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MINUTES of the meeting of the Conduct and Competence Committee of the Health Professions Council held on Tuesday 22 June 2004 at Park House, 184 Kennington Park Road, London SE11 4BU.

PRESENT :

Mr. K. Ross (Vice Chairman)
Professor N. Brook
Miss H. Davis
Professor C. Lloyd
Ms J. Manning
Mrs B. Stuart
Mr G. Beastall (from Item 7)
Mr G. Sutehall (from Item 7)

IN ATTENDANCE :

Miss L. Pilgrim, Acting Secretary to the Committee
Mrs D. Dawkins, International Registration Department
Ms K. Johnson, Acting Director, Fitness to Practise
Mr M. Seale, Chief Executive and Registrar
Mr J. Bracken, Bircham, Dyson, Bell.

ITEM 1 APOLOGIES FOR ABSENCE

- 1.1 Apologies were received from Dr. R. Jones, Mr S. Yule, Mr R. Clegg, Miss P. Sabine.

ITEM 2 APPROVAL OF THE AGENDA

- 2.1 The Committee approved the Agenda.

ITEM 3 MINUTES OF THE MEETING HELD ON 27 APRIL 2004

- 3.1 The minutes were agreed as an accurate record and signed by the Vice Chairman.

ITEM 4 MATTERS ARISING

- 4.1 The Committee noted that the acting fitness to practise director would report on items 4.1 and 5.1 of the previous minutes and that the Council's legal advisor would give a report on interim orders.
- 4.2 The Chief Executive explained the role of the Committee Secretary, namely, that the Secretary was concerned with the procedural matters affecting the Committee; points to be actioned following the Committee's discussions would be passed to the relevant director or manager to be actioned within a stipulated time period. Directors and Managers were also responsible for preparing and forwarding papers to the Committee Secretary by the deadline date for presentation to the Committee. The Secretary would check the format of the papers to ensure that they met the stipulated criteria; if they did not they would be returned to the originator to be amended as appropriate.

ITEM 5 CHAIRMAN'S REPORT

- 5.1 The Vice Chairman, chairing the meeting in the Chairman's absence, confirmed that he had nothing specific to report.

ITEM 6 REPORT FROM ACTING DIRECTOR OF FITNESS TO PRACTISE DEPARTMENT

- 6.1 The acting Director reported that a format for legal assessors' reports was being devised. There would shortly be another training session for partners. The Operating Department Practitioners (ODPs) would be joining the HPC register and partners from that profession would need to be trained. The acting director reported that most of the trained panel members had been involved in the fitness to practise process. She took the Committee through the statistics at enclosure 2.
- 6.2 The Committee considered the legal assessor reports presented to it. The reports had been prepared by the legal assessors after each hearing. The Vice Chairman requested that the reports come to the Committee on a regular basis to enable the Committee to take an overview of the process. A review day with legal assessors was being arranged in order to discuss the format in which the reports should be written. The Committee would receive feedback at its next meeting.

ACTION: KJ

- 6.3 The Committee considered the breakdown of panel members presented to it and noted that sufficient numbers of partners had been recruited. At its next meeting the Committee would be given details of how panel members had been used following their training.

ACTION: KJ

6.4 The Committee reviewed a report detailing investigations of complaints from the period April 2002 to June 2004. It noted that no specific issues had arisen.

6.5 The Chief Executive reported that the number of fitness to practise cases was increasing. In addition to appointing a director, a secretary would be appointed and part of the latter's duty would be to deal with any backlog. A long term project was in progress to improve the way the FTP process was conducted. The Committee noted the Fitness to Practise activity statistics and asked for them to be made available in A3 format in future.

ACTION:KJ

6.6 The Acting Director reported that the FTP annual report was in the process of being prepared and would go to Council at its next meeting in July. The Committee requested sight of future reports before they were published.

ACTION: KJ

6.7 The Committee was advised that part of its function was to advise Council and to report regularly to it. The other two Practice Committees would provide input to the Committee. The Executive would prepare a project plan scheduling the work of the Committee throughout the year and this would be presented to the Committee at its next meeting on 12 October 2004. The Committee had a broad policy role and it needed to be reviewed in the light of the past year.

6.8 The Chief Executive recommended that an annual meeting should be set up to review the Standards of Conduct, Performance and Ethics (SCPE). The Committee would review these at its next meeting. Prior to that the other two Practice Committees would themselves meet to discuss the SCPEs and would then report to the Committee in October. The other two Practice Committees would have to be notified of this.

ACTION: KJ

6.9 The Council's legal advisor explained to the Committee that following recent experience of arranging preliminary meetings for all hearings as provided for in the Health Professions Order 2001 (HPO), it was proposed that in future they would only be arranged in cases where there were matters of a procedural nature to be resolved. If a registrant requested a preliminary meeting they should be asked to give reasons. The Committee agreed that it would make this recommendation to Council. The Chief Executive confirmed that a paper would be put to Council at its next meeting on 15 July 2004.

ACTION: KJ

6.10 The Committee was advised that Investigating Committee panels were convened on a monthly basis.

ACTION: KJ

6.11 The use of screeners was discussed. The Committee was told that based on past experience the Fitness to Practise (FTP) team believed that the temporary screening of allegations could

now be brought to an end as almost no allegations were being “screened out”. Further, the FTP team also believed that screeners should not be appointed as it was in the interests of justice that all allegations should be considered by an Investigating Committee panel and that that process should not be bypassed. Referring a case to an Investigating Committee panel meant that the registrant had the opportunity to respond early in the process to an allegation which had been made against them. The Committee agreed this recommendation and noted that it would be put to Council at its next meeting.

ACTION: KJ

6.12 Because of the increasing number of panels required the Committee agreed that partners should also sit as Chairs. They would need training to enable them to do this. This would alleviate any shortage of chairs.

6.13 The Committee noted that papers of relevance to it had gone to Council without first having been presented to the Committee. The Chief Executive said that the process needed to be reviewed. The Committee also noted that issues of conduct and health which might impair a registrant’s ability to practice safely and effectively, were matters for the Committee. The Chief Executive said that the Committee needed to determine its strategic policy. It was agreed that at the next meeting a date would be set when these matters could be considered. It was suggested that the Committee’s meeting in November 2004 would be a good time to consider the issues.

ACTION: LP

6.14 The Committee was advised that once suspensions and conditions of practice orders were imposed they later had to be reviewed. It was important to note that reasoned decisions had to be given when these two sanctions were imposed. A number of potential problem areas were discussed and it was agreed that some guidance notes on review hearings would be useful.

ACTION: KJ

ITEM 7 INTERIM ORDERS

7.1 A practice note on interim orders was provided for the Committee. This had previously been approved by Council. It was now being updated and would go to the next Council meeting on 15 July 2004. Panels appeared to be unclear as to when interim orders could be used. The updated practise note should assist in clarifying the position. When an interim order was imposed the reasons for imposing it should be clear. The Committee noted the practice note and that it was going to Council.

ACTION: KJ

ITEM 8 FITNESS TO PRACTISE FLOWCHART

- 8.1 The Chief Executive said that a great deal had happened since the chart had been prepared. There would be no value in updating the chart at this stage. The HPC was seeking ISO accreditation and operational processes had been documented. Once ISO had been obtained the relevant documents would be produced to the Committee.

ACTION: MJS

ITEM 9 ITEMS FOR INFORMATION

- 9.1 There were no items for information

ITEM 10 ANY OTHER BUSINESS

- 10.1 The Council's legal advisor explained that certain public bodies, such as police forces, were reluctant to assist HPC by providing information unless HPC was able to show that the information was being "demanded" under a statutory power and thus the disclosing body was protected by the fact that they had been compelled by law to provide the information. Article 25 (1) of the HPO enabled the Committee to appoint "authorised persons" to demand information which would assist the Committee in the discharge of its Fitness to Practise functions. Therefore the Committee was asked to consider and, if it thought fit, agree that the Director of Fitness to Practise and all persons appointed as HPC Case Managers be appointed authorised persons for the purpose of article 25 (1) of the HPO. The Committee agreed this advice and noted that it would be put to Council at its next meeting.

ACTION: KJ

ITEM 11 DATE AND TIME OF NEXT MEETING

- 11.1 The next meeting would be held on Tuesday 12 October 2004 at 11 a.m .
- 11.2 Further meetings would be held on the following dates:
 Tuesday 16 November 2004 11 a.m
 Tuesday 15 February 2005 11 a.m

CHAIRMAN

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