

DATE OF MEETING: 26 June 2017	PAPER LEAD: Authors – Elaine Jenkins / David Bennett	AGENDA ITEM: 10 PAPER: 7
TITLE: Progress update: Joint Regulation Council – Education, Training and Professional Standards Committee (February 2016) outcomes.		
PURPOSE To provide the Council with an update on progress regarding the outcomes of the joint Regulation Council – Education, Training and Professional Standards Committee workshop in February 2016.		
SUMMARY There has been some progress in addressing the actions identified at the workshop. However, it is proposed that the work in relation to the actions, with the exception of those relating to the Review of the GSP, is incorporated in the work of the Head of Registration Services and his review of the Academy’s policies, which has identified a number of issues with the document. During the work undertaken by the STP Advisor it became clear that a broader review of HCPC guidance in relation to FTP published since August 2014 is needed – some 22 documents (see appendix 1). The earlier date is relevant, as the revision made to the Academy’s FTP Rules in May 2016 was limited to a change of date and some formatting changes. This was in the light of the forthcoming GSP review at the time.		
ACTION: To note progress and agree way forward proposed above.		

Update on the actions identified at the joint AHCS Regulation Council and ETPSC workshop (February 2016)

Workshop Actions and Feedback:

1. Breadth and depth of evidence both provided and considered by Panels requires clarity.

Action: Registrar / Deputy Registrar to review the HCPC guidance to see if it can be adapted for AHCS.

Update: HCPC's published guidance does not include any detail on the breadth and depth of evidence. The STP Advisor will contact HCPC directly just to check that there is no further guidance provided to an applicant, which is not already available on the HCPC's website.

2. It was confirmed that the role of the Case Manager is to help panels determine FTP.

Update: No action required arising from the workshop. However, the current Fitness to Practise Rules (2016) do not refer to the role of the Case Manager. It is proposed that this omission is addressed in the next version of the Rules which the STP Advisor is currently working on. Cross-checking the guidance provided by HCPC '*Case Management and Directions*' (January 2015) against the Academy's guidance for the role should also be undertaken.

3. Guidance for the panels serviced by the Case Manager should include information on the impact of local practices e.g. chaperone facilities on the Practitioner or Scientist.

Update: To be updated as part of the review of AHCS policies currently being undertaken by the Head of Registration Services.

4. Rule 54 should stipulate that there can be multiple sanctions.

Update: Still to be progressed. It will be incorporated into the work being undertaken by the Head of Registration Services.

5. Where Whistle Blowing is concerned we need to ensure AHCS rules continue to keep in step with GSP.

Action: Derek Pearson to consider as part of his GSP review.

Update: The GSP review is still being undertaken, as the Academy is awaiting publication of the revised Standards of Education and Training by HCPC, due in June 2017.

6. It would be helpful to have guidance providing indicative criteria for each of the potential sanctions. Fixed penalties need to be included to help panels when considering outcomes.

Action: Registrar / Deputy Registrar to review the HCPC guidance to see if it can be adapted for AHCS.

Update: HCPC Indicative Sanctions Policy (September 2015) can be adapted for AHCS.

In addition, reference to guidance by HCPC on the imposition of sanctions based solely on public components of the allegation should be helpful and included in any Academy guidance (see HCPC Practice Notes and Policies, December 2016, p3). Head of Registration Services to follow-up.

7. Blinkers/focus – guidance to FTP panels so that the Regulation Council sticks to its remit and focus. The focus only needs to widen to look at contributing causes (including the actions of others) at the point when mitigation is considered.

Update: Head of Registration Services to follow-up.

- 8. Differentiating between higher levels of practice and competence may need clarifying depending on the detail in the Standards of Proficiency. Post meeting note Registrar and Deputy Registrar to consider whether there is sufficient differentiation already.**

Action: Derek Pearson to consider as part of his GSP review.

Update: GSP review is still ongoing and the point has been noted for consideration.

- 9. Consider whether the investigation panel should have the powers to have a lighter approach, and alternative penalties can be offered? Particularly have in mind the ability for the investigation panel to issue cautions (cf police cautions) to avoid the need for cases to progress to FTP where there is more choice of sanctions.**

Action Registrar / Deputy Registrar to review the HCPC guidance to see if it can be adapted for AHCS.

Update: Head of Registration Services to follow-up.

- 10. It was agreed that existing guidance allows a proportionate touch of regulation.**

No action required.

- 11. The investigation panel requires clear guidance on exactly what type of report should or shouldn't be included for the FTP panels.**

Action: Registrar / Deputy Registrar to review the HCPC guidance to see if it can be adapted for AHCS.

Update: Relevant HCPC guidance includes:

- Assessors and Experts Witnesses (September 2015)
- Production of Information and Documents and Summoning Witnesses (January 2015) – particularly sections on: Exercise of the panel's power, Limits to the powers of investigation and panels, Service user confidentiality.
- Disclosure of Unused Material (January 2015)

Head of Registration Services to follow-up.

- 12. After each case is completed the Case Manager should provide to the Regulation Council a concise analysis of; appropriateness of referral; appropriateness of handling; and final outcome.**

Update: To be confirmed.

Additional Actions:

- 1. An agenda item will be included for future curriculum for the ETPSC.**

Actioned: A regular Regulation Council update to the ETPSC has now been incorporated into the ETPSC Terms of Reference

- 2. An agenda item will be included on guidance in relation to FTP cases at Regulation Council meetings.**

Action: Updates are now required at Regulation Council on progress revising the FTP Rules and guidance to panel members.

- 3. Ed Peile and Pat Le Rolland will consider whether it would be worthwhile meeting in 12 months' time, where cases could be reviewed in more detail.**

Not actioned. The matter should be reviewed by Pat Le Rolland and the new Chair of ETPSC once appointed.

Appendix 1 List of HCPC Practice Notes and Policies in relation to Fitness to Practise

Drawn from HCPC's Practice Notes and Policies (December 2016)

#	FTP Practice Notes and Policies	Date published
1	Discontinuance of Proceedings	December 2016
2	Disposal of Cases Via Consent	December 2016
3	Fitness to Practise: HCPC's Approach	December 2016
4	Proceedings in the Absences of the Registrant	September 2016
5	Restoration to the Register	December 2015
6	Assessors and Experts Witnesses	September 2015
7	Conviction and Caution Allegations	September 2015
8	Interim Orders	September 2015
9	Postponement and Adjournment of Proceedings	September 2015
10	Preliminary Hearings	September 2015
11	Publication Policy	September 2015
12	Review of Striking off Orders: New Evidence and the use of Article 30(7)	September 2015
13	Conducting Hearings in Private	July 2015
14	Unrepresented Parties	July 2015
15	Child Witness	June 2015
16	The Standard Acceptance of Allegation	May 2015
17	Case Management and Directors	January 2015
18	Cross-examinations in Cases of a Sexual Nature	January 2015
19	Disclosure of Unused Material	January 2015
20	Health Allegations	January 2015
21	Production of Information and Documents and Summonising Witnesses	January 2015
22	Article 30(2) Reviews	August 2014
23	Frivolous, Vexatious and Abusive Complaints	June 2014
24	Special Measures	March 2014
25	Retention Policy	December 2013
26	Health and Character Policy	September 2013
27	Finding that Fitness to Practise is Impaired	July 2013
28	Case to Answer Determinations	April 2013
29	Half-time Submission	March 2013

30	Appointment of medical and registrant assessors	August 2012
31	Competence and Compellability of Witnesses	August 2012
32	Concurrent Court Proceedings	August 2012
33	Drafting Fitness to Practise Decisions	August 2012
34	Hearing Venues	August 2012
35	Joinder	August 2012
36	Mediation	August 2012
37	Misuse of HCPC Collective Mark	August 2012
38	Prosecution Policy	August 2012
39	Service of Documents	August 2012
40	Use of Welsh in Fitness to Practise Proceedings	August 2012
41	Indicative Sanctions Policy	December (2013)