

THE HEALTH PROFESSIONS COUNCIL

Chief Executive and Registrar: Mr Marc Seale

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MINUTES of the nineteenth meeting of the Investigating Committee held at **11:00am on Thursday 16 November 2006** at Park House, 184 Kennington Park Road, London, SE11 4BU.

Ms C Farrell (Acting Chairman)
 Dr N Callaghan
 Mrs S Chaudhry
 Mr R Clegg
 Professor D Waller

IN ATTENDANCE:

Miss S Butcher, Secretary to Committees
 Ms S Din, Anderson Strathern
 Mr M Guthrie, Policy Officer
 Miss K Johnson, Director, Fitness to Practise
 Ms N O'Sullivan, Secretary to Council
 Mr G Ross-Sampson, Director, Operations
 Miss E Seall, Manager, Fitness to Practise
 Ms C Watt, Anderson Strathern

Item 1.06/01 APOLOGIES FOR ABSENCE

- 1.1 Apologies for absence were received from the following Committee members; Mrs Haggerty, Ms M MacKellar, Mr W Munro and Mr S Taylor.
- 1.2 The Deputy Chairman chaired the meeting in the absence of the Chairman who had sent her apologies previously.
- 1.3 The Chairman welcomed two observers of the meeting from the law firm Anderson Strathern.

Item 2.06/02 APPROVAL OF AGENDA

- 2.1 The Investigating Committee approved the agenda.

**Item 3.06/03 MINUTES OF THE INVESTIGATING COMMITTEE MEETING
HELD ON THURSDAY 14 SEPTEMBER 2006**

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

Item 4.06/04 MATTERS ARISING

- 4.1 The Chairman reported that the Committee would review its strategy in the near future as it was part of its ongoing work. This matter would be revisited at the Committee's next meeting in January 2007.

Item 5.06/05 CHAIRMAN'S REPORT

- 5.1 The Chairman had nothing to report.

Item 6.06/06 DIRECTOR OF FITNESS TO PRACTISE REPORT

- 6.1 The Committee received the Director of Fitness to Practise report.
- 6.2 The Committee noted that the case to answer rate was currently at 70% and hearings were being fixed into the middle of April 2007.
- 6.3 The fitness to practise department had undergone update training in particulars – the drafting of allegations whilst the team would also study for a BTEC in investigative practice in the New Year.
- 6.4 The Committee noted that a Legal Assessor and Panel Chairman review day was held in October. Review days took place twice a year. The review focused on decision making and learning points identified by the Council of Healthcare Regulatory Excellence (CHRE).

**Item 7.06/07 FITNESS TO PRACTISE WORKPLAN AND PROCESS
DOCUMENT**

- 7.1 The Committee received a paper from the Director of Fitness to Practise for discussion.
- 7.2 The Committee noted that the ftp budget was currently being finalised and therefore prioritisation of the ftp workplan would start as of the New Year. Issues that were currently being reviewed regarded accessibility of information, in particular the form in which allegations were made and accepted. An audit of ftp functions was also planned for January 2007 which would look at risk mitigation and tribunal costs.

- 7.3 The Committee noted that the new Council Chambers being built in 22-24 Stannary Street would provide an additional space in which ftp hearings could be heard.

Item 8.06/08 REVIEW OF THE STANDARDS OF CONDUCT, PERFORMANCE AND ETHICS (SCPE) : REPORTS FROM THE DISCUSSION MEETINGS AND COUNCIL AWAY DAY 2006

- 8.1 The Committee received a paper from the Policy Officer for discussion/approval.
- 8.2 The Committee noted that meetings had been held with the representatives from patient groups and with professional bodies and unions to discuss the review of the Standards of Conduct, Performance and Ethics (SCPE) to obtain feedback on the Standards. The general viewpoint ascertained was that no significant changes were required.

Item 9.06/09 DRAFT STANDARDS

- 9.1 The Committee received a paper from the Policy Officer for discussion/approval.

TERMINOLOGY, STRUCTURE, APPROACH

- i) The Committee noted that the Health Committee had debated the appropriateness of the terminology 'service user' and had agreed to review this in January subject to the analysis of the results obtained from the consultation about the Standards of Proficiency (SoPs). A glossary had also been recommended to clarify what groups of people the term specifically referred to.
- ii) The Committee agreed to the changes proposed.

INTRODUCTION

- 9.2 The Committee noted that the summary had now been moved to the front of the document, whilst the fitness to practise process had been included at the back. Information had also been added about how registrants might approach the Standards.
- 9.3 The Committee agreed to the changes proposed.

STANDARD 1

- 9.4 The Committee agreed to the following changes:
- i) Inclusion of information about child protection issues.
- ii) To consider the removal of the list of the different types of service users that could be discriminated against as there was the potential to inevitably leave a group out.

The phraseology adopted was the same as that which appeared in HPC's legislation. It therefore needed to be confirmed whether any alterations to this could in fact be made. Additional information could be provided on the HPC website providing signposts to employee's policies and procedures.

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STANDARD 2

- 9.5 The Committee agreed that no changes were necessary and noted the Conduct and Competence Committee's recommendation that separate guidance on confidentiality should be produced.

STANDARD 3

- 9.6 The Committee agreed with the Health Committee's recommendation to remove drink driving offences and to add child pornography as a separate bullet point. The Committee also agreed to replace 'drink-driving offences where someone was hurt or killed' with 'serious road traffic accidents', as this provided the scope for definition by the HPC.

STANDARD 4

- 9.7 The Committee agreed with the Health Committee's recommendation that the reference to disclosing health conditions ought to be removed. Standard 4 was to be linked to Standard 12 as both covered similar ground. The Committee agreed that it would be beneficial to include a specific consultation question (with specific reference to the health issue).

STANDARD 5

- 9.8 The Committee agreed with the Health Committee's recommendations that:
- i) The Standard had been rewritten to show consistency with the consultation draft of the introduction to the SoPs.
 - ii) The removal of the reference to 'testing' registrants.

STANDARD 6

- 9.9 The Committee agreed to the following:
- i) Further details added about referrals and duty of care.
 - ii) Use of the word 'professional' has been substituted by 'practitioner'.
 - iii) The removal of the word 'task' as the word's definition minimised its importance.

STANDARD 7

- 9.10 The Committee agreed with the recommendation that no changes were necessary.

STANDARD 8

- 9.11 The Committee agreed to the following:

- i) To make clear the distinction between referral and delegation. The inclusion of a glossary was agreed for these purposes.

STANDARD 9

- 9.12 The Committee agreed with the recommendation that no changes were necessary.

STANDARD 10

- 9.13 The Committee discussed the appropriateness of requiring registrants to countersign the records of students and was in agreement that this responsibility should rather lie with the educational institutions and not the regulatory body.

STANDARD 11

- 9.14 The Committee debated whether this Standard should be broadened to encapsulate all forms of risk or whether an additional standard was required to cover this issue more specifically. Following research of other regulator's guidance, no specific standard had been created on this topic.

STANDARD 12

- 9.15 The Committee was in agreement that this standard needed to be read in conjunction with Standard 4 to ensure that no aspect of each overlapped.

STANDARDS 13, 14, 15 & 16 THE ETHICAL STANDARDS

- 9.16 The Committee agreed that standard 13 should be removed and linked into Standard 14 where health professionals were encouraged to behave with integrity and honesty. It was agreed that Standard 15 would be retained as it was useful for reference when providing guidance on conflict of interest matters and advertising queries to registrants. It agreed the change to standard 16, so that it referred to public confidence in the profession, rather than the reputation of the profession.

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Item 10.06/10 STANDARDS WORKPLAN

- 10.1 The Committee received a paper from the Policy Officer for discussion/approval.
- 10.2 A Standards Workplan had been devised to set the aims and objectives of the Council's work in this area. A review of HPC's standards largely took place every 2-3 years to ensure their ongoing relevance and applicability. The Committee agreed that it was very useful to have a timetable of when HPC would be reviewing the Standards and to know when new ones would be created.
- 10.3 The Committee approved the Standards Workplan. The Workplan had already been considered by the Health Committee and was to be reviewed by the Conduct and Competence and the Education and Training Committee's shortly who will be asked to recommend its approval by Council.
- 10.4 The Committee approved the Standards workplan.

Item 11.06/11 INVESTIGATING COMMITTEE MEETING DATES 2007/08

- 11.1 The Committee received a paper from the Secretary to the Committee to note.
- 11.2 The Committee noted the proposed Committee meeting dates which had been agreed with the Chairman previously for 2007/08.

Item 12.06/12 ANY OTHER BUSINESS

- 12.1 There was no other business.

Item 13.06/13 DATE AND TIME OF NEXT MEETING

- 13.1 The next meeting of the Investigating Committee would be on Tuesday 23 January 2007 at 11:00am at the Oval Cricket Ground.

Item 14.06/14 MINUTES OF THE PRIVATE INVESTIGATING COMMITTEE MEETING ON THURSDAY 16 NOVEMBER 2006

- 14.1 It was agreed that the minutes of the private eighteenth meeting of the Health Committee be confirmed as a true record and signed by the Chairman.
- 14.2 The Committee noted that there were no matters arising and no items of any other business.