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## Council resolutions outside of meeting

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### Executive Summary

Council Standing Order 19 allows for the Council to pass resolutions outside of a meeting. This paper notes any such resolutions made by the Council since its last meeting (1 July 2021) these are:

#### 1. HCPTS Practice Note Policy

The relevant supporting documents provided to members when proposing the resolution are appended.

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Previous consideration	Considered by Council by correspondence
Decision	To note. The Council passed the resolutions by correspondence.
Next steps	Practice Notes will be approved by ELT as and when review is required.
Strategic priority	Priority 5 - Build a resilient, healthy, capable and sustainable organisation
Financial and resource implications	None as a result of these decisions.
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## Council resolutions without meeting

Council Standing Order 19 allows for the Council to pass resolutions outside of a meeting. For a resolution to be valid the following conditions must be met:

- the Chairs consent must be given to circulate the resolution; and
- at least three quarters of the Council must state their agreement to pass the resolution.

Resolutions passed without meeting are recorded by the Secretary to Council and must be reported at the next meeting of the Council.

Requested by	Laura Coffey, Head of FtP
Resolution	
<p>The HCPTS currently has 31 Practice Notes. These are available to assist panels to ensure a consistent and fair approach to their decision making. They are also designed to be helpful for registrants and representatives.</p> <p>The Tribunal Advisory Committee (TAC) were responsible for reviewing the practice notes. TAC was disbanded in November 2020.</p> <p>The Executive have since set up an internal Practice Note Review Group to ensure there is a structured approach to managing the cycle of reviews going forwards. This group receives legal support.</p> <p>Legal advice has confirmed that there is no legislative requirement for our practice notes to signed off or otherwise approved by Council. However, the Executive recognise that it is important to retain governance over any changes to the practice notes and propose that ELT retain approval.</p> <p>Therefore, the Council were asked to agree to the attached internal policy and approval route for reviewing and making any changes to the HCPTS practice notes. This approval was given by majority</p>	
Date passed	9 May 2022

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## HCPTS practice note policy

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### Executive Summary

The HCPTS currently has 31 Practice Notes which are published on our website. These are available to assist panels to ensure a consistent and fair approach to their decision making. They are also designed to be helpful for registrants and representatives.

The Tribunal Advisory Committee (TAC) were responsible for reviewing the practice notes. TAC were disbanded in November 2020. We have since set up an internal Practice Note Review Group to ensure there is a structured approach to managing the cycle of reviews going forwards. This group receives legal support from Blake Morgan

We have received legal advice from Blake Morgan on our proposed approach to reviewing Practice Notes. Blake Morgan have advised that there is no requirement in our legislation or governance structure for our practice notes to signed off or otherwise approved by Council. However, we recognise that it is important to retain governance over any changes to the practice notes and propose that ELT retain approval.

We are asking Council to agree to the attached internal policy and approval route for reviewing and making any changes to the HCPTS practice notes.

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Previous consideration	This is a new suggested approach to approving HCPTS Practice Notes following the disbandment of the Tribunal Advisory Committee. This approach and policy has been approved by ELT
Decision	The Council is asked to approve the policy
Next steps	If approach is approved, ELT will be provided with practice notes ready for review/ approval
Strategic priority	Strategic risk 1-2 –Regulatory quality – open; Compliance – Measured.  Risk appetite consideration: <ul style="list-style-type: none"><li>• Regulatory quality - Our focus is on long term and lasting quality in our regulatory delivery</li><li>• Compliance - We are willing to take decisions that could be challenged only where we are confident we would be successful in defending against such challenge, and the</li></ul>

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adverse consequences of being unsuccessful are minimal; It is **essential** that the long-term achievement of PSA standards is assured.

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Financial and  
resource  
implications

None

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EDI impact

The Practice Notes will be reviewed by Blake Morgan who will look at fairness, any relevant legislation and case law if necessary from an EDI perspective

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Author

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## HCPC practice note policy

### Policy statement on practice notes

1. We are the Health and Care Professions Tribunal Service. We are the fitness to practise adjudication service of the [Health and Care Professions Council](#) (HCPC).
2. This policy statement sets out our broad approach to developing and updating practice notes.
3. Please contact the Head of Fitness to Practise you have any questions about this statement.

### What are practice notes and what are they for?

4. The primary purpose of practice notes is to provide guidance to HCPTS panels on relevant areas of procedure relating to fitness to practise matters. Practice notes also provide useful guidance and context for registrants subject to a fitness to practise allegation and to others involved in fitness to practise proceedings.
5. They are intended to support panels and ensure a consistent and fair approach to their decision making.
6. Practice notes support the operations of the HCPTS and HCPC fitness to practise proceedings.

### Review and update

7. Existing practice notes are reviewed regularly in line with the Terms of Reference of the Practice Note Review Group (appendix A), to ensure that they remain current and fit for purpose, reflecting any themes from feedback on case work and updates in the law.
8. All practice notes will be reviewed at least every 3 years.
9. When reviewing and updating practice notes, the HCPTS will make appropriate enquiries and takes appropriate advice to ensure that it complies with all of its duties, including the public sector equality duty.

10. Depending on the nature of the practice note and the potential matters to be addressed, input may be sought from the following during the review and update process:

- 10.1. FTP Partners
- 10.2. Representative bodies
- 10.3. Other stakeholders

11. The decision on whether to approve proposed changes to a practice note rests with the HCPC's Executive Leadership Team.

### **New practice notes**

12. Where the HCPTS identifies that a new practice note is required to cover emerging themes from feedback on case work or updates in the law, it may issue a new practice note.

13. In deciding whether a new practice note is required, the HCPTS will consider the following matters, along with any other matters that appear relevant:

- 13.1. The significance of the issue in question to the operations of the HCPTS and the HCPC's fitness to practice proceedings;
- 13.2. Whether the issue could appropriately be covered in an existing practice note;
- 13.3. Whether a practice note is necessary in order to ensure a consistent and fair approach to panel decision making.

14. When reviewing and updating practice notes, the HCPTS will make appropriate enquiries and takes appropriate advice to ensure that it complies with all of its duties, including the public sector equality duty.

15. Depending on the nature of the practice note and the potential matters to be addressed, input may be sought from the following during the review and update process:

- 15.1. FTP Partners
- 15.2. Representative bodies
- 15.3. Other stakeholders

16. The decision on whether to issue a new practice note rests with the HCPC's Executive Leadership Team.

17. The Executive will inform the Council of any new practice notes issued.

## Appendix A

### **Practice Note Review Group**

Terms of reference 2022

#### **Purpose**

The HCPTS currently has 31 Practice Notes which are published on our website. These are available to assist panels to ensure a consistent and fair approach to their decision making. They are also designed to be helpful for registrants and their representatives.

The purpose of the Practice Note Review Group is to ensure regular, structured review of the HCPTS Practice Notes (PN's). The group will ensure the practice notes are still up to date and fit for purpose. Addressing any themes coming out of feedback received and updates in case law.

#### **Membership of group**

- Head of Fitness to Practice
- Operational Manager – Hearings
- Operational Manager – Case Resolution and Conclusion

With input from:

- Blake Morgan
- Policy Team (where necessary)
- Partners Team (where necessary)
- FTP Partners / Rep's bodies (where necessary – in particular where significant changes are made)

#### **Frequency**

The group will meet every 4 months. It will also meet on an ad hoc if it is felt any urgent changes need to be made.



### Review cycle

- January
- April
- September

### **Process for prioritising Practice Notes reviews**

The [PN tracker spreadsheet](#) will provide a priority list of the date in which the practice notes will be reviewed.

This spreadsheet will track the reviews and any changes made to the PN's. The spreadsheet will be subject to change depending on the following areas:

- Decision Appeal Group and Decision Review Group discussions – themes out of internal referrals and PSA learning points/ feedback
- Stakeholder feedback
- Update in case law

### **Process**

- Operational Manager – Hearings, to send Blake Morgan the PN's requiring review three weeks before Practice Note Review group meeting.
- Blake Morgan to send any comments/ suggested amendments within 2 weeks of receiving.
- Operational Manager – Hearings to circulate comments from Blake Morgan, 1 week before the Practice Note Review group meeting.
- The group will finalise any changes or confirm no changes are necessary. This will be recorded on the PN tracker spreadsheet.
- Any changes to the PN will need ELT approval.

- Once approved, the amended version will be circulated to all stakeholders (FTP department, Reps Bodies, external law firms, FTP Partners) and the new version will be uploaded onto the HCPTS website.
- This will be logged on the PN Review tracker spreadsheet.