

THE HEALTH PROFESSIONS COUNCIL

Chief Executive and Registrar: Mr Marc Seale

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MINUTES of the tenth meeting of the Health Committee held at **10:00am on Thursday 16th December 2004** at Park House, 184 Kennington Park Road, London, SE11 4BU.

Miss M Crawford (Chairman)
 Professor T Hazell
 Dr A Van Der Gaag

IN ATTENDANCE:

Ms S Butcher, Secretary to Committees
 Ms K Johnson, Director, Fitness to Practise
 Ms N O'Sullivan, Secretary to Council
 Ms E Pearce, Team Administrator, Fitness to Practise
 Mr M Seale, Chief Executive and Registrar

Item 1.04/47 APOLOGIES FOR ABSENCE

- 1.1 Apologies for absence were received from the following Health Committee members; Mr J Camp, Ms R Levenson, Mrs C McGartland, Dr J Old, Mrs J Stark and Professor D Waller.

Item 2.04/48 APPROVAL OF AGENDA

- 2.1 The Health Committee approved the agenda.
- 2.2 The Chairman noted that as there were only three members present the meeting was not quorate as per the Health Professions Council Practice Committees Constitution Rules 2003 Item 8 (2).

Item 3.04/49 MINUTES

- 3.1 It was agreed that the minutes of the ninth meeting of the Health Committee meeting be confirmed as a true record and signed by the Chairman.

Item 4.04/50 MATTERS ARISING

- 4.1 Item 5.1 – Self-Notification
- 4.1.1 The Health Committee noted that the Investigating Committee had approved the self-referrals paper (subject to a few revisions) at its meeting on Thursday 11th November 2004. The revised draft would be included on the Investigating Committee's next agenda on Thursday 10th February 2005 and any final amendments reported to the Education and Training Committee when it considered the document for ratification at its next meeting on Wednesday 16th February 2005. It was confirmed that the paper would go to Council for note at its meeting in March 2005.
- 4.2 Item 5.3 - Mediation
- 4.2.1 The Health Committee noted that a representative from the company; Alternative Dispute Resolution Group (ADR) had been invited to give an informal presentation to Council on Tuesday 1st February 2005. This would take place on the morning of the Council's special meeting to discuss the structure of the register.
- 4.4.2 The Committee noted that the Health Professions Council had appointed ADR to assist with mediation in fitness to practise proceedings.
- 4.3 Item 5.4 – Evaluation of Hearing Process
- 4.3.1 The Health Committee noted that the revised questionnaire, as devised by the Opinion Leader Research Company (OLR) regarding the evaluation of HPC fitness to practise hearings would be circulated in the new financial year.

Item 5.04/51 CHAIRMAN'S REPORT

- 5.1 The Health Committee received an oral report from the Chairman.
- 5.2 The Chairman reported that the first meeting of the Professional Liaison Group for Health, Disability and Registration was held on Friday 29th October 2004. The Committee noted that the meeting had been successful in developing a greater understanding of the wider context surrounding disability issues. The Chairman reported that as a result of that meeting it was agreed that rather than working as a group to issue specific disability advice it would be more useful to develop generic advice for prospective students, registrants and those medical practitioners that are asked to provide medical information as part of the registration process. It was felt that the use of case studies would be helpful in highlighting the need for an individual approach and not one specific disability. The Committee noted that the next meeting of the PLG would be held on Thursday 24th February 2005 and awaited further feedback.

Item 6.04/52 DIRECTOR OF FITNESS TO PRACTISE REPORT

- 6.1 The Health Committee received the Director of Fitness to Practise Report.
- 6.2 The Health Committee noted that it had received the first case which was not well founded. The notice of decision and order would be made available to the Chairman. The identity of the registrant would be removed from this documentation. The Health Committee noted that part of the evidence received was based upon a psychiatric report. Upon consideration the registrant's ability to practise was not found to be impaired. The Health Committee considered that it would be helpful if independent psychiatric advice was sought as a matter of practice by HPC's solicitors Kingsley and Napley.

Action: KJ

- 6.3 The Health Committee noted that the fitness to practise department would be planning to hold two weeks of registration appeals in April/May 2005. This was to deal with the 200 + cases that had so far been received.
- 6.4 The Health Committee noted that Emma Pearce was recruited as Team Administrator on Monday 25th October 2004 and that there were now 6 members of staff for the fitness to practise department.
- 6.5 The Health Committee noted that the next panel training session which had been planned for January would now take place as of the new financial year.
- 6.6 The Health Committee noted that following the Legal Assessor Review Day which was held on Wednesday 24th November 2004 a number of items had been identified to further aid panel members' in the hearing process. The Director of Fitness to Practise reported that the recommendations had resulted in the deviation of a standardised introduction for legal assessors and a structured decision making checklist. Panels would also allow the legal assessor first sight of their final decision before returning to announce this decision.
- 6.7 The Health Committee noted that the Director of Fitness to Practise had now met with Hampshire Ambulance Service and was in the process of identifying points of contact for liaison regarding notification of convictions of employees to HPC. All NHS Trusts and police forces were in the process of being written to highlighting the usefulness of establishing such relationships and primarily encouraging similar systems to be set up forthwith so that convictions could be brought to the attention of the HPC as soon as possible.

- 6.8 The Health Committee noted that the practise note on restorations had now been completed and would be presented to all of the fitness to practise committees at their meetings as of the New Year. The Director of Fitness to Practise clarified that restoration to the register didn't yet affect the Health Committee as it had not yet struck off any registrants but this was noted as a useful document.

Action: KJ

- 6.9 The Director of Fitness to Practise reported that the brochures explaining the FTP processes and the Witness Support Pack would be available as of the new financial year. The Health Committee noted that in the compilation of the new brochures it would be important to accommodate registrants with varying degrees of learning, reading and writing abilities so that the documentation was accessible to all. Dr Van Der Gaag expressed an interest in being involved in this process.

Action: KJ

- 6.10 The Health Committee noted that the fifth report from the Shipman enquiry had been published on Thursday 9th December 2004: *'Safeguarding Patients: Lessons from the past – proposals for the future'*. Chairman Dame Janet Smith DBE had made various recommendations for change based upon her findings regarding considering the handling of complaints and the raising of concern, GMC procedures and its proposals for revalidation of doctors. The Health Committee noted that many of the recommendations that had been outlined in the report were part of the procedures already employed by the HPC however a further review of procedures would be undertaken. It was anticipated that the number of cases put forward by employers was likely to increase. Cases would be considered by their appropriateness for the fitness to practise process.

- 6.11 The Chairman requested clarification on whether the percentage of allegations received was proportionate to the number of health professionals in each of the professions regulated. It was agreed that further statistics would be provided by the Director of Fitness to Practise at their next meeting.

Action: KJ

- 6.12 The Chairman requested whether there was a rationale behind the fact that the number of allegations put forward by non-registrants increased in June/July 2004 and then decreased. The Health Committee discussed if there was a relationship between these figures and the times when HPC advertising campaigns had been run. The Chief Executive reported the need to be cautious when translating these figures into clear trends. Advertising campaigns traditionally would

only start to have an impact in the next five years on the public's awareness of HPC as a regulator and of its primary function to protect them. The Health Committee noted that the effects of such campaigns would be monitored in the long term so to be able to identify key points of change.

Item 7.04/53 PANEL CHAIRS DECISION MAKING CHECKLIST

- 7.1 The Health Committee received a paper to note from the Director of Fitness to Practise.
- 7.2 The Health Committee noted that the structured decision making checklist which had been devised for panel chairs would be very useful in further assisting with the smooth running of hearings. The Health Committee noted the further changes which would be made to the checklist: by splitting it into the relevant parts of the hearing process so that if needed panel chairs could easily refer to identifiable sub-sections if and when required. Pre-hearing procedures would also be clarified such as asking the legal assessor any last minute questions, this was felt would be beneficial for new panel members and or chairs. All panel members would also be asked in the future to arrive at least half an hour prior to a hearing so that all business and discussion of the case could be dealt with efficiently so not to hold up proceedings.
- 7.3 The Health Committee noted that these changes would be incorporated and presented at its next meeting in February for note.

Action: KJ

Item 8.04/54 ANY OTHER BUSINESS

- 8.1 There was no other business.

Item 9.04/55 DATE AND TIME OF NEXT MEETING

- 9.1 The next meeting of the Health Committee would be at 11:00am on Wednesday 9 February 2005. Tony Hazell and Mary Crawford gave their apologies.