

## **Executive Summary and Recommendation**

### **Introduction**

The Council for the Regulation of Health Care Professionals (CRHP) has referred two Fitness to Practice decisions to the courts. The two cases concerned were from the General Medical Council (GMC) and the Nursing and Midwifery Council (NMC). As a result of the judgments one of the cases will now be sent to the Court of Appeal.

The Ruscillo case is important to HPC because it concerns the extent of the powers that CRHP have in reviewing cases.

CRHP can do so if they consider any order imposed is 'unduly lenient'. They believe as well they can do so in appropriate cases where a Panel has concluded that an allegation was not well founded and possibly also look at information that was not presented to a panel when considering the allegation or the order to impose.

An appeal has been lodged in the Court of Appeal on behalf of the doctor. In the High Court the Judge encouraged other regulators to consider joining in the appeal.

The Council will be given a brief presentation by Michael Caplan QC.

### **Decision**

The Council is requested to decide:

If permission to appeal is given to the doctor whether HPC should seek to be heard as an interested party and if so the position it should take.

### **Background Information**

None.

### **Resources Implications**

None.

### **Financial Implications**

The legal cost will be in the order of £25,000.

### **Background Papers**

Two articles summarising the cases from the Times dated 8<sup>th</sup> April 2004 are attached.

### **Appendices**

None.