

Tribunal Advisory Committee, 31 May 2017

Revised Competency Framework for HCPC Panellists

Executive summary and recommendations

Introduction

1. As part of preparation for establishing the Health and Care Professions Tribunal Service (HCPTS) - including the Tribunal Advisory Committee (TAC) - a review of the competency framework for HCPC panelists has been undertaken. The purpose of this review is to ensure that the HCPC competency framework is in line with current best practice. The *attached* revised HCPC framework (appendix 1) is based on the *Judicial Skills and Abilities Framework 2014* produced by the Courts and Tribunals Judiciary (appendix 2)
2. The competency framework for HCPC panelists underpins a range of processes for the recruitment, appraisal and self-assessment for reappointment of HCPC panel members and panel chairs.
3. The revised competency framework is intended to replace the current competency framework for HCPC panelists which was agreed by the Council in 2012. The current competency framework is attached at appendix 3 for information.
4. If the TAC is able to recommend the revised competency framework for HCPC panelists (or recommend it subject to agreed amendments), then the framework can go to the next meeting of Council in early July for approval.

Decision

The Committee is asked to discuss and recommend the revised Competency Framework for HCPC panelists to the Council for approval.

Resource implications

None

Financial implications

None

Appendices

Appendix 1 – Revised Competency Framework for Panellists 2017
Appendix 2 – Judicial Skills and Abilities Framework 2014 for information
Appendix 3 – Current Competency Framework for Panellists 2012

Date of paper

4 May 2017

HEALTH AND CARE PROFESSIONS COUNCIL

Competence Framework for Panellists

Introduction

This Competence Framework is based upon the *Judicial Skills and Abilities Framework 2014* for the Courts and Tribunals Judiciary, which groups skills under six headings:

- Assimilating and clarifying information;
- Working with others;
- Exercising judgement;
- Possessing and building knowledge;
- Managing work efficiently;
- Communicating effectively.

Skills & Abilities	All Panellists	Panel Chairs
1. Assimilating and Clarifying Information:		
Quickly assimilates information to identify essential issues, develops a clear understanding and clarifies uncertainty through eliciting and exploring information.	Possesses the ability to quickly absorb, recall and analyse information, facts and legal argument.	Identifies and communicates priorities. Leads the Panel by personal example
	Identifies and focuses on the real issues; is not lost in irrelevant detail.	
	Properly applies legal rules and principles to the relevant facts.	
	Is able to weigh evidence in order to make findings of facts and reach a reasoned decision.	

2. Working with Others:*		
<p>Conducts proceedings appropriately, values diversity and shows empathy and sensitivity in building relationships.</p> <p><i>*Others refers to all users, colleagues, staff, advocates and witnesses.</i></p>	Treats people with respect, sensitivity and in a fair manner without discrimination.	<p>Manages hearings fairly, providing objective directions and interventions</p> <p>Adopts an inclusive approach to develop and maintains the reputation of the Panel and tribunal</p>
	<p>Contributes to providing all parties with a fair opportunity to present evidence and participate fully in the hearing.</p> <p>Has an awareness of diversity and of the obligation to ensure the requirements of those with differing needs are properly met.</p>	
	Demonstrating the appropriate balance between formality and informality in hearings.	
	Works constructively with others to encourage co-operation and collaboration when needed.	
	Is able to recognise and deal appropriately with actual or potential conflicts of interest.	
3. Exercising Judgement:		
<p>Demonstrates integrity and applies independence of mind to make incisive, fair and legally sound decisions.</p>	<p>Exercises sound judgement and common sense, is demonstrably fair and neither biased nor prejudiced.</p> <p>Demonstrates integrity and independence of mind.</p>	<p>Enables all Panellists to contribute effectively to decision making.</p> <p>Provides support to maintain and improve the Panel's performance.</p>
	<p>Contributes, in an appropriate and timely manner, to reaching clear and reasoned decisions which are fair, objective and based upon relevant law and findings of fact.</p>	
	<p>Makes effective use of advice in applying the relevant law and procedure to make decisions.</p>	

4. Possessing and Building Knowledge:		
Possesses a detailed knowledge of the relevant law and procedure and demonstrates an ability and willingness to learn and develop.	Possesses an appropriate and up to date knowledge of the relevant law and its underlying principles and procedure. Demonstrates a willingness and ability to acquire relevant knowledge and concepts.	Encourages learning, keeps knowledge up to date and communicates developments to other Panellists.
	Shows an ability and willingness to learn and develop. keeps up to date with changes in the law and procedure. Embraces new processes and procedures. Demonstrates openness to feedback.	
5. Managing Work Efficiently:		
Works effectively, collaboratively and plans to make the best use of resources available.	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.	Runs hearings efficiently and effectively and takes responsibility for the use of the Panel's and tribunal's time and resources.
	Undertakes necessary preparatory work, manages time and tasks and minimises delays and irrelevancies. Seeks guidance from and offers assistance to others as appropriate.	
6. Communicating Effectively:		
Demonstrates clear and succinct oral and written communication skills.	Adopts a clear and succinct communication style, both orally and in writing, which is appropriate to the intended audience. Listens attentively and seeks clarification where necessary. Demonstrates courtesy through effective communication.	Explains relevant legal or procedural issues clearly and succinctly. Supports and delivers change within the tribunal.
	Tailors language and communication style to meet individual	

	needs and circumstances. Avoids using unnecessary technical jargon Asks clear, concise, relevant and understandable questions.	
	Establishes authority and inspires respect and confidence. Remains calm and authoritative even when challenged.	

May 2017

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COURTS AND TRIBUNALS JUDICIARY

Judicial Skills and Abilities Framework

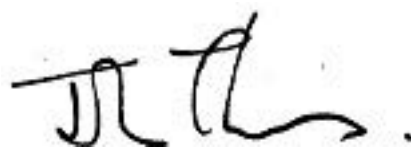
2014

Foreword

By the Lord Chief Justice and Senior President of Tribunals

This Framework brings together all the work that has been undertaken in recent years to identify and describe the skills and abilities required by judicial office-holders (both judges and tribunal members) in courts and tribunals including those in leadership and management roles. By April 2015, this framework will replace existing competence frameworks for appraisal schemes and training purposes. Over the next year the Judicial Office will be working with the Judicial Appointments Commission to establish how best to incorporate the Framework into the selection processes.

Bringing together a single set of skills and abilities will provide a clear set of expectations common to all jurisdictions against which judicial office-holders will be selected, trained, encouraged and appraised. Such a single standard will be a great asset in taking forward the flexible deployment provisions of the Crime and Courts Act but individual judicial office-holders can also use the Framework to identify their strengths, assess their personal development needs and consider their career aspirations against the clear statements of expectations.



Rt.Hon. Lord Thomas
Lord Chief Justice



Rt.Hon. Sir Jeremy Sullivan
Senior President of Tribunals

Background

What is the Judicial Skills and Abilities Framework?

The Judicial Skills and Abilities Framework describes the skills and abilities required by judicial office-holders and those in judicial leadership and management roles.

Does the Judicial Skills and Abilities Framework apply to me?

The Judicial Skills and Abilities Framework applies to all judicial office-holders (except magistrates)¹ and those in judicial leadership and management roles. The framework may need to be amended or supplemented to meet specific requirements in some jurisdictions.

How do I use the framework?

The left hand column shows the statements which apply to all judicial office-holders. Next to this are the elements that define the statements. Each element does not need to be demonstrated for the overarching statement to be fulfilled.

The right hand column shows the extra statements which apply to those in judicial leadership and management roles. Next to this are the supporting elements that define the statements. Level 1 is designed to apply to senior leadership and management roles (e.g. Presiding Judges, Family Division Liaison Judges, Chancery Supervising Judges, Chamber Presidents and similar roles). Level 2 is designed to apply to all other leadership and management roles (e.g. Resident Judges, Designated Family Judges, Designated Civil Judges, Presidents of the Regional Tribunal Judges and similar roles). However it is expected that they will be used flexibly, in recognition of the fluidity of judicial leadership and management roles.

¹ The competence frameworks for magistrates are set out within the National Training Programme for Magistrates.

The framework

Judicial Office-holder Skills & Abilities	Judicial Office-holder Elements	Leadership & Management Elements	Leadership & Management Skills
<p>Assimilating and Clarifying Information: Quickly assimilates information to identify essential issues, develops a clear understanding and clarifies uncertainty through eliciting and exploring information.</p>	<ul style="list-style-type: none"> • Possesses the ability to quickly absorb, recall and analyse information, facts and legal argument • Identifies and focuses on the real issues; is not lost in irrelevant detail • Properly applies appropriate legal rules and principles to the relevant facts • Is able to weigh evidence in order to decide the facts of a case 	<p>Level 1 - Establishes, and communicates the evolving strategic direction in their jurisdiction/chamber or region</p> <p>Level 2 - Communicates priorities and leads their court/tribunal through personal example</p>	<p>Leading the way</p>

Judicial Office-holder Skills & Abilities	Judicial Office-holder Elements	Leadership & Management Elements	Leadership & Management Skills
<p>Working with Others: Conducts proceedings appropriately, values diversity and shows empathy and sensitivity in building relationships.</p>	<ul style="list-style-type: none"> • Manages hearings through fair and objective direction and intervention • Has an awareness of the diversity of the communities which the courts and tribunals serve • Works constructively with others to encourage co-operation and collaboration when needed • Treats people with respect, sensitivity and in a fair manner without discrimination; ensuring the requirements of those with differing needs are properly met • Maintains effective relationships, demonstrating the appropriate balance between formality and informality in hearings and with all contacts • Is able to recognise and deal appropriately with actual or potential conflicts of interest 	<p>Level 1 - Acts as the judicial figurehead and builds effective relationships with the centre, agencies and key policy areas across their jurisdiction/chamber or region</p> <p>Level 2 - Uses an inclusive approach to develop and maintain the reputation of the court/tribunal within the community</p>	<p>Working with others</p>

Judicial Office-holder Skills & Abilities	Judicial Office-holder Elements	Leadership & Management Elements	Leadership & Management Skills
<p>Exercising Judgement: Demonstrates integrity and applies independence of mind to make incisive, fair and legally sound decisions.</p>	<ul style="list-style-type: none"> • Makes timely and appropriate decisions • Exercises sound judgement and common sense • Reaches clear, reasoned decisions objectively, based on relevant law and findings of fact • Demonstrates integrity and independence of mind • Does not exercise bias or prejudice 	<p>Level 1 - Works to improve judicial performance across the wider justice system and within the region to ensure it can meet existing and future needs</p> <p>Level 2 - Provides support to maintain and improve the performance of the judiciary and the court/tribunal to meet existing and future needs</p>	<p>Supporting and encouraging performance</p>
<p>Possessing and Building Knowledge: Possesses a detailed knowledge of a relevant jurisdiction, law and practice and demonstrates an ability and willingness to learn and develop professionally</p>	<ul style="list-style-type: none"> • Possesses a high level of expertise in chosen area or profession • 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 	<p>Level 1 - Keeps approaches and knowledge up to date to meet evolving requirements within the jurisdiction/ chamber or region</p> <p>Level 2 - Encourages learning, keeps knowledge up to date and communicates developments within the court/tribunal</p>	<p>Building knowledge and learning</p>

Judicial Office-holder Skills & Abilities	Judicial Office-holder Elements	Leadership & Management Elements	Leadership & Management Skills
<p>Managing Work Efficiently: Works effectively and plans to make the best use of resources available.</p>	<ul style="list-style-type: none"> • Runs trials/hearings effectively to facilitate a fair and efficient conclusion • Prioritises effectively and minimises delays and irrelevancies • Shows ability to work at speed and under pressure • Deals effectively with case management • Undertakes necessary preparatory work 	<p>Level 1 - Maintains and improves efficiency within the jurisdiction/chamber or region</p> <p>Level 2 - Takes personal accountability for the efficient and effective use of judicial and court/tribunal time and resources</p>	<p>Delivering an efficient judicial system</p>
<p>Communicating Effectively: Demonstrates good oral and written communication skills and authority.</p>	<ul style="list-style-type: none"> • Establishes authority and inspires respect and confidence • Remains calm and authoritative even when challenged • Explains relevant legal or procedural information in language that is succinct, clear and readily understood by all • Asks clear, concise, relevant and understandable questions • Willing to listen with patience and courtesy 	<p>Level 1 - Drives change across their jurisdiction/chamber or region</p> <p>Level 2 - Supports and delivers change within the court/tribunal centre</p>	<p>Facilitating change</p>

HEALTH AND CARE 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 five headline competences:

- A Knowledge and Values
- B Communication
- C Conduct of Cases
- D Evidence
- E Decision-making

A Knowledge and Values

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

Competences	Performance Indicator
1. Understands the legal framework, jurisdiction and procedures of the Panel.	<ul style="list-style-type: none"> • Can accurately describe and explain (in outline) the legal framework, jurisdiction and procedures of the Panel. • Can describe the collective and respective roles of the members and staff within the Panel's culture.
2. Exhibits professionalism and shows commitment by applying him/herself to providing high standards of public service.	<ul style="list-style-type: none"> • Is properly prepared for each case. • Ensures the requirements of those with additional needs are properly met. • Shows an ability and willingness to learn and develop professionally. • Complies with training requirements

	and takes responsibility for his/her own professional development.
3. Is aware of and respects diversity in all its forms.	<ul style="list-style-type: none"> Identifies, acknowledges and sets aside personal prejudices.
Chair person	
4. Possesses a detailed knowledge and understanding of the jurisdiction, law and practice relevant to the Panel.	<ul style="list-style-type: none"> Identifies the issues in the case. Properly applies relevant legal rules to the issues before the Panel. Obtains advice or information from appropriate sources when required. Keeps up to date with changes in the law. Conducts the proceedings in accordance with the Panel's procedural rules, taking account of the reasonable needs of participants.

B Communication

To ensure effective communication between all Panel chairs, members and parties

Competences	Performance Indicator
1. Communicates effectively.	<ul style="list-style-type: none"> Uses correct forms of address and appropriate language. Asks relevant questions and/or makes comments in a manner that is sensitive to all. Takes steps to facilitate effective communication and eliminate or reduce, so far as practicable, potential difficulties for those appearing before the Panel. Treats everyone with respect. Asks clear, concise, relevant and understandable questions. Uses language that is readily understood by all. Avoids inappropriate comments.

	<ul style="list-style-type: none"> • Employs active listening skills and uses appropriate body language. • Regularly checks the understanding of all participants including colleagues.
Chair person	
2. Facilitates the participation of all parties, representatives and members to ensure fair treatment and a fair hearing.	<ul style="list-style-type: none"> • Elicits the extent of the understanding of those appearing before the Panel, from the outset of the proceedings. • Makes effective use of those who facilitate, support, interpret, assist and represent throughout the Panel process, to enable all to participate fully in the proceedings, and ensures effective use of all types of communication aids.
3. Communicates effectively.	<ul style="list-style-type: none"> • Explains any relevant legal, evidential or procedural issues to Panel members and the parties in language that is readily understood by all. • Articulates decisions using clear and concise language so that the parties understand the findings, reasons and decisions.

C Conduct of Cases

To ensure a fair and timely disposal of hearings

Competences	Performance Indicator
1. Acts in a manner that establishes and maintains the independence and authority of the Panel	<ul style="list-style-type: none"> • Recognises and discloses any potential conflict of interest. • Is punctual, well-prepared and dresses appropriately. • Recognises and respects the needs of those appearing without representation. • Behaves in a measured, calm and non-confrontational manner. • Participates in the Panel in a way that enhances and promotes fair treatment.

2. Demonstrates integrity and independence.	<ul style="list-style-type: none"> • Is objective, open-minded and inspires respect and confidence.
Chair person	
3 Facilitates the full participation of all parties, representatives and members to ensure fair treatment and just outcome.	<ul style="list-style-type: none"> • Maintains a proper balance between assisting those appearing before the Panel, to enable them to participate fully, and the impartiality of the Panel. • Takes account of all factors that may undermine the fair treatment of all those before the Panel.
4. Manages the hearing in a manner that enables proper participation by all those present.	<ul style="list-style-type: none"> • Introduces members of the Panel and explains the Panel's procedures. • Ensures that each party is properly heard. • Explains to the parties what will happen after the hearing has ended.
5. Deals effectively with case management issues.	<ul style="list-style-type: none"> • Estimates time realistically and works within time limits. • Prioritises effectively and minimises delays and irrelevancies.
6. Manages the hearing to facilitate a fair and timely disposal.	<ul style="list-style-type: none"> • Holds any necessary pre-hearing meetings to agree members' roles, identify issues, etc. • Maintains an effective working relationship with hearing staff. • Identifies areas of agreement between parties. • Ensures that if a party does not attend, the case is properly considered in accordance with the rules of procedure and the requirements of justice. • Makes fair and effective use of adjournments while minimising delay. • Deals with conflicts of interest. • Deals effectively with inappropriate

	<p>conduct.</p> <ul style="list-style-type: none"> • Maintains effective control with a proper balance between formality and informality.
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D Evidence

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

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

E Decision Making

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

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

	<ul style="list-style-type: none">• Ensures that a clear and final decision is reached on each issue and that the decision and reasons are agreed and recorded.
4. Delivers the decision promptly.	<ul style="list-style-type: none">• Drafts written decisions, within appropriate timescales, which clearly and adequately record the findings and decisions