

THE HEALTH PROFESSIONS COUNCIL

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MINUTES of the twentieth meeting of the Conduct and Competence Committee held at **11:00 am on Monday 23 April 2007** at the Health Professions Council, Park House, 184 Kennington Park Road, London, SE11 4BU.

PRESENT: Mr K Ross (Chairman)
 Mrs M Clark-Glass
 Professor C Lloyd
 Mr P McFadden
 Ms H Patey
 Mr D Proctor
 Miss P Sabine
 Dr G Sharma

IN ATTENDANCE:

Mr J Bracken, Bircham Dyson Bell
 Miss S Butcher, Secretary to Committees
 Miss K Johnson, Director of Fitness to Practise
 Mr M Seale, Chief Executive and Registrar
 Miss E Seall, Manager of Fitness to Practise
 Professor A van der Gaag, President

Item 1.07/01 APOLOGIES FOR ABSENCE

1.1 One apology for absence was received from Ms H Davis.

Item 2.07/02 APPROVAL OF AGENDA

2.1 The Committee approved the agenda.

**Item 3.07/03 MINUTES OF THE CONDUCT AND COMPETENCE COMMITTEE
COMMITTEE MEETING HELD ON TUESDAY 30 JANUARY 2007**

- 3.1 It was agreed that the minutes of the twentieth meeting of the Conduct and Competence Committee should be confirmed as a true record and signed by the Chairman.

Item 4.07/04 MATTERS ARISING

- 4.1 Item 6.3 Matters Arising – Director of Fitness to Practise Report
The Committee noted that health and character declaration statistical analysis progress report would be provided at the Committees meeting in September 2007.
- 4.2 Item 6.5 - Matters Arising – Director of Fitness to Practise Report
The Committee noted that a paper would be provided on the different types of cases received for the paramedic profession at the Committees meeting in September 2007.
- 4.3 Item 6.6 – Matters Arising – Director of Fitness to Practise Report
The Committee noted that the length of cases from start to finish had been incorporated into the statistics provided in the ftp annual report.
- 4.4 Item 7.3 – Matters Arising – Ftp Workplan and Process Report
The Committee noted that a paper on risk assessment had been provided for the members information at today's meeting.
- 4.5 Item 8.5 – Matters Arising – Website Information
The Committee noted that the HPC were within their rights to request payment for hard copies of transcripts from hearings.
- 4.6 Item 9.5 – Matters Arising – Draft Standards of Conduct, Performance and Ethics (SCPE)
The Committee noted that the draft SCPE had been approved at Council's meeting in March 2007 to go to consultation. An update report would be provided for the Committee's review in September 2007.
- 4.7 Item 10.2 – Matters Arising – Confidentiality Guidance
The Committee noted that the Council approved the recommendation that HPC should consult on the confidentiality guidance at the same time as the draft SCPE.
- 4.8 Item 11.3 – Matters Arising – Supplementary Guidance and Information to the Standards of Conduct, Performance and Ethics (SCPE)

The Committee noted that the professional bodies had been written to in early February 2007 to give them an update on the work currently being undertaken on the SCPE.

4.9 Item 14.2 – Matters Arising – Case Reports

The Committee noted that the details of the ftp cases not proven would be provided at the Committees meeting in September 2007.

4.10 Item 14.3 – Matters Arising – Case Reports

The Committee noted that the high incidence of cases where registrants were not represented as their hearings had been illustrated in the ftp annual report.

Item 5.07/05 PRESENTATION FROM REPRESENTATIVES OF THE NATIONAL CLINICAL ASSESSMENT SERVICE (NCAS)

5.1 The Chairman welcomed two representatives from the National Clinical Assessment Service (NCAS), Professor Alastair Scotland and Rosemary Field to the meeting, who were invited to give a presentation to the Committee on their function and objectives as an organisation.

5.2 NCAS were an organisation created to respond for help on performance concerns of medical professionals within the NHS service. The Committee agreed that the presentation had been very useful in highlighting the work of NCAS.

5.3 The Committee noted that a scoping paper to provide more information on this matter would be provided for their information.

Action: KJ by Wednesday 19 September 2007

Item 6.07/06 CHAIRMAN'S REPORT

6.1 The Chairman had nothing of note to report

Item 7.07/07 DIRECTOR OF FITNESS TO PRACTISE REPORT

7.1 The Committee received a report on the work of the Fitness to Practise department.

7.2 The Committee noted that the management statistics had been incorporated into the annual report to avoid duplication.

7.3 A number of ftp hearings had been fixed for 2007. One ftp case had recently been referred to the Council for Healthcare Regulatory Excellence (CHRE).

- 7.4 It was reported that that members of the FTP team had attended seminars and meetings with CHRE to discuss the drafting of allegations, ftp panel decision making improvements and identifying common datasets across all of the nine healthcare regulators.
- 7.5 The Committee noted that the management statistics would now include information on the length of time taken for ftp cases.

Item 8.07/08 FITNESS TO PRACTISE ANNUAL REPORT 2006-7

- 8.1 The Committee received a paper from the Director of Fitness to Practise for discussion/approval.
- 8.2 The Committee noted that Miss P Richardson in the Communications department was responsible for the layout and preparation of the ftp annual report for publication.
- 8.3 The Committee noted that it was important to highlight the fact that fitness to practise allegations were made against a small number of registrants.
- 8.4 The Committee noted that some sections of the report should be reordered. The Committee also discussed whether too many case examples had been provided and if a better balance could be struck. The Committee agreed that the case examples should be listed in a more structured way for ease of reference.
- 8.5 The Committee recommended the Fitness to Practise Annual Report 2006-7 for approval at Council's meeting in May 2007.

Action: KJ by Thursday 31 May 2007

Item 9.07/09 FITNESS TO PRACTISE WORKPLAN

- 9.1 The Committee received a paper from the Director of Fitness to Practise for discussion/approval.
- 9.2 The Committee noted that the paper set out the workplan of the ftp department for the next financial year. Council would be provided with all departmental work plans as a paper to note at its meeting in May.
- 9.3 The Committee reviewed the key ftp workplan objectives and noted that a lot of the work outlined was interlinked and already underway. The Committee agreed that the table which broke down the workplan was an ideal tool for monitoring the progress of the ftp department's work.
- 9.4 The Committee approved the ftp workplan and agreed to keep it under review.

Item 10.07/10 DISPOSAL OF CASES BY CONSENT

- 10.1 The Committee received a paper from the Director of Fitness to Practise for discussion/approval.
- 10.2 The Committee noted that the way in which cases were dealt was currently under review. With an established ftp process two different types of cases had now been identified where it was possible to dispose of cases by consent. The use of consent orders would be appropriate in two kinds of ftp cases; where the registrant admits an allegation and proposes remedial action which accords with HPC's expected outcome in that case and where the registrant is subject to a suspension order or a long term conditions of practice order and wishes to be removed from the register but cannot be because of the existence of that order.
- 10.3 The Committee noted that the use of consent orders may reduce the amount of time cases were in the system. The process would still require the panels to determine whether the case was one which was appropriate to dispose of via consent. The Committee also noted that the Council for Healthcare Regulatory Excellence (CHRE) was content with the proposal to dispose of cases by consent where appropriate.
- 10.4 The Committee agreed in principle to the following recommendations; that:
- i) a process be developed for disposing of cases brought before it, in appropriate circumstances, by consent, and
 - ii) an appropriate practice note and procedural forms be prepared for consideration by the Committee prior to the implementation of that process.

Action: KJ by Wednesday 19 September 2007

Item 11.07/11 FITNESS TO PRACTISE HEARING LOCATIONS

- 11.1 The Committee received a paper from the Manager of Fitness to Practise for discussion/approval.
- 11.2 The Committee noted that the HPC was required by its legislation to hold hearings in the UK home country in which the registered address of the

person concerned was located. Hearings relating to registrants with a registered address in England were usually held at Park House. The decision to hold hearings external to Park House was taken on an ad hoc basis usually in cases where it was difficult for those involved to come to Park House, for example where the witnesses were elderly or vulnerable. This was very important as it was crucial that witnesses could attend hearings. The paper proposed that the Committee should agree criteria against which a decision to hold meetings external to Park House would be made.

- 11.4 The Committee supported the proposal to draft a set of criteria to hold ftp hearings external to Park House. A draft practice note would be provided for the Committee's approval in September 2007.
- 11.5 The Committee recommended that the word 'sole' was removed from the criteria which referred to the scenarios whereby the registrant was the sole carer for an elderly or disabled relative or had sole parental responsibility for young children. By doing so the HPC was being more accommodating in its assessment criteria where undue hardship would be caused by not holding the meeting external to Park House.

Action: ES by Wednesday 19 September 2007

Item 12.07/10 FITNESS TO PRACTISE COMMITTEE JOINT ANNUAL MEETING

- 12.1 The Committee received a paper from the Secretary to the Committee for discussion/approval.
- 12.2 The Committee noted that at the FtP Chairmen and Deputy Chairmen meeting on 12 February 2007, it was recommended that the three FtP committees should consider how best they could organise their meetings in order to make the best use of members' time and HPC's resources.
- 12.3 The Committee considered this issue and agreed to recommend the following to Council:
- i) that each committee would continue to hold four meetings a year
 - ii) in April and September all 3 committees would meet on the same date. The day would start with a joint forum to discuss items of mutual interest which members of all the committees would be invited to attend. Following the completion of this forum, each committee would hold a separate committee meeting at which any recommendations from the forum could be considered and, if thought appropriate, ratified.
 - iii) all three committees would continue to meet separately, as per the current meeting calendar twice a year (in November and January).

12.4 The Committee noted that the forum would be an advisory body and would have no decision making powers. Therefore the current HPC Practice Committee Constitution Rules would not have to be amended in order for the above recommendation to be implemented. Meetings of the forum would be held in public and notes of the meetings would be published on the HPC website.

12.5 The Committee noted that the creation of a single ftp committee with decision making powers would require legislative changes.

Action: SB – Monday 21 May 2007

Item 13.07/13 ANNUAL REVIEW OF ACTIONS TAKEN 11 JULY 2006 – 7 JULY 2007

13.1 The Committee received a paper from the Secretary to Committees to note.

13.2 The Committee noted the fitness to practise actions which had been taken in this period.

Item 14.07/13 CASE REPORTS

14.1 The Committee received a paper from the Director of Fitness to Practise for information.

14.2 The Committee noted the paper which detailed the cases which had been heard by panels of the Conduct and Competence Committee between 15 January 2007 and 10 April 2007. The Committee noted that a review of the outcomes of not well founded Conduct and Competence cases would be provided for the Committee's next meeting in September 2007. The Committee noted that most cases tended to be held over 1 day.

Action: KJ by Wednesday 19 September 2007

Item 15.07/15 RISK ASSESSMENT

15.1 The Committee received a paper from the Director of Fitness to Practise for information.

15.2 The Committee noted the documentation that was used by the ftp team in managing allegations. The Committee noted that a definition of case listings would be provided for the Committees information at the next meeting in September 2007.

Action: KJ by Wednesday 19 September 2007**Item 16.07/16 ANY OTHER BUSINESS**

16.1 There was no other business.

Item 17.07/17 DATE & TIME OF NEXT MEETING

17.1 The next meeting of the Committee would be held at 11:00am on Wednesday 19 September 2007.

17.2 Subsequent meetings would be held at 11.00 a.m. on:

Wednesday 21 November 2007

Tuesday 19 February 2008

Wednesday 23 April 2008

The Committee went into private session to confirm minutes of the private part of the meeting held on 30 January 2007. No other business was conducted at that meeting.