

**Health Professions Council**  
**Conduct and Competence Committee – 30 January 2007**

**Review Cases**

**Introduction**

At the last meeting of the Conduct and Competence Committee, the Committee was provided with a report giving details of the review hearings that had been held since April 2006. This report provides details to the Committee for the review hearings that have taken place since its last meeting.

Article 30 of the Health Professions Order 2001 provides that a review hearing will take place before the expiry date of any case where a suspension or conditions order has been imposed.

Since November 2006, review hearings have taken place in 5 cases. The registrants concerned were of the following professions: one Clinical Scientist, one physiotherapist, one chiropodist and two Paramedics. Of the 5 cases, 4 registrants were subject to a suspension order, and 1 registrant was subject to a conditions of practice order.

Two of the cases were being reviewed for the first time, and three orders were reviewed for the second time. In the three cases where the order was being reviewed for the second time, the original order was a suspension and that order had been extended at the first review.

In the case where the conditions of practice that had been imposed on the registrant this was further extended. This power of extension is set out in Article 30(1)(a) of the HPO 2001. The panel felt that a further period of conditions were required to adequately protect the public (see Edward Wade).

In the remaining 4 cases, the suspension order imposed was further extended. In competence and health cases where the registrant has been suspended, the registrant has to be continuously suspended or subject to a conditions of practice order for a period of two years before the striking off option in Article 29 becomes available (see Criona O'Donnell, Roland Parton, Ian Blakey, Nveed Khan)

**Decision**

The Committee is asked to discuss this report

**Background information**

At the end of December 2006, 60 registrants were subject to either a conditions of practice or a suspension order. Review hearings will take place over the course of the remainder of 2006/2007 and into 2007/2008.

In cases where the allegation is that fitness to practise is impaired by reason of competence or health, the highest available sanction panels can impose is a suspension order. The Committee has previously considered a paper outlining an interpretation issue with Article 30 of the Order.

It is important to ensure that cases are appropriately particularised as misconduct and or lack of competence before they are considered by a case to answer panel. Case law (Crabbie) suggests that if a panel is likely to want to strike a registrant from the register the case should be particularised as misconduct. Health cases should only be particularised as such, if health is the issue rather than a mitigating factor in the case.

### **Resource implications**

With effect from 17<sup>th</sup> November 2006 a third hearings officer has been employed within the FTP department. Their role is to clerk and fix all fitness to practise hearings.

FTP hearings are now scheduled and fixed until the middle of May 2007.

There are 9 review hearings scheduled to take place before the end of this financial year.

### **Financial implications**

Convening a panel normally incurs an average cost of £1770. The average cost of a shorthand writer is £550. If a hearing takes place outside of London, the costs of venue hire has to be paid – this is approximately £1000.

The costs of lawyers to present and prepare the review case for the HPC is also incurred.

If possible two review hearings will be scheduled for one day.

### **Appendices**

Notices of Decision and Order in the review cases of:

Criona O'Donnell, Clinical Scientist  
Edward Wade, Paramedic  
Roland Parton, Chiropodist  
Ian Blakey, Paramedic  
Naveed Khan, Physiotherapist

Article 30 of the Health Professions Order 2001.

### **Date of paper**

December 2006

**Health Professions Council**

**HEALTH COMMITTEE HEARING – REVIEW OF SUSPENSION ORDER**

**Notice of Decision and Order**

Date of Hearing: 4<sup>th</sup> December 2006  
Name of Registrant: Criona O'Donnell  
Registration No.: CS01698  
Panel: Colin Allies – Chair  
Samual Lee – Clinical Scientist  
Ian Crookall – Lay Partner  
Peter Jefferys – Registered Medical Practitioner  
Legal Assessor: Sarah Breach  
Hearing Officer: Emma Pearce

Representation:

The Council was represented by Michael Caplan QC, of Kingsley  
Napley Solicitors  
The Registrant was not present and was not represented

**REVIEW OF A SUSPENSION ORDER IMPOSED ON 8<sup>th</sup> DECEMBER 2005**

An application was made by Mr Caplan QC on the basis of the registrants mental health that the hearing should be held in private.

The Panel concurred.

## DETERMINATION

Criona O'Donnell did not attend the hearing. She telephoned HPC solicitors and spoke to a colleague of Mr Caplan QC on 26<sup>th</sup> October 2006 informing him that she would not be attending the review hearing. In the light of this information, the Panel proceeded in Ms O'Donnell's absence under Rule 11 of the Health Committee Rules 2003.

The Panel has considered all the evidence available to the previous Panel and has comprehensively reviewed the Suspension Order imposed by that Panel on 8<sup>th</sup> December 2005.

## DECISION

In all the circumstances, the Panel determines that the current suspension order should be extended for a further period of 12 months from 8<sup>th</sup> December 2006 under Article 30(1)(a) of the Health Professions Order (2001).

## ORDER

**That the Registrar be directed to suspend the registration of Ms O'Donnell for a period of 12 months from 8<sup>th</sup> December 2006.**

This Panel will review Ms O'Donnell's case at a further hearing which will be held before the end of this period of suspension. At that hearing it will consider whether any further action needs to be taken in relation to Ms O'Donnell's registration. Ms O'Donnell will be informed of the date and venue of that hearing and will be entitled to attend and present her case. This Panel would be greatly assisted by an independent Psychiatric report on the current state of Ms O'Donnell's health.

## RIGHT OF APPEAL

You may appeal against the Committee's decision and the order it has made against you.

Articles 30(10) and 38 of the Health Professions Order 2001 provide that you have 28 days from the date that this notice was served on you to make such an appeal to the appropriate court. In this case the appropriate court is the High Court for England and Wales.

CHAIR: *Adam Oliver*

DATE: *4 Dec 2006*

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**Health Professions Council**

**CONDUCT AND COMPETENCE COMMITTEE REVIEW HEARING**

**Notice of Decision and Order**

Date of Hearing: Thursday 30<sup>th</sup> November 2006

Name of Registrant: Mr Edward Wade

Registration No.: PA6196

Panel: Ian Griffiths – Chair  
Gillian Fleming – Lay Partner  
Bob Fellows – Paramedic

Legal Assessor: Andrew Glennie

Hearing Officer: Gemma Lee

Representation: The Council was represented by Emily Carter of Kingsley Napley Solicitors

The registrant was not present and was not represented

**DECISION:**

The Panel heard evidence of service on Mr Wade and noted that he had responded to the notice of hearing by sending written evidence. The Panel was satisfied that it should proceed with the hearing in Mr Wade's absence under Rule 11 of the HPC Conduct and Competence Committee Procedure Rules 2003.

The Panel reviewed the original order made on 29<sup>th</sup> November 2004 and the evidence concerning Mr Wade's current situation. Mr Wade is currently living and working in Qatar. He had not made any contact with the HPC before sending evidence which was received on 29<sup>th</sup> November 2006. This evidence included a statement describing three months supervision by an HPC registered paramedic whose registration has subsequently lapsed. It appears that this supervision took place in early 2005. There is no evidence that Mr Wade has undertaken a paramedic re-certification course. He has undertaken a basic trauma life-support course and evidently teaches in this area.

The Panel noted that the information on these matters came solely from Mr Wade and was not supported by any documentary evidence, except for the letter from the paramedic. He also sent a letter of commendation.

The Panel was satisfied that Mr Wade has made some effort towards complying with the original conditions of practice, although not all of the information supplied was relevant to these. He has not fulfilled the condition requiring re-certification in the original order.

The Panel did not consider that it was appropriate to extend the existing conditions of practice order under Article 30 (1) (a) of the Health Professions Order 2001 as there was room for uncertainty as to how the conditions were to operate. The Panel found no evidence of change in Mr Wade's conduct or competence since the original order and considered that it remains the case that the public would require protection in the event that Mr Wade were to return to the UK. The Panel therefore went on to consider making an order that it could have made at the time of the order being reviewed, in accordance with Article 31 (b).

Given the nature of the conduct and lack of competence involved, and Mr Wade's current situation as described above, the Panel concluded that it was not appropriate to take no further action or to make a caution order. The Panel's decision is that in order to protect the public, a conditions of practice order is appropriate in the terms set out below.

The reasons for imposing these terms are that Mr Wade has not worked in the UK since the original hearing. He has submitted some evidence of efforts to address the conditions originally imposed. However, in the event of his return to the UK, the Panel considers it necessary for him to produce evidence of having undergone remedial training before resuming practice and undergoing a suitable and verifiable period of supervision.

#### **ORDER:**

That the Registrar be directed to impose the following conditions on Mr Wade's registration for a period of three years:

1. Mr Wade shall inform the HPC of any intention to return to practice in the UK.
2. Prior to resuming practice in the UK, Mr Wade shall undertake an IHCD re-certification course or a course equivalent to that in content. (The Panel understands that such courses last approximately one week or 37 hours and are readily available throughout the UK.)
3. Having completed the course referred to in 2 above, Mr Wade shall immediately inform the HPC of the outcome.
4. Following 3 above, Mr Wade shall work under constant and direct supervision from another HPC registered paramedic working in urgent and emergency conditions for a period of three months. This person needs to be an experienced work-based assessor.

5. Mr Wade shall submit to the HPC a satisfactory supervision report upon completion of 4 above.

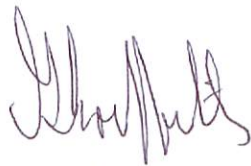
Signed:

Panel Chair  
30<sup>th</sup> November 2006

### **RIGHT OF APPEAL**

You may appeal against the panel's decision and the order it has made against you.

Articles 30 (10) and (11) of the Health Professions Order 2001 provide that you have 28 days from the date that this notice was served on you to make an appeal to the appropriate court. In this case the appropriate court is the High Court of Justice of England and Wales.



Chairman

30.11.06

**Health Professions Council**

**CONDUCT & COMPETENCE HEARING – REVIEW OF SUSPENSION ORDER**

**Notice of Decision and Order**

Date of Hearing: 4<sup>th</sup> December 2006  
Name of Registrant: Roland Parton  
Registration No.: CH07012  
Panel: Colin Allies – Chair  
John Burrow - Chiropodist  
Ian Crookall – Lay Partner  
Legal Assessor: Sarah Breach  
Hearing Officer: Emma Pearce

Representation:

The Council was represented by Michael Caplan QC, of Kingsley  
Napley Solicitors  
The Registrant was not present and was not represented.

**REVIEW OF A SUSPENSION ORDER IMPOSED ON 7<sup>th</sup> JANUARY 2004**

**DETERMINATION**

Mr Parton did not attend the hearing. He sent a letter to HPC dated 21<sup>st</sup> October 2006 in which he acknowledged that this Review was taking place today and that neither he nor anyone on his behalf would be attending. In the light of this information, the Panel proceeded in Mr Parton's absence under Rule 11 of the Conduct and Competence Rules 2003.



Mr Parton was first suspended by this Panel on 7<sup>th</sup> January 2004 for a 12 month period on the basis of Mr Parton's lack of competence which led to his fitness to practise being impaired in the following areas; Communication with patients and staff, infection control, record keeping and treatment skills.

This order was maintained on 10<sup>th</sup> November 2004 and 5<sup>th</sup> December 2005.

The Panel has comprehensively reviewed the order today. It has taken into account the only new information contained in Mr Parton's letter of 21<sup>st</sup> October 2006 in which he states that he has not yet achieved any of the targets set by the Review Panel on 5<sup>th</sup> December 2005 and is not seeking to have his suspension revoked.

## DECISION

The Panel noted that the situation remained the same and determined that the current order of suspension should be extended for a further period of 12 months under Article 30(1)(a) of the Health Professions Order (2001).

## ORDER

**That the Registrar be directed to suspend the registration of Mr Roland R Parton for a period of one year from 7<sup>th</sup> January 2007**

The Committee will review Mr Parton's case at a further hearing which will be held before the end of this period of suspension. At that hearing it will consider whether any further action needs to be taken in relation to Mr Parton's registration. Mr Parton will be informed of the date and venue of that hearing and will be entitled to attend and present his case. This Committee strongly recommends that Mr Parton does attend on the next occasion.

It is for Mr Parton to determine what evidence he wishes to put before that hearing, but the Committee would expect to see confirmation of appropriate training and study to address the four issues identified in the original Committee's findings: communication with patients and staff; infection control; record keeping; treatment skills. The Committee would expect evidence that Mr Parton has attended a series of courses approved by a recognised professional body covering the above topics. In addition, the Committee would like evidence on the steps Mr Parton has taken to keep his professional knowledge up to date.

If Mr Parton considers that he has addressed these shortfalls in a shorter time, he can apply for an earlier review.

### **RIGHT OF APPEAL**

You may appeal against the Committee's decision and the order it has made against you.

Articles 30(10) and 38 of the Health Professions Order 2001 provide that you have 28 days from the date that this notice was served on you to make such an appeal to the appropriate court. In this case the appropriate court is the High Court for England and Wales.

CWANK: *bellus*

DATE : *4th Dec 2006*

**Health Professions Council**

**CONDUCT AND COMPETENCE COMMITTEE REVIEW HEARING**

**Notice of Decision and Order**

Date of Hearing: Monday 27<sup>th</sup> November 2006

Name of Registrant: Ian Blakey

Registration No.: PA1964

Panel: Christine Mills – Chair  
Roy Norris - Lay Partner  
David Whitmore - Paramedic

Legal Assessor: Andrew Glennie

Hearing Officer: Gemma Lee

Representation: The Council was represented by John Harding of Kingsley Napley Solicitors  
  
The registrant was not present and was not represented

**DECISION:**

**The Panel was satisfied under Rule 3 of the Health Professions Council (Conduct and Competence Committee) (Procedure) Rules Order of Council 2003 that the documents were correctly served upon Mr Blakey and the Panel decided to proceed in his absence.**

**The Panel expressed disappointment that Mr Blakey did not make any representation either in person or writing and as a result the Panel was denied any opportunity to consider any submissions made on his behalf.**

**The Panel reviewed the orders made on 19<sup>th</sup> November 2004 and 11<sup>th</sup> October 2005 and took into account the serious nature of the allegations and in light of the fact that the Panel have not been made aware of any change of situation on Mr Blakey's**

**part, the Panel determined that Mr Blakey should be suspended for a further period of one year from the expiry of the existing order on 16<sup>th</sup> December 2006.**

**ORDER:**

**That the Registrar be directed to suspend the registration of Mr Blakey for a further period of one year.**

**RIGHT OF APPEAL**

You may appeal against the panel's decision and the order it has made against you.

Articles 30 (10) and (11) of the Health Professions Order 2001 provide that you have 28 days from the date that this notice was served on you to make an appeal to the appropriate court. In this case the appropriate court is the High Court of Justice of England and Wales.

*Christine Mills*

CHRISTINE MILLS

27<sup>TH</sup> NOVEMBER 2006

**Health Professions Council**

**CONDUCT AND COMPETENCE COMMITTEE REVIEW HEARING**

**Notice of Decision and Order**

Date of Hearing: Monday 27<sup>th</sup> November 2006

Name of Registrant: Naveed Khan

Registration No.: PH41061

Panel: Christine Mills – Chair  
Roy Norris - Lay Partner  
Gwyn Allan - Physiotherapist

Legal Assessor: Andrew Glennie

Hearing Officer: Gemma Lee

Representation: The Council was represented by John Harding of Kingsley Napley Solicitors

The registrant was not present and was not represented

**DECISION:**

**The Panel is satisfied that Mr Khan has been properly advised of the hearing. Mr Khan has advised by email that he is currently in Pakistan and would not be attending the hearing.**

**The Panel was disappointed that Mr Khan did not make any representation either in person or writing and as a result the Panel was denied any opportunity to consider any submissions made on his behalf.**

**The Panel reviewed the orders made on 4<sup>th</sup> November 2004 and 24<sup>th</sup> October 2005 and took into account the serious nature of the allegations and in light of the fact that the Panel have not been made aware of any change of situation on Mr Khan's part, the Panel determined that Mr Khan should be suspended for a further period of one year from the expiry of the existing order on 1<sup>st</sup> December 2006.**

**A future Panel may find it helpful when reviewing the suspension order to receive evidence of any further education, training and experience that Mr Khan is able to offer.**

**ORDER:**

**That the Registrar be directed to suspend the registration of Mr Khan for a further period of one year.**

**RIGHT OF APPEAL**

You may appeal against the panel's decision and the order it has made against you.

Articles 30 (10) and (11) of the Health Professions Order 2001 provide that you have 28 days from the date that this notice was served on you to make an appeal to the appropriate court. In this case the appropriate court is the High Court of Justice of England and Wales.

*Christine Mills*

CHRISTINE MILLS

27<sup>TH</sup> NOVEMBER 2006