

**THE HEALTH PROFESSIONS COUNCIL**

Chief Executive and Registrar: Mr Marc Seale

Park House  
 184 Kennington Park Road  
 London SE11 4BU  
 Telephone: +44 (0)20 7840 9711  
 Fax: +44 (0)20 7840 9807  
 e-mail: *sophie.butcher@hpc-uk.org*

MINUTES of the sixteenth meeting of the Investigating Committee held at **10:00a.m. on Tuesday 6<sup>th</sup> December 2005** at Park House, 184 Kennington Park Road, London, SE11 4BU.

Miss M MacKellar (Chairman)  
 Ms S Chaudhry  
 Mr R Clegg  
 Ms C Farrell  
 Mrs D Haggerty  
 Mr W Munro  
 Mr S Taylor  
 Professor D Waller (part)

**IN ATTENDANCE:**

Ms S Butcher, Secretary to Committees  
 Miss K Johnson, Director, Fitness to Practise  
 Mr M Seale, Chief Executive and Registrar

**Item 8.05/118 ELECTION OF THE CHAIRMAN AND DEPUTY-CHAIRMAN**

- 1.1 The Investigating Committee received a paper from the Secretary to the Committee.
- 1.2 The Secretary to the Committee requested nominations for the position of Chairman. Ms Farrell nominated Miss MacKellar as Chairman of the Investigating Committee and Mr Munro seconded this. Miss MacKellar accepted the nomination and as there were no other nominations she was elected Chairman unopposed.
- 1.3 The Secretary to the Committee requested nominations for the position of Deputy-Chairman. Mrs Chaudhry nominated Ms Farrell as Deputy-Chairman of the Investigating Committee and Mr Munro seconded this. Ms Farrell accepted the nomination and as there were no other nominations she was elected Deputy-Chairman unopposed.
- 1.4 The Committee noted that the nominations made for Chairman and Deputy-Chairman would be put to Council for ratification at its meeting scheduled that day to take place at 10:30am.

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2005-12-07	a	INV	MIN	Investigating Committee Minutes 6th December 2005	Draft DD: None	Public RD: None

**Item 2.05/119 APOLOGIES FOR ABSENCE**

- 2.1 The Secretary to the Committee reported that no apologies for absence had been received from any of the committee members apart from communication received from Dr N Callaghan who had indicated that he may find it difficult to attend the meeting. He was not present so assumed that this was the case.

**Item 3.05/120 APPROVAL OF AGENDA**

- 3.1 The Investigating Committee approved the agenda.

**Item 4.05/121 MINUTES**

- 4.1 It was agreed that the notes of the fifteenth meeting of the Investigating Committee be confirmed as a true record and signed by the Chairman.

**Item 5.05/122 MATTERS ARISING**

- 5.1 Item 5.1 – Matters Arising – Fitness to Practise Annual Report  
The Committee noted that the full assessment of fitness to practise (ftp) themes were to be presented as part of the ftp annual report.
- 5.2 Item 5.2 – Matters Arising – Committee Members’ Training  
The Committee noted that although Investigating Committee members were no longer permitted to act as panel members it would be useful if they could attend the training sessions provided for panel members.

**Action: KJ**

**Item 6.05/123 DIRECTOR OF FITNESS TO PRACTISE REPORT**

- 6.1 The Investigating Committee received the Director of Fitness to Practise Report.
- 6.2 The Committee noted that the Director of Fitness to Practise would relay the most pertinent points of her report for the Committee’s review. The Committee noted that 3 cases had been considered regarding fraudulent or incorrect entry to the register. 31 allegations had been received in November.
- 6.3 The Director of Fitness to Practice reported that her department was continuing to grow. A new team administrator and Case Manager had been appointed whilst a new Hearing Office was to be recruited imminently.

**Item 7.05/124 DATES OF THE INVESTIGATING COMMITTEE MEETINGS  
2006/2007**

- 7.1 The Investigating Committee received a paper from the Secretary to the Committee for discussion/approval.
- 7.2 The Committee approved the proposed dates of the Investigating Committee meetings scheduled for the coming year subject to a review of the following date: Thursday 16<sup>th</sup> November 2006 as the Chairman was unable to attend. The Secretary to the Committee would liaise with the Chairman to secure a more suitable date. Ratification of the alternative date would then be sought via e-mail from the Committee and then from the Council.

**Action: SB**

**Item 8.05/125 RESOLUTIONS TO ADOPT IF A PRACTICE COMMITTEE  
(HEALTH, INVESTIGATING OR CONDUCT AND  
COMPETENCE) REQUIRES TO HOLD A MEETING IN  
PRIVATE SESSION**

- 8.1 The Investigating Committee received a paper from the Secretary to the Committee for discussion/approval.
- 8.2 The Committee approved the resolutions to adopt if a practice committee required to hold a meeting in private session subject to the following amendments:
- (ii) information relating to an employee or office holder, former employer or applicant (replace *or* with *for*) any post or office;
- (vii) any other matter which, in the opinion of the (replace *President* with *Chairman*) is confidential or the public disclosure of which would prejudice the effective discharge of the Council's functions.

**Action: SB**

**Item 9.05/126 REQUESTING PATIENT INFORMATION**

- 9.1 The Investigating Committee received a paper from the Director of Fitness to Practise for discussion/approval.
- 9.2 The Investigating Committee approved the practice note regarding requesting patient information subject to the following amendments:

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- 9.3 Third paragraph 'In practice, HPC Case Managers (to include here: *and or panels*) routinely seek further information relating to an allegation on behalf of the Investigating Committee....'
- 9.4 Last bullet point on last page under 'Procedure' '...and therefore no fees are (delete 'not') payable under the Data Protection Act 1998.'

**Action: KJ**

**Item 10.05/127 MAKING A COMPLAINT ABOUT A HEALTH PROFESSIONAL**

- 10.1 The Investigating Committee received a paper from the Director for Fitness to Practise for discussion/approval.
- 10.2 The Committee agreed that the contents of the paper merited more detailed discussion than could be achieved that day due to the time restrictions imposed by the start time of the Council's meeting which was at 10:30am. The paper was deferred for consideration at the next meeting of the Committee
- 10.3 The Director of Fitness to Practice asked Committee members to review the document and e-mail her their comments before the Christmas break so that any amendments could be incorporated into the document.

**Item 11.05/128REPORTING A CONCERN TO THE HEALTH PROFESSIONS COUNCIL**

- 11.1 The Investigating Committee received a paper from the Director of Fitness to Practise for discussion/approval.
- 11.2 The Director of Fitness to Practice reported that she had already received suggestions for appropriate amendments to be made to the document. Approval in principle was therefore sought of the documentation and the final version would be presented to the Committee at its meeting in January 2006.
- 11.3 The Committee discussed what the likelihood was of the number of allegations increasing. The Director of Fitness to Practice would liaise with her counterparts in the General Medical Council (GMC) and Nursing Midwifery Council (NMC) to ascertain what their experience to date had been of this.

**Action: KJ**

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- 11.4 The Committee agreed that it would be useful to include on the form a section which dealt with what the various outcomes could be following reporting a concern to the HPC.

**Action: KJ**

- 11.5 The Committee discussed the findings of the MORI research; specifically that opposition had been received with regard to detailing ftp allegations on the HPC website. The Committee were in agreement that as such matters concerned the protection of the public the information should remain in the 'public domain'. Nevertheless the Committee noted that this had been perceived as an unfair procedure for registrants involved and detrimental to their long term career if the allegation was not proven. The Committee agreed that as this was a matter of policy it would be best discussed at the following Council meeting as the MORI research was a paper for its consideration. The Chairman of the Investigating Committee would therefore draw this issue to the Council attention and proposed the need for a possible review.

**Item 12.05/129 INTRODUCTION TO THE CASE MANAGEMENT STRATEGY**

- 12.1 The Investigating Committee received a paper to note from the Director of Fitness to Practise for discussion/approval.
- 12.2 The Committee agreed to consider this paper at the next meeting of the Investigating Committee

**Item 13.05/130 HPC PERFORMANCE APPRAISAL SYSTEM FOR PANEL MEMBERS AND PANEL CHAIRS**

- 13.1 The Investigating Committee deferred this item to its next meeting as the topic merited further discussion. The Committee noted however that the introduction of an appraisal system for panel members would be very beneficial and looked forward to seeing this being implemented. The final paper was anticipated to go to Council for its approval at the meeting in March 2006.

**Item 14.05/131 CASE TO ANSWER REFERRAL FORM FOR PANEL CHAIRMEN**

- 14.1 The Committee noted that a case to answer referral form for panel chairmen had been devised to assist in the decision making process.

**Item 15.05/132 ANY OTHER BUSINESS**

- 15.1 There was no other business.

**Item 16.05/133 DATE AND TIME OF NEXT MEETING**

16.1 The next meeting of the Investigating Committee would be on Monday 23<sup>rd</sup> January 2006 at 11.00 am.

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