

## **HEALTH PROFESSIONS COUNCIL**

Chief Executive & Registrar: Marc Seale

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## **INVESTIGATING COMMITTEE**

**MINUTES** of a meeting of the Investigating Committee held at 11.00am on Wednesday 15 April 2004 at Park House, 184 Kennington Park Road, London SE11 4BU.

Present: Mr N Willis (*Chairman*)  
Mr M W Barham  
Ms C Farrell  
Mr P Frowen  
Mr C Lea  
Miss M D MacKellar (*from item 7*)  
Mrs J Pearce

In attendance: Mr M J Seale (*Chief Executive & Registrar*) (*Items 1- 4(part) and 6-15 except 13 and 15*)  
Mrs L A Barnes (*Head of Fitness to Practise*)  
Ms R Tripp (*Communications Officer*) (*Items 1-5 only*)  
Mr C Middleton (*Director of Communications*) (*Items 13 and 15 only*)

### **1.04/16 Apologies for Absence**

1.1 Apologies were received from Mr Munro and Miss Pearson.

### **2.04/17 Approval of Agenda**

2.1 The agenda was approved.

### **3.04/18 Minutes of the Meeting held on 5 February 2004**

3.1 It was agreed that the minutes of the meeting held on 5 February 2004 be confirmed as a true record and signed by the Chairman.

#### 4.04/19 Matters Arising

- 4.1 Preliminary Meetings (4.2.2)  
There was concern that some preliminary meetings required members to spend considerable time in traveling for what turned out to be a brief meeting. However, it was noted that the Investigating Committee might only need to have a preliminary meeting where it was a matter of a fraudulent or incorrect entry in the Register.
- 4.2 Department of Health Conference (4.2.3.4)  
It was reported that the HPC's President might be invited to speak at the conference for Human Resources Directors of NHS Trusts in England. It was regarded as an excellent opportunity to remind the Directors of the HPC's existence and its role as a statutory regulatory body. The HPC would have a stand at the conference venue.
- 4.3 Interim Suspension Orders (4.2.7)  
There was concern about placing registrants in a double jeopardy situation if an interim conditions of practice order were to be made only to have it overturned at a later full hearing.
- 4.4 Investigating Committee Procedures (5.3)  
There was discussion about whether a panel's reasons for arriving at a decision that a case should be sent for determination by another Practice Committee should be passed to the receiving panel. It was thought that these reasons might be of assistance. It was agreed that legal advice needed to be sought for a definition of what could be transferred. Article 24(3)(b) refers.  
**Action: MJS**
- 4.5 Registered Medical Practitioners (5.4)  
The Committee was advised that the requirement in the Order (Schedule 1, Part II, paragraph 19(1)) that each Practice Committee '*...shall include...a registered medical practitioner*' would have to be fulfilled as the Department of Health had indicated would not put forward such a change to new legislation.
- 4.6 Education and Training Requirements (5.5)  
It was reported that Mr Barham, Mr Frowen and Mrs Pearce had not been able to attend any of the panel membership training sessions arranged to date. It was agreed that this should be dealt with as a priority.  
**Action: KJ**
- 4.7 Report to Conduct & Competence Committee (5.6)  
It was reported that the Committee was required to produce an annual report of its work to the Conduct and Competence Committee which is charged with producing a report on the work of all three Practice Committees for the Council. It was agreed that the meeting in September would be used for this purpose.
- 4.8 Partners (5.7)  
It was reported that more partners were being interviewed but that there should be sufficient to meet the needs of panels at the moment. Some seventy people still had to undergo training to be panel members.
- 4.9 Database (5.9)  
It was agreed that it was necessary to have a system that allowed the HPC to

chase up a registrant at the due date for a report as required by an Order. If the reports were not forthcoming, further action might need to be taken possibly resulting in a suspension. It was agreed that the executive should produce a three-monthly report to show the latest position on registrants in this situation.

**Action: LAB**

4.10 Panel Chairman's Reports (5.10)

4.10.1 There was concern that a legal assessor might have a different view to that of the panel and that a report from a panel chairman would act as a check. The Committee was advised that it should use caution in committing too much to print and bear in mind that the legal assessor's report of an Investigating Committee panel was confidential in case it might bring any influence to bear on future hearings by another Practice Committee panel. It was agreed that there was no need for panel chairmen to produce separate reports.

4.10.2 The Committee was reminded that the other Practice Committees' panel meetings were held in public and the legal assessor's report would be on the HPC's website. A case summary might prove useful for employers. Interim orders issued by the other Practice Committees were also made public together with a legal assessor's report. Where required confidential material could be kept separate at Committee meetings for private sessions, as was done for Council. It was agreed that the next agenda should include an item on what information should be kept separate.

**Action: GLM**

4.11 Award of Costs (5.11)

It was agreed to ask the Council's legal adviser for a written response on how costs might be awarded and whether respondents should be pursued on this issue.

**Action: GLM**

4.12 Previous Allegations (5.12)

The Committee was advised that a database to hold records of previous allegations received since 9 July 2003 had been set up and was continuously maintained.

**Action:KJ/SA/LAB**

4.13 Use of IT (5.13)

The Committee was advised that IT systems were being put in place to ensure that appropriate records were being kept.

**Action: IT Dept**

4.14 Duplication of Information (5.14)

The Committee was informed that panel members were no longer being sent the Standards of Proficiency and the Standards of Conduct, Performance and Ethics.

4.15 Financial Costs (6.0)

The Committee was advised that the costs of holding hearings varied enormously from about £3,000 to £30,000 per case. It was agreed to present a paper to the next meeting with a list of cases and their cost.

**Action: LAB**

- 4.16 The Council for the Regulation of Health Professionals (CHRP) (6.2)  
The Chairman presented the Committee with newspaper cuttings demonstrating the power of the CHRP to vary regulators' fitness to practice decisions where it was considered that the regulator had been too severe or benign. It was agreed that CHRP press releases should be put on the members' website.  
**Action: CM**
- 4.17 Guidance for Screeners (7.0)  
It was reported that Screeners, when appointed, would receive a fee of £60 for each batch of four cases. The Committee was advised that, given the statutory requirement to deal with cases expeditiously, it might take some time to gather four cases from the same profession to be dealt with in a batch; some fine tuning was needed on this matter.
- 4.18 Referrals to the Health Committee (8.0)  
It was noted that the instance of alcohol dependency had not been considered at the HPC's seminar on Disabilities, Health and Registration that had been held on 1 March 2004 as the seminar had considered process rather than specific matters.

#### **5.04/20 Framework Document on Disabilities, Health and Registration**

- 5.1 The revised paper was presented to the Committee by the Communications Officer, Ms Tripp. Much of the initial preparatory work had been done by Professor Rosemary Klem and Miss Mary Crawford before the HPC's seminar on Disabilities, Health and Registration. The paper had been revised in the light of comments made at the seminar's workshop sessions.
- 5.2 The Committee expressed its appreciation of the hard work that had gone into the seminar and the paper which was found to be exemplary.
- 5.3 The paper proposed that there should be a Professional Liaison Group to look at common issues and levels of disability. The paper should provide a basis of information to enquirers and empower approved institutions to make decisions on admission to approved programmes. It was also important to use the paper to try to change the mind set of employers about barriers to employment.

#### **6.04/21 Legal Assessor Reports**

- 6.1 The Committee commented on the variety of formats adopted by the legal assessors but were assured that a template was being devised. It was recommended that the registrant's profession and the case number be shown.
- 6.2 The Committee was concerned to note that some non-UK trained registrants who had apparently satisfied the requirements for registration at the time of their application (under the previous regulatory arrangements) had subsequently been found to be incompetent. There was a question as to whether this was an emerging trend and whether it should be addressed by the Registration Committee. It was confirmed that the database would indicate the route by which those alleged to be incompetent had come to be registered.

- 6.3 There was comment that the bulk of Conduct and Competence Committee panel hearings had been chaired by Dr Yule.
- 6.4 It was confirmed that which legal assessor was used at any hearing was simply dictated by their availability.

**7.04/21 Mediation**

- 7.1 The Committee was informed about a meeting with representatives of the ADR Group (Alternative Dispute Resolution) by the Head of Fitness to Practice, the Committee Secretary and the Council's legal adviser. It was agreed that mediation might be used as a last resort, with the agreement of both parties and would probably not be used very often. A presentation to the Council was planned though a close examination of the proposals was recommended before a presentation occurred. It was agreed that any mediation procedure had to be specifically tailored for HPC's needs and discussed by the Committee. The issue would be an item on the next agenda.

**Action:GLM**

**8.04/22 Screening Rota**

- 8.1 The Committee noted that the suggested rota could not take into account the vacancies created by the resignation of a member or the lack of a registered medical practitioner. Whilst the Health Professions Order 2001 did state (Article 23(3)(a)) that '*...no person may be a Screener if he is a member of a Practice Committee...*' the current interim arrangements would have to continue until such time as Screeners had been appointed and trained. In the meantime it was agreed that every attempt should be made to avoid having someone who had acted as a Screener from chairing an Investigating Committee panel hearing a case they had screened.
- 8.2 It was agreed that the suggested rota be adjusted in the light of known holiday arrangements.

**9.04/23 Cases Pending Investigation**

- 9.1 The Committee noted the information provided. It was confirmed that the information was available on the HPC website.

**10.04/24 Cases Pending Consideration by a Practice Committee Panel**

- 10.1 The Committee noted the information provided. It was confirmed that the information was available on the HPC website.

**11.04/25 Interim Suspension Orders**

- 11.1 The Committee noted the information provided. It was confirmed that the information was available on the HPC website.

**12.04/26 List of Panel Meetings and Outcomes**

- 12.1 The Committee noted the information provided and expressed gratification for such useful information.

**13.04/27 First Partners Annual Conference**

- 13.1 The Committee was advised that the agenda for the Conference on 23-24 September had yet to be finalised. All partners would be circulated with the information as soon as possible. The intention was to promote more involvement with the HPC. The occasion should allow time for partners to network. There would be stands for a variety of interests including tax advice and P&O Travel.

**14.04/28 Any Other Business**

- 14.1 There was none.

**15.04/29 Date of Next Meeting**

- 15.1 The Committee noted that, following consultation with members, the dates of meetings for the coming year had been agreed and presented to Council as being

29 June 2004  
23 September 2004  
11 November 2004  
10 February 2005

All meetings to start at 11.00am except for the meeting on 23 September 2004. It was agreed that, in the light of the arrangements made for the Partners Conference which was to start on the same day, the meeting would be held at 10.00am in the Cresta Court Hotel, Altrincham, Manchester.

**CHAIRMAN**