

THE HEALTH PROFESSIONS COUNCIL

Chief Executive and Registrar: Mr Marc Seale

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Unconfirmed MINUTES of the nineteenth meeting of the Investigating Committee held at **11:00am on Thursday 19 April 2007** at The Health Professions Council, Park House, 184 Kennington Park Road, London, SE11 4BU.

Miss M MacKellar (Chairman)
 Dr N Callaghan
 Ms C Farrell
 Mrs D Haggerty
 Mr W Munro
 Mr M Woolcock

IN ATTENDANCE:

Mr J Bracken, Bircham Dyson Bell
 Miss S Butcher, Secretary to Committees
 Miss K Johnson, Director of Fitness to Practise
 Miss E Seall, Manager of Fitness to Practise

Item 1.07/01 APOLOGIES FOR ABSENCE

- 1.1 Apologies for absence were received from the following Committee members; Mr R Clegg, Mr S Taylor and Prof D Waller.

Item 2.07/02 APPROVAL OF AGENDA

- 2.1 The Investigating Committee approved the agenda.

Item 3.07/03 MINUTES OF THE INVESTIGATING COMMITTEE MEETING HELD ON TUESDAY 23 JANUARY 2007

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

Item 4.07/04 MATTERS ARISING

- 4.1 Item 6.7 Matters Arising – Director of Fitness to Practise Report
The Committee noted that a breakdown by profession of number and type of allegations received would be provided every 6 months. The first breakdown would be provided for the November 2007 committee meeting.
- 4.2 Item 7.2 - Matters Arising – Fitness to Practise Workplan and Process Document
The Committee noted that monitoring of protection of title cases would be activated as of July 2007 and feedback provided at the September 2007 committee meeting.
- 4.3 Item 7.5 – Matters Arising – Fitness to Practise Workplan and Process Document
The Committee noted that the ftp Chairman and Deputy Chairman meeting had been held on the 12 February 2007 and the structure and format of the ftp annual report had been discussed.
- 4.4 Item 8.3 – Matters Arising – Website Information
The Committee noted that Council had approved the recommendations proposed at its March meeting for the appropriate posting of cases online.
- 4.5 Item 9.4 – Matters Arising – Draft Standards of Conduct, Performance and Ethics (SCPE)
The Committee noted that the Council had approved the draft SCPE for consultation. Feedback on this would be provided at the September 2007 meeting.

Item 5.07/05 CHAIRMAN'S REPORT

- 5.1 The Chairman reported that that she had attended the Fitness to Practise Chairmen and Deputy Chairmen meeting on 12 February 2007 where the structure and format of the ftp annual report was discussed. In addition a useful discussion had taken place regarding the possibility of a joint meeting with the other ftp committees.
- 5.2 The Chairman reported that she had also sat on the final selection panel for providers of legal services to the HPC. The Committee noted that Kingsley Napley had been reappointed.

Item 6.07/06 DIRECTOR OF FITNESS TO PRACTISE REPORT

- 6.1 The Committee received the Director of Fitness to Practise report.
- 6.2 The Committee noted that the statistical data had been provided in the ftp annual report for members' information.
- 6.3 The Committee noted that the internal auditors report on the ftp department would be circulated to all of the ftp committee members shortly.

Action: SB as soon as possible

- 6.4 Meetings had been held with the Council for Healthcare Regulatory Excellence (CHRE) to discuss decision making processes in ftp cases. Feedback would be given at the Legal Assessor Review day in June 2007. Additionally, meetings had also been held with CHRE to define common datasets across the nine healthcare regulators in ascertaining the nature of ftp complaints and where complaints originated. A third meeting would be held in June and a report produced in July 2007.
- 6.5 The ftp department was continuing to recruit for new employees.

Item 7.07/07 FITNESS TO PRACTISE ANNUAL REPORT 2007

- 7.1 The Committee received a paper from the Director of Fitness to Practise for discussion/approval.
- 7.2 The Committee noted that Miss P Richardson in the Communications department was responsible for the layout and preparation of the ftp annual report for publication. The Committee should email any grammatical comments to Miss Richardson by no later than next Thursday 26 April 2007.

Action: The Committee by Thursday 26 April 2007

- 7.3 The Committee agreed that the report was very accessible and catered for all of HPC's stakeholders.
- 7.4 The Committee discussed the possibility of producing a summary of the ftp annual report in future years to reflect the positive highlights of the report. The Committee noted that it was important to be clear who the summary was aimed at as its production would require some costs. The Committee

considered that one possibility was to incorporate this into the HPC newsletter.

- 7.5 The Committee noted that it was important to highlight the fact that fitness to practise allegations were made against a small number of registrants. The Committee also agreed that the introduction needed to be made more robust and cross referenced to the White Paper and the HPC Annual Report so that the ftp annual report was not considered in isolation.

Action: KJ by Thursday 31 May 2007

Item 8.07/08 FITNESS TO PRACTISE WORKPLAN

- 8.1 The Committee received a paper from the Director of Fitness to Practise for discussion/approval.
- 8.2 The Committee noted that all departments within HPC were producing workplans. These documents would be included on the agenda for the May 2007 Council meeting.
- 8.3 The aim of the workplan was to set out the work planned for the coming year. The Committee was in agreement with the objectives outlined. The Committee found the timetable particularly useful in the undertaking of its governance role and ongoing review of the workplan in progress.
- 8.4 The Committee noted that the HPC always aimed to achieve best practice and that part of this process involved proactive benchmarking. HPC's desire was to improve against current standards whilst striving to go beyond them. The Committee noted that most of the 50 recommendations made in the Shipman Report were already in place within the ftp department, all apart from 3 which could not be implemented due to the restrictions of the Health Professions Order (HPO) 2001.
- 8.5 The Committee approved the Workplan and agreed to keep the document under review.

Action: KJ by Thursday 31 May 2007

Item 9.07/09 FITNESS TO PRACTISE HEARING LOCATIONS

- 9.1 The Committee received a paper from the Manager of Fitness to Practise for discussion/approval.
- 9.2 The Committee noted that the HPC was required by its legislation to hold hearings in the UK home country in which the registered address of the

person concerned was located. Hearings relating to registrants with a registered address in England were usually held at Park House. The decision to hold hearings at locations other than Park House was taken by Panels on an ad hoc basis usually in cases where it was difficult for those involved to come to Park House, for example where the witnesses were elderly or vulnerable. This was very important as it was crucial that witnesses could attend hearings. The paper proposed that the Committee should agree criteria against which a decision to hold hearings away from Park House would be made.

- 9.4 The Committee supported the proposal to draft a set of criteria to hold ftp hearings away from Park House. A draft practice note would be provided for the Committee's approval in September 2007.
- 9.5 The Committee recommended that the word 'sole' was removed from the criteria which referred to the scenarios whereby the registrant was the sole carer for an elderly or disabled relative or had sole parental responsibility for young children. By doing so the HPC was being more accommodating in its assessment criteria where undue hardship would be caused by not holding the meeting external to Park House.

Action: ES by Wednesday 12 September 2007

Item 10.07/10 FITNESS TO PRACTISE COMMITTEE JOINT ANNUAL MEETING

- 10.1 The Committee received a paper from the Secretary to the Committee for discussion/approval.
- 10.2 The Committee noted that at the FtP Chairmen and Deputy Chairmen meeting on 12 February 2007, it was recommended that the three FtP committees should consider how best they could organise their meetings in order to make the best use of members time and HPC's resources.
- 10.3 The Committee considered this issue and agreed to recommend the following to Council:
- i) that each committee would continue to hold four meetings a year
 - ii) in April and September all three committees would meet on the same date. The day would start with a joint forum to discuss items of mutual interest which members of all the committees would be invited to attend. Following the completion of this forum, each committee would hold a separate committee meeting at which any recommendations from the forum could be considered and, if thought appropriate, ratified.

- iii) all three committees would continue to meet separately, as per the current meeting calendar twice a year (in November and January).
- 10.4 The Committee noted that the forum would be an advisory body and would have no decision making powers. Therefore the current HPC Practice Committee Constitution Rules would not have to be amended in order for the above recommendation to be implemented. Meetings of the forum would be held in public and notes of the meetings would be published on the HPC website.
- 10.5 The Committee noted that the creation of a single ftp committee with decision making powers would require legislative changes.

Action: SB – Monday 21 May 2007

Item 11.07/11 ANNUAL REVIEW OF ACTIONS TAKEN 11 JULY 2006 – 7 JULY 2007

- 11.1 The Committee received a paper from the Secretary to the Committee to note.
- 11.2 The Committee noted a review of the ftp trends and patterns would be provided at its November 2007 meeting.

Action: KJ by Thursday 15 November 2007

- 11.3 The Committee noted that a review of data in key areas around well founded and not well founded cases would be provided at its September 2007 meeting.

Action: KJ by Wednesday 12 September 2007

Item 12.07/12 RISK ASSESSMENT

- 12.1 The Committee received a paper from the Director of Fitness to Practise for information.
- 12.2 The Committee noted that case assessment documentation was part of the audit process for the management of allegations.

Item 13.07/13 DISPOSAL OF CASES BY CONSENT

- 13.1 The Committee received a paper from the Director of Fitness to Practise for information.
- 13.2 The Committee noted that the Health and Conduct and Competence Committees were being asked to approve the recommendation to dispose

of cases by consent where the circumstances of a case were considered appropriate to do so.

Item 14.07/14 ANY OTHER BUSINESS

14.1 There was no other business.

Item 15.07/15 DATE AND TIME OF NEXT MEETING

15.1 The next meeting of the Investigating Committee would be on Wednesday 12 September 2007 at 11:00am at Park House. *(subject to amendment)*