

Health Professions Council

INVESTIGATING COMMITTEE HEARING

Notice of Decision and Order

Date of Hearing: Thursday 13th October 2005
Name of Registrant: Annabella Arscott
Registration No.: CH20360
Panel: Martin Ryder – Chair
Peter Garfield Bennett – Chiropodist/ Podiatrist
Lesley Hawksworth – Lay Partner

Legal Assessor: Simon Russen

Hearing Officer: Zoe Maguire

Representation:

The Council was represented by Nicola Hill of Kingsley
Napley Solicitors

The Registrant did not attend and was not represented

ALLEGATION(S)

That an entry in the register relating to you has been incorrectly made in that your application for registration dated 20th September 2004 did not meet the requirements for registration under Articles 13 (2) (a) and 13 (2) (b) of the Health Professions Order 2001.

DECISION:

This allegation relates to admission to the register under Article 13 (2)(b) of the Health Professions Order 2001. The Health Professions Council has in its evidence admitted that

Mrs Arscott was placed on the register in error due to the fact that she had not been practicing on 9th July 2003, the commencement date of the transitional provisions for chiropodists and podiatrists. It is the Health Professions Council's case that Article 13(2)(b) requires that a registrant has practised the profession of chiropody at that date. Mrs Arscott did not commence practice as a foot health professional until 18th June 2004.

The Panel has considered the submission of Miss Hill on behalf of HPC that Article 13(2)(b) is dependent on a practice date pre 9th July 2003 and that this is confirmed by the provisions of Article 39. The Panel received advice from Mr Russen, Legal Assessor who expressed the view that Article 13(2)(b) could be interpreted as not being dependent on the date of 9th July 2003.

The Panel prefers the construction of Article 13(2)(b) advanced by Miss Hill and therefore finds that it is necessary for practice to pre date 9th July 2003 for admission to the register under the transitional provisions for chiropodists.

The Panel has decided that Mrs Arscott's name was placed on the register in error and very much regrets the actions of the HPC in this regard. The Panel notes that it is not the HPC's case that there is any question of a lack of competence or any improper behaviour on her part.

The Panel has decided that Mrs Arscott does not meet the criteria for entry to the register under Article 13(2)(b) and accordingly directs the Registrar to remove her name from the register.

The Panel wishes to draw Mrs Arscott's attention to her right of appeal under Article 38 of the Health Professions Order 2001.


The Panel has decided that an interim suspension order under Article 31 of the Health Professions Order 2001 should be made for a period of 18 months or the earlier of (i) the expiry of the appeal period without an appeal being made, or (ii) (if an appeal is made) the determination of that appeal. Having decided that Mrs Arscott should never have been permitted to use the title of chiropodist the Panel is of the opinion that it is necessary in the public interest that she should immediately be prevented from continuing to do so.

The Panel wishes to record its serious concern that Mrs Arscott should have been wrongly led to believe that she qualified for entry to the register by virtue of Article 13(2)(b).

RIGHT OF APPEAL

You may appeal against the Committee's decision and the order it has made against you.

Article 38 of the Health Professions Order 2001 provides that you have 28 days from the date that this notice was served on you to make such an appeal to the appropriate court. In this case the appropriate court is the High Court in England and Wales.


13. October 2005