

IN THE HEALTH PROFESSIONS COUNCIL

CONDUCT AND COMPETENCE COMMITTEE

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| Mr R. Clegg | Chairman (Council Member) |
| Ms J. Leslie | Occupational Therapist |
| Ms G. Fleming | Lay Partner |

BETWEEN

HEALTH PROFESSIONS COUNCIL

And

MS LISA BYNON

SUMMARY

The Notice of Allegation alleged that the Registrant's fitness to practice is impaired by reason of a conviction at Liverpool Crown Court on 12 December 2003.

Mr Harding for the HPC set out the material facts:

Ms Bynon was admitted to the Register on 01 August 2003. She was convicted of conspiracy to pervert the course of public justice and sentenced to 6 months imprisonment on 12 December 2003

The facts giving rise to the conviction occurred in the early hours of 20 July 2003. Ms Bynon had travelled in her car to Liverpool centre in the evening of 19 July with a female friend. She had some drinks, but her friend did not. Her friend was a provisional licence holder only and was not insured to drive Ms Bynon's car. On the way home in the early hours of 20 July when the friend was driving, a young male ran out into the road into the path of the car. He subsequently died. (It was accepted by all that no fault should attach to the driver). Ms Bynon and her friend stopped briefly at the scene but were persuaded to drive off, abandon the car and report it stolen by two unknown males who were close to the scene. At 05:30, Ms Bynon reported the vehicle stolen at Wavertree Police Station. She was later arrested and admitted the true facts saying that she had been pressured by this unknown male. She subsequently pleaded guilty and admitted remorse for what she had done.

Mr Baker, on behalf of Ms Bynon, stated that this incident was out of character and she had quickly reflected. She had co-operated fully with the police and the court and had been sentenced to 6 months imprisonment. Mr Baker asked the Committee to accept that Ms Bynon had paid a heavy price and to give her the opportunity to continue with her training. Ms Bynon had only practised as an OT for 1.5 weeks before her employer instituted disciplinary proceedings.

DECISION

The allegation is well founded.

In mitigation, Mr Baker asked the Committee to take a lenient view. Ms Bynon accepted that she had made a bad decision following a stressful and worrying event and had served her sentence of imprisonment.

Legal advice on the use of sanctions was given.

SANCTION

A caution for 12 months was imposed.

The Committee took account of the severity of the conviction and the fact that the dishonesty fell well below the standards expected of a health professional. In the exceptional circumstances of this case, a caution was considered the most appropriate sanction.

Sarah Breach
September 2004.

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