its Fitness to Practice Panel Members.

We therefore feel that simply renewing the agreements of existing partners is not sufficiently rigorous, and that a more in depth reappointment process

should be adopted. However, we are not proposing that every Panel Member and Panel Chair re-apply and be re-interviewed for their roles as this would have major cost and resource implications which are not currently covered in draft budgets for 2010/11. A recruitment campaign to appoint 198 partners would cost £30,000 in advertising across fourteen different professions, 20 days labour for each member of the shortlisting panel and 60 days of interviews.

It is proposed that Panel Members and Panel Chairs be required to complete a Reappointment Self Assessment Form, based on the Competence Frameworks which detail the required performance indicators for each role. The Competence Frameworks are attached in *Appendix 1 and 2* for information. The Executive will devise the operational detail for the self assessment, including scoring sheets and a matrix in line with the performance indicators. The completed Self Assessments will be reviewed by the Executive and a representative from the Fitness to Practice Committee.

#### Agreement Duration

Part 2 (5) of the revised consolidated Practice Committee and Miscellaneous Amendments) Rules 2009 prohibits any member from serving for more than an aggregate of 8 years during any period of 20 years.

For the purpose of computing the aggregate, the relevant start date is 1<sup>st</sup> July 2007, and we will therefore be required to terminate the contracts of the majority of Practice Committee members on 30th June 2015.

It is essential that we commence the process to stagger contract expiry dates now to ensure that we avoid losing all of our Panel Member and Panel Chair resources at the same time. Such a situation would put the running of panels at risk, and would mean that the huge administrative and cost burden of recruiting and training around 240 partners would be concentrated into one year.

We therefore propose that Panel Members and Panel Chairs be reappointed on contracts of varying length between 2 and 4 years to enable us to carry out a phased process for replacement of the Practice Committee.

In addition to the 185 Panel Member and Panel Chair agreements referred to above that expire on 31<sup>st</sup> July 2010, there are a further 39 agreements due to expire between August 2010 and 30<sup>th</sup> July 2012. We also seek approval to put these partners through the reappointment process outlined above and to reappoint them on agreements of between 2 and 4 years' duration.

# HEALTH PROFESSIONS COUNCIL

## Competence Framework for Fitness to Practise Panels

### Introduction

This Competence Framework is based upon work conducted by the Judicial Studies Board on developing a framework of competences for those who serve on tribunals or regulatory bodies that have a disciplinary role. The Framework sets out the skills, knowledge and behavioural attributes needed to perform the functions of a HPC Panel member and is divided into six headline competences:

- A Law and Procedure
- B Equal Treatment
- C Communication
- D Conduct of Hearing
- E Evidence
- F Decision-making

Each headline competence represents a core element of the Panel member's role. Within each core element relevant competences are set out in the sequence they might occur during a typical hearing. In fact, many of the competences apply across the range of a Panel's functions, but to avoid duplication they are set out as six distinct areas of competence.

The competence relevant to each core element is shown in the first column. The second column contains one or more performance indicators for each competence which set out the evidence required to show that a competence has been demonstrated. The Framework is further divided into those competences required by all Panel members.

Whilst the Framework provides an essential self-development aid to individuals, it will also be used by those involved in training Panel members, enabling them to design programmes which ensure that Panel members and chairmen acquire the skills and knowledge necessary to undertake their role.

## A Law And Procedure

*To ensure an appropriate level of knowledge concerning the jurisdiction, law and procedure of the Panel*

<b>Competences</b>	<b>Performance Indicator</b>
1. Understands the legal framework, jurisdiction and procedures of the Panel.	<ul style="list-style-type: none"><li>• Can accurately describe and explain (in outline) the legal framework, jurisdiction and procedures of the Panel.</li><li>• Can describe the collective and respective roles of the members and staff within the Panel's culture.</li></ul>
2. Understands the subject matter of the Panel's jurisdiction.	<ul style="list-style-type: none"><li>• Can describe and explain the subject matter of the Panel with accurate reference to relevant terminology, concepts and knowledge base.</li></ul>

## B Equal Treatment

*To ensure and promote equal treatment for all involved with Panels*

<b>Competences</b>	<b>Performance Indicator</b>
1. Is aware of and respects:  a. cultural and other differences among all who appear before the Panel, or who are members of it or are employees of the HPC, including differences in age, beliefs, gender, race, religious customs, sexual orientation and life styles.  b. the particular needs of parties, their representatives, witnesses, members and staff with physical or mental	<ul style="list-style-type: none"><li>• Uses correct forms of address and appropriate language.</li><li>• Asks questions and makes comments in a manner that is sensitive to issues of age, beliefs, cultural differences, gender, physical or mental disabilities, race, religious customs, sexual orientation and life styles.</li><li>• Participates in the Panel in a way that enhances and</li></ul>

disabilities.	<p>promotes equal treatment e.g. by appropriate approach, attitude and non-verbal communication.</p> <ul style="list-style-type: none"> <li>• Ensures that the needs of those with physical or mental disabilities are properly accommodated by the Panel.</li> </ul>
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### **C Communication**

*To ensure effective communication between all Panel chairmen, members and parties*

<b>Competences</b>	<b>Performance Indicator</b>
1. Communicates effectively.	<ul style="list-style-type: none"> <li>• Asks clear, concise and relevant questions which are readily understood.</li> <li>• Makes appropriate comments.</li> <li>• Employs active listening skills e.g. is attentive, checks perception etc.</li> <li>• Uses appropriate body language e.g. posture, gesture,, eye contact etc.</li> <li>• Regularly checks the understanding of all participants.</li> </ul>

## D Conduct Of Hearing

*To ensure a fair and timely disposal of hearings*

<b>Competences</b>	<b>Performance Indicator</b>
1. Acts in a manner that establishes and maintains the independence and authority of the Panel	<ul style="list-style-type: none"><li>• Is punctual.</li><li>• Dresses appropriately.</li><li>• Recognises and discloses any potential conflict of interest.</li><li>• Recognises and respects the needs of those appearing without representation.</li><li>• Behaves in a measured, calm and non-confrontational manner</li></ul>

## E Evidence

*To ensure that all relevant issues are addressed by eliciting and managing evidence*

<b>Competences</b>	<b>Performance Indicator</b>
1. Undertakes necessary preparatory work for all cases.	<ul style="list-style-type: none"><li>• Exhibits familiarity with the points at issue in the case.</li><li>• Identifies the areas requiring clarification or investigation.</li></ul>
2. Identifies and assimilates relevant facts and expert evidence.	<ul style="list-style-type: none"><li>• Identifies and uses only relevant facts and expert evidence from written and oral sources.</li></ul>
3. Asks questions concerning material issues.	<ul style="list-style-type: none"><li>• Asks questions in such a way as to elicit evidence relevant to the issues.</li></ul>



## F - Decision Making

To ensure effective deliberation, structured decision making and disposal of the case

<b>Competences</b>	<b>Performance Indicator</b>
1. Takes an active part in deliberations and decision making.	<ul style="list-style-type: none"><li>• Appropriately participates in the decision making process by making a reasoned decision based on the relevant law and finding of fact.</li><li>• Expresses opinions in discussion relevant to the issues.</li><li>• Considers opinions and advice of others before making a decision.</li><li>• Properly weighs the sufficiency and quality of evidence.</li><li>• Makes reasoned decisions based on the relevant law and finding of fact.</li></ul>

# HEALTH PROFESSIONS COUNCIL

## Competence Framework for Fitness to Practise Panels

### Introduction

This Competence Framework is based upon work conducted by the Judicial Studies Board on developing a framework of competences for those who serve on tribunals or regulatory bodies that have a disciplinary role. The Framework sets out the skills, knowledge and behavioural attributes needed to perform the functions of a HPC Panel member and is divided into six headline competences:

- A Law and Procedure
- B Equal Treatment
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Each headline competence represents a core element of the Panel member's role. Within each core element relevant competences are set out in the sequence they might occur during a typical hearing. In fact, many of the competences apply across the range of a Panel's functions, but to avoid duplication they are set out as six distinct areas of competence.

The competence relevant to each core element is shown in the first column. The second column contains one or more performance indicators for each competence which set out the evidence required to show that a competence has been demonstrated. The Framework is further divided into those competences required by all Panel members and those additional competences that apply to Panel Chair.

Whilst the Framework provides an essential self-development aid to individuals, it will also be used by those involved in training Panel members, enabling them to design programmes which ensure that Panel members and Panel Chairs acquire the skills and knowledge necessary to undertake their role.

## A Law And Procedure

*To ensure an appropriate level of knowledge concerning the jurisdiction, law and procedure of the Panel*

<b>Competences</b>	<b>Performance Indicator</b>
1. Understands the legal framework, jurisdiction and procedures of the Panel.	<ul style="list-style-type: none"><li>• Can accurately describe and explain (in outline) the legal framework, jurisdiction and procedures of the Panel.</li><li>• Can describe the collective and respective roles of the members and staff within the Panel's culture.</li></ul>
2. Understands the subject matter of the Panel's jurisdiction.	<ul style="list-style-type: none"><li>• Can describe and explain the subject matter of the Panel with accurate reference to relevant terminology, concepts and knowledge base.</li></ul>
<b><i>Panel Chair</i></b>	
3. Possesses a detailed knowledge and understanding of the law and practice relevant to the Panel	<ul style="list-style-type: none"><li>• Properly applies appropriate and relevant legal rules to the issues before the Panel.</li><li>• Obtains further advice or information from appropriate sources when required.</li></ul>
4. Possesses a detailed knowledge of the jurisdiction and procedures relating to the Panel.	<ul style="list-style-type: none"><li>• Appropriately conducts the proceedings in accordance with the Panel's procedural rules.</li></ul>

## B Equal Treatment

*To ensure and promote equal treatment for all involved with Panels*

<b>Competences</b>	<b>Performance Indicator</b>
<p>1. Is aware of and respects:</p> <p>a. cultural and other differences among all who appear before the Panel, or who are members of it or are employees of the HPC, including differences in age, beliefs, gender, race, religious customs, sexual orientation and life styles.</p> <p>b. the particular needs of parties, their representatives, witnesses, members and staff with physical or mental disabilities.</p>	<ul style="list-style-type: none"><li>• Uses correct forms of address and appropriate language.</li><li>• Asks questions and makes comments in a manner that is sensitive to issues of age, beliefs, cultural differences, gender, physical or mental disabilities, race, religious customs, sexual orientation and life styles.</li><li>• Participates in the Panel in a way that enhances and promotes equal treatment e.g. by appropriate approach, attitude and non-verbal communication.</li><li>• Ensures that the needs of those with physical or mental disabilities are properly accommodated by the Panel.</li></ul>
<b><i>Panel Chair</i></b>	
<p>2. Facilitates the participation of all parties, representatives and members to promote equal treatment.</p>	<ul style="list-style-type: none"><li>• Elicits the extent of the understanding of those appearing before the Panel, from the outset of the proceedings, and explains in everyday language the procedural, evidential and legal issues involved in the Panel hearing, as appropriate.</li><li>• Maintains a proper balance</li></ul>

	<p>between (1) assisting and understanding what those appearing before the Panel require and (2) the impartiality of the Panel.</p> <ul style="list-style-type: none"> <li>• Takes necessary account of all factors that may unfairly discriminate and undermine full and effective participation of parties, representatives and members.</li> <li>• Makes effective use of interpreters and signers, to enable the parties and the Panel members to follow all the proceedings, and ensures effective use of communication aids such as loop systems.</li> </ul>
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## **C Communication**

*To ensure effective communication between all Panel Chairs, members and parties*

<b>Competences</b>	<b>Performance Indicator</b>
1. Communicates effectively.	<ul style="list-style-type: none"> <li>• Asks clear, concise and relevant questions which are readily understood.</li> <li>• Makes appropriate comments.</li> <li>• Employs active listening skills e.g. is attentive, checks perception etc.</li> <li>• Uses appropriate body language e.g. posture, gesture,, eye contact etc.</li> </ul>

	<ul style="list-style-type: none"> <li>• Regularly checks the understanding of all participants.</li> </ul>
<b>Panel Chair</b>	
2. Communicates effectively.	<ul style="list-style-type: none"> <li>• Explains any relevant legal or procedural issues to Panel members and the parties in language that they can understand.</li> <li>• Ensures that communication between the Panel and all the parties is effective.</li> <li>• Gives decisions using clear and concise language so that the parties understand the findings and decisions.</li> <li>• Drafts written decisions which properly reflect the findings and decisions of the Panel, so that the parties understand the findings and the decision.</li> </ul>

## D Conduct Of Hearing

*To ensure a fair and timely disposal of hearings*

<b>Competences</b>	<b>Performance Indicator</b>
1. Acts in a manner that establishes and maintains the independence and authority of the Panel	<ul style="list-style-type: none"> <li>• Is punctual.</li> <li>• Dresses appropriately.</li> <li>• Recognises and discloses any potential conflict of interest.</li> <li>• Recognises and respects the needs of those appearing</li> </ul>

	<p>without representation.</p> <ul style="list-style-type: none"> <li>• Behaves in a measured, calm and non-confrontational manner</li> </ul>
<b><i>Panel Chair</i></b>	
<p>2. Manages the hearing in a manner that enables proper participation by all those present.</p>	<ul style="list-style-type: none"> <li>• Identifies the members of the Panel to the parties.</li> <li>• Explains the Panel's procedures to all those present.</li> <li>• Ensures that each party is properly heard.</li> <li>• Explains to the parties what will happen after the hearing has ended.</li> </ul>
<p>3. Manages the hearing to facilitate a fair and timely disposal.</p>	<ul style="list-style-type: none"> <li>• Holds any necessary preliminary meeting to agree role of members, identify issues etc.</li> <li>• Maintains an effective working relationship with staff.</li> <li>• Keeps a legible and accurate record of the proceedings.</li> <li>• Identifies areas of agreement between parties.</li> <li>• Ensures that if a party does not attend their case is fully considered, as the rules and circumstances may allow.</li> <li>• Makes fair and effective use of adjournments while minimising delay.</li> </ul>

	<ul style="list-style-type: none"><li>• Deals with conflicts of interest.</li><li>• Deals effectively with inappropriate conduct of a Panel member.</li><li>• Maintains firm and effective control, including a proper balance between formality and informality</li><li>• Ensures that reasoned decisions are delivered within the specified time.</li></ul>
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## E Evidence

*To ensure that all relevant issues are addressed by eliciting and managing evidence*

<b>Competences</b>	<b>Performance Indicator</b>
1. Undertakes necessary preparatory work for all cases.	<ul style="list-style-type: none"><li>• Exhibits familiarity with the points at issue in the case.</li><li>• Identifies the areas requiring clarification or investigation.</li></ul>
2. Identifies and assimilates relevant facts and expert evidence.	<ul style="list-style-type: none"><li>• Identifies and uses only relevant facts and expert evidence from written and oral sources.</li></ul>
3. Asks questions concerning material issues.	<ul style="list-style-type: none"><li>• Asks questions in such a way as to elicit evidence relevant to the issues.</li></ul>
<b><i>Panel Chair</i></b>	
4. Conducts the hearing to encompass all relevant issues.	<ul style="list-style-type: none"><li>• Ensures all and, as far as possible, only relevant issues are addressed and considered.</li><li>• Encourages Panel members to ask appropriate questions.</li></ul>
5. Seeks further evidence as required.	<ul style="list-style-type: none"><li>• Calls for additional reports and other evidence where necessary and appropriate.</li></ul>

## F - Decision Making

To ensure effective deliberation, structured decision making and disposal of the case

<b>Competences</b>	<b>Performance Indicator</b>
1. Takes an active part in deliberations and decision making.	<ul style="list-style-type: none"><li>• Appropriately participates in the decision making process by making a reasoned decision based on the relevant law and finding of fact.</li><li>• Expresses opinions in discussion relevant to the issues.</li><li>• Considers opinions and advice of others before making a decision.</li><li>• Properly weighs the sufficiency and quality of evidence.</li><li>• Makes reasoned decisions based on the relevant law and finding of fact.</li></ul>
<b><i>Panel Chair</i></b>	
2. Involves all members in the deliberations and decision making.	<ul style="list-style-type: none"><li>• Summarises the issues and, if necessary reminding the panel of the evidence and relevant law before initiating deliberations.</li><li>• Gives advice on burden and standard of proof.</li><li>• Seeks relevant advice from legal assessor.</li><li>• Ensures that there is an opportunity for full discussion and that each member expresses an opinion on all the issues to be decided.</li></ul>
3. Establishes a structured decision making process.	<ul style="list-style-type: none"><li>• Ensures that the Panel identifies the issues, makes finding of fact and provides reasons that indicate application of the relevant law.</li></ul>

	<ul style="list-style-type: none"><li>• Ensures that proper consideration is given to the reasoning of all members when there is a disagreement on any finding of fact, issue or decision</li><li>• Ensures that a clear and final decision is reached on each issue and that the decision and reasons are agreed and recorded.</li></ul>
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