

THE HEALTH PROFESSIONS COUNCIL

Chief Executive and Registrar: Mr Marc Seale

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MINUTES of the seventeenth meeting of the Investigating Committee held at **11:00a.m. on Wednesday 19th April 2006** at Park House, 184 Kennington Park Road, London, SE11 4BU.

Miss M MacKellar (Chairman)
 Dr N Callaghan
 Mrs S Chaudhry
 Ms C Farrell
 Mrs D Haggerty
 Mr W Munro
 Mr S Taylor
 Professor D Waller

IN ATTENDANCE:

Professor N Brook, President
 Ms S Butcher, Secretary to Committees
 Miss K Johnson, Director, Fitness to Practise
 Miss G Lee, Hearings Officer
 Mr M Seale, Chief Executive and Registrar

Item 1.06/01 APOLOGIES FOR ABSENCE

- 1.1 One apology for absence was received from the following Committee member; Mr R Clegg.

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 MONDAY 23RD APRIL 2006

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

Date
2006-04-19

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RD: None

Item 4.06/04 MATTERS ARISING

- 4.1 Item 5.1 – Matters Arising – Panel Members’ Training Days
The Committee noted that there were no panel member training days imminently scheduled to take place. As soon as dates were established the Director of Fitness to Practise would notify committee members.
- 4.2 Item 8.5 – Matters Arising – Bichard Inquiry
The Committee noted that an update on the progress of the Bichard Inquiry would be provided at the end of her fitness to practise report.
- 4.3 Item 12.3 – Matters Arising – Fitness to Practise Annual Report 2006
The Committee noted that the draft version of the fitness to practise annual report was distributed electronically to the ftp Chairmen for their review. Their comments had been duly incorporated.

Item 5.06/05 CHAIRMAN’S REPORT

- 5.1 The Chairman reported that a meeting between the Chairmen and Deputy-Chairmen of the Fitness to Practise Committees was held on the 3rd March 2006 to discuss last years ftp annual report and to review the structure and content of this years report. Matters of equality and diversity were also discussed and established that ftp data collation on gender, age and race was to be collated over the next year and used for identification of trends. A review of the standards of conduct, performance and ethics was also identified as a necessary requirement specifically looking at creating subsets of guidance.

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 there had been an increase in the case to answer rate which was now at 58% and was anticipated to rise due to the increased caseload. The ftp tracking system was now fully functioning and was anticipated would greatly assist in the identification of trends in ftp cases and hearings.
- 6.3 The NHS Counter Fraud and Security Management Service had provided training for the ftp team. A review day had also taken place for panel Chairmen and legal assessors.
- 6.3 The Committee noted that there were currently three High Court appeals outstanding. A registrant involved in one of the appeals had unfortunately passed away. Another appeal involved an HPC case which had been referred to the High Courts by the Council for Healthcare Regulatory

Excellence (CHRE). The case was remitted back to a Conduct and Competence panel. Council were to review the legal costs of this particular case which had amounted to £14,000. The ftp department had just received notification of a further case which was referred to the High Courts by CHRE the details of which could not yet be related. The Committee discussed what the comparative was of the number of cases referred by CHRE for all of the healthcare regulators. The expectation was that CHRE would eventually provide a report with this information. The HPC cases which had been referred by CHRE so far only concerned appeals and had not been subject to a judiciary review.

- 6.4 The Committee noted that there had been a number of recruitments within the ftp department due to its expanding caseload. Miss G Lee, Hearings Officer was in attendance at the meeting as part of her induction. The ftp team now comprised of a total of 11.
- 6.5 The Director of Fitness to Practise updated the Committee on a new legislative framework which had arisen from the Bichard group formed in response to the Soham murders. The Bill was still being formalised but was to set up a new body; the 'Independent Barring Bill'. Part of the Bills aim was to integrate and extend the coverage of the existing barred lists in England and Wales. The Committee noted that the three separate barring lists operated under different legislation with different criteria and procedures and were identified as being inconsistent in their application and effectiveness: List 99 (Education), Protection of Children Act List (POCA) and Protection of Vulnerable Adults List (POVA). The independent barring bill looked to protect children and vulnerable adults.
- 6.6 The implications for HPC following the Bills introduction would be the necessity to provide to the new body a list of all 170,000 registrants past and present including those who had been struck off or whom were considered dangerous and a risk to the public. The Secretary of State was also obliged to inform the HPC of any instances where health professionals had been barred from practice and was an offence if such information was not disclosed. Provision was made for barred status under Article 5 of the Order and new allegations under Article 22(1) of the Order. Changes to the criminal records bureau (CRB) checks process were likely as were amendments to the ftp sanction notes. The Bill was only operative in England and Wales but was to be extended to Scotland and Northern Ireland imminently.

Item 7.06/07 FITNESS TO PRACTISE ANNUAL REPORT 2006

- 7.1 The Investigating Committee received a paper from the Director of Fitness to Practise for discussion/approval.

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- 7.2 The Chairman reported that members should send any grammatical corrections electronically to the Director of Fitness to Practise.
- 7.3 The Director of Fitness to Practise updated the Committee on what changes the Health Committee recommended for inclusion in the report:
- The list of case names to be moved to the appendix rather than in the main body of the text.
 - P29 – costs per case of hearings, include further information here about how HPC is funded by its registrants.
 - Definition of ‘postthrombotic syndrome’ required.
 - P43-44 – What activities do registrants undertake to get back onto the register.
 - Emphasise more in the conclusion that the main priority of the HPC is the protection of the public.
 - Reference was included in the foreward about the work and contribution of the Committees to the policy and strategy to be employed by its panels. This was requested at the ftp Chairmen meeting.
 - P10-11 – 21.5% of complaints come from the public, and was agreed to clarify this further in the text by stating that this was 1 in 5.
- 7.4 The Committee agreed to review the report from p23 onwards as these items were of the most relevance to the Investigating Committee. The Committee agreed that reference should be made to the participation of lay member partners on panel hearings.
- 7.5 P10 – Tables 1.1 and 1.2. The Committee felt that only one table was needed and the other should be deleted. The figures shown in the deleted table could rather be assimilated into the graph.
- 7.6 The Committee agreed that more case studies were required in the section about Paramedics. This would flesh out the statement that the complaints received were many and varied. The Committee noted that this information had been included in the allegation section by type of allegation which was not profession specific but register specific.
- 7.7 p15 – The Committee agreed that the first sentence needed to be made clearer regarding the statement that the highest number of allegations were about registrants who had an approved qualification. The Committee also agreed that the last sentence of that paragraph needed to be revised to acknowledge the fact that HPC were working on improving the procedure by which application assessments were undertaken - ‘A number of these cases relate to individuals whose entry onto the register has been

incorrectly made (this can be HPC's fault if we have failed to assess the application properly)'.

- 7.8 The Committee noted that the asterix's in the table on p19 needed to be removed as they had been left in by mistake. P20 – reference was made to Article 22(6) in the text and the Committee agreed that a footnote for further definition was required. Third paragraph on p20 to include 'always' in the following sentence 'have not 'always' felt have called the registrants fitness to practise into question.' The first paragraph on p21 required further amplification. P22-23 – The Committee noted that the pie chart was going to be converted into a table instead. P23 – The Committee agreed that the table which listed three incorrect entries conflicted with the text which only related to two incorrect entries. Further details were therefore required on the outcome of the third case.
- 7.9 The Committee discussed the definition of 'gross negligent manslaughter' on p25 and noted that it was a sanction and a category used in civil law.
- 7.10 The Committee required further definition of the terminology 'mechanically unfit' on p36.
- 7.11 The Committee discussed whether pictures could be included in the media coverage section or incepts from newspaper articles on cases. The Committee noted that only headlines could be used in the report but not the actual article itself as it would contravene copyright laws.
- 7.12 The Committee agreed that an emphasis on the HPC's role in protecting the public must be made explicit in the conclusion. The report would also be made more user friendly such as those readers who were visually impaired.
- 7.13 The Committee discussed the problem regarding protection of title and the misconception that HPC protects function too. Emphasis should therefore be placed on the fact that complaints should only be submitted to the HPC if a registrant was found to be using an incorrect title. The Committee noted that misuse of title was prevalent within specific professions such as Arts Therapists, Podiatrists and Chiropodists and Dietitians. These groups had an apparently wider susceptibility for varying strands of their work to be misrepresented by a pseudo title that was not in fact related to their practice.
- 7.14 The Committee discussed its statutory duty to review trends and patterns. The Committee considered whether there was a relationship between age and the sorts of offences committed by profession type. Was there evidence for example of poor record keeping amongst younger health professionals. The Committee noted that there was a definite trend within

the Speech and Language Therapists profession to have poor record keeping skills specifically those that had come from working in a private practice back into the NHS. The Committee noted that the ftp department could look at whether there was any relationship between the date of registration of a health professional and the time lapsed to when they committed an offence and the type of offence. The Committee agreed that this information should be reviewed at their next meeting in September 2006.

Action: KJ

- 7.15 The Committee thanked the Director of Fitness to Practise for all of her hard work on the production of the ftp annual report for 2005-2006 and looked forward to the final version.

Item 8.06/08 ANNUAL REVIEW OF ACTIONS TAKEN 11TH JULY 2005 – 7TH JULY 2006

- 9.1 The Investigating Committee received a paper from the Secretary to the Committee to note.
- 9.2 The Committee had no comments to make on the actions received and noted the paper for its information.

Item 9.06/09 ANY OTHER BUSINESS

- 9.1 There was no other business.

Item 10.06/10 DATE AND TIME OF NEXT MEETING

- 10.1 The next meeting of the Investigating Committee would be on Thursday 14th September 2006 at 10:30am.

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