

THE HEALTH PROFESSIONS COUNCIL

THE HEALTH COMMITTEE

MINUTES of the fourth meeting of the Health Committee held at 11.00am on 28 January 2004 in Park House, 184 Kennington Park Road, London SE11 4BU.

Present: Miss M Crawford (*Chairman*)
Dr A van der Gaag
Professor A J Hazell
Ms R Levenson
Dr J Old

In attendance: Mr G L Milch (*Secretary*)

Item 1. APOLOGIES FOR ABSENCE & WELCOME TO NEW MEMBERS

- 1.1 Apologies received from Mr Camp, Mrs McGartland, Professor Waller and Mr Seale.
- 1.2 The Chairman welcomed Ms Levenson as a new member of Council to her first meeting.

Item 2. APPROVAL OF AGENDA

It was

RESOLVED:1

that the agenda be approved.

Item 3. MINUTES OF THE LAST QUORATE MEETING

It was

RESOLVED:2

that the minutes of the meeting held on 30 April 2003 be confirmed as a true record and signed by the Chairman.

Item 4. NOTES OF THE INQUORATE MEETING

The meeting received the notes of the meeting held on 16 July 2003.

Item 5. NOTES OF THE INQUORATE MEETING

The meeting received the notes of the meeting held on 29 October 2003.

Item 6. MATTERS ARISING

There was none.

Item 7. APPOINTMENT OF CHAIRMAN AND DEPUTY CHAIRMAN

7.1 The meeting noted that at Council meeting on 17 September 2003 it had been announced that all statutory and non-statutory committees had to put forward nominees for the post of Chairman and, where wanted, Deputy Chairman for formal appointment by the Council.

7.2 The meeting noted that, by electronic mail, members of the Committee had nominated Miss Mary Crawford to be the Committee Chairman. This nomination had been approved at the Council meeting on 11 December 2003.

7.3 The meeting was asked to determine whether or not a Deputy Chairman was required and, if so, to nominate someone to be ratified at the next Council meeting.

7.4 After discussion it was

RESOLVED:3

that, in principle, there should be a Deputy Chairman. Dr van der Gaag and Dr Old expressed an interest in putting their names forward.

7.5 It was

RESOLVED:4

that, as several members had not been able to be present, an electronic mail election should be arranged as had been done for the Chairmanship.

Action: GLM

Item 8. HEALTH & DISABILITY MEETING

8.1 The meeting discussed the aims and structure and possible items for the agenda and the list of participants to be invited for the proposed Health & Disability meeting to be held on 1 March 2004.

8.2 It was agreed that it would be helpful for all parties to be able to establish the interface between health and disability as there appeared to be confusion in

distinguishing the difference. Clear guidance notes for registrants, approved institutions and Fitness to Practise panels should be provided.

It was reported that the Chairmen of the Registration Committee and Health Committees were putting the programme together for the majority of the workshop and that Dr van der Gaag would be leading a session on communicating with people with communication difficulties. They had emphasized that the meeting should function as a workshop rather than as a listening event. There would need to be some legal input to explain the relevant provisions of the Health Professions Order 2001 and subsequent Orders of Council plus the Disability Discrimination Act.

The meeting should establish appropriate criteria for students with disabilities entering approved programmes and those who develop disabilities during their studies

It was noted that MIND and MENCAP had been invited to attend. It was suggested that the Disability Rights Commission be added to the list of invitees. Professor Hazell offered to send the details of contacts who he thought would make a positive contribution.

Action: AH/GLM

There was a question of whether the Age Discrimination Act, due to come into effect in 2006, might be relevant to the discussions.

Item 9. HEARINGS

- 9.1 The meeting received feedback on the three Health Committee fitness to practise panel hearings each of which had involved an interim suspension orders pending a full hearing. None of the three had been contested.

In the first instance, the registrant concerned had been detained under the Mental Health Act and committed to a mental institution and there had been no discussion about whether or not to issue an interim suspension order for six months.

In the second instance, the registrant concerned had been dismissed from her employment after a disciplinary hearing. The Health Committee panel was initially asked to consider whether the actual incidents did not constitute more of a misconduct case and that a panel of the Conduct and Competence Committee might be more appropriate. After due consideration the panel had decided that it was a health issue not conduct and had continued with the hearing. The registrant concerned had not appeared nor been represented and this was thought to change the nature of the hearing. A one year interim suspension order was issued.

In the third instance the registrant concerned did not appear nor was represented. The panel had agreed that an interim conditions of practice order

would not have been appropriate in the circumstances and had issued a six months interim suspension order.

9.2 The Committee was concerned about the clarity of the procedure and what the lawyers could or could not do. There was surprise that, on the day of the hearing, there could be a challenge to the type of panel undertaking it; perhaps a private preliminary meeting might have resolved this in advance. The legal assessors had helped with the wording of the panels' decisions but the pro forma had not been found particularly helpful by one of the panels. The Committee agreed that it was imperative for panels to be clear in their reasoning on their statement of findings.

9.3 The Committee discussed whether these hearings should have been held in public rather than in private as the Council's policy is that, in the main, meetings should be public unless circumstances warrant otherwise in the opinion of the panel. It was agreed that these issues should be raised immediately with the Chief Executive and the Council's legal advisers.

Action: GLM

Item 10. PROCESS REVIEW

The meeting noted that the matter had been dealt with at the previous meeting.

Item 11. SELF-NOTIFICATION BY REGISTRANTS

The meeting discussed procedure to be adopted when registrants themselves notified the Council of a debilitating or deteriorating condition from which they were suffering. It was agreed this was an issue that might be best taken up by the Registration Committee as this was outside the remit of the Health Committee other than as an aspect of the Standards of Conduct, Performance and Ethics and the need for registrants to restrict themselves to the scope of practice which they were able to undertake.

Action: AvdG/MC

Item 12. CONFIRMATION OF PROCESS

The Committee discussed procedures for panels and chairmanship and noted the Guidance Notes that had been presented at the Council 'Awayday' in October 2003 and the feedback form devised by the Director of Legal Services.

Item 13. ANNUAL REPORT 2003/4

The meeting noted that amongst the Council's objectives was one concerning the production of the Annual Report. The Report should be ready for distribution by 31 July in any year. The Chairman would be compiling a report of the Health Committee's activities during the year 1 April 2003 to 31 March 2004. The Report would include an attendance record of members.

The Committee questioned the purpose for an attendance record to be made public as there was no space to give the myriad reasons why someone had not been able to attend on any given date. The matter was one that should, more properly, be taken up in members' annual appraisal by the President.

The Committee considered that all committee reports should be presented in a consistent style.

Item 14. ANY OTHER BUSINESS

There was none.

Item 15. DATE OF NEXT MEETING

11.00am on Wednesday 21 April 2004 at Park House.

CHAIRMAN