

HEALTH PROFESSIONS COUNCIL

Chief Executive and Registrar : Marc Seale

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CONDUCT & COMPETENCE COMMITTEE

MINUTES of a meeting of the Conduct & Competence Committee held at 12.00 noon on Tuesday 23 March 2004 at Park House, 184 Kennington Park Road, London SE11 4BU.

Present: Dr A Yule (*Chairman*) (*from item 3*)
Dr G Beastall
Mr R Clegg
Ms H Davis
Professor C Lloyd
Ms J Manning
Miss P Sabine
Mrs B Stuart
Mr G Sutehall

In attendance: Mr M J Seale (*Chief Executive & Registrar*)
Mrs A Barnes (*from item 3*)
Mr T Berrie (*from item*)
Mr G L Milch (*Secretary*)

In the absence of both the Chairman (delayed) and the Deputy Chairman (absent), the meeting agreed that Dr Beastall should assume the chair until Dr Yule arrived.

1.04/1 Apologies for Absence

1.1 Apologies were received from Professor Brook, Dr Jones and Mr Ross.

2.04/2 Approval of Agenda

2.1 The Committee approved the agenda though it was noted that a number of items had been wrongly attributed to the Chief Executive and, having already been presented to Council, were not strictly open to further discussion and/or approval, and would be subject to any action as detailed in the minutes of the appropriate Council meetings.

(Dr Yule arrived and assumed the chair.)

3.04/3 Minutes of the Last Quorate Meeting held on 23 September 2003

- 3.1 It was agreed that the minutes of the meeting held on 23 September 2003 be confirmed as a true record and signed by the Chairman.

4.04/4 Notes of the Inquorate Meeting held on 20 November 2003

- 4.1 It was agreed that the notes of the meeting held on 20 November 2003 be confirmed as a true record and signed by the Chairman.

5.04/5 Matters Arising from the Minutes

- 5.1 03/29 - Registered Medical Practitioners
The Chief Executive reported that he had discussed the issue of appointing a registered medical practitioner to each of the Practice Committees with the Department of Health. The Department was reluctant to change the Health Professions Order 2001 on this matter. The Council would be advertising to recruit suitable persons.

6.04/6 Opinion Leader Research

- 6.1 Mr Nigel Jackson of Opinion Leader Research gave a presentation on the results of an evaluation of the hearings process. Questionnaires had been distributed to all participants at a number of hearings to gauge the satisfaction with all aspects of the conduct and ambience of the hearings but did not mention the actual outcome. To date the analysis had covered thirty responses which could have been returned anonymously though most respondents had given their names. Overall the results were positive though a number of criticisms had been made.
- 6.2 It was agreed that the evaluation should be continued as it might eventually form the basis of an annual report indicating the lessons learned and the issues brought out by the process. This might be helpful to other regulators.
- 6.3 There was a question about the value for money that the evaluation of such a small sample presented. It was agreed that an external, independent survey was valuable and useful. It was agreed that the provision of a stamped addressed envelope would encourage more responses from participants in the hearings process.

7.04/7 Fitness to Practice Annual Report

- 7.1 The Committee noted the requirement in the Health Professions Order 2001 (Article 44) that the Council was required to produce an annual report on the efficiency and effectiveness of the fitness to practise arrangements. The Chief Executive reminded the Committee that the Council had already noted this requirement and that the Communications Department would be producing the first report which would cover the period 9 July 2003 to 31 March 2004. Future reports would cover a full year 1 April to 31 March. The reports would be circulated to the three Fitness to Practise Committee Chairmen and the Committees.

8.04/7 Framework Document on Disabilities, Health and Registration

- 8.1 Ms Tripp, Communications Officer, presented a report revised since the original was discussed at a workshop on 1 March 2004. The revised report would be presented to each of the Fitness to Practise Committees.
- 8.2 It was agreed that it was not possible to anticipate all the possibilities that might arise but that common examples should be included and that the final document should have regular updates and be a 'living' document. Any application for registration would be dealt with on its merits; the Council had to have a balanced approach which was consistent.
- 8.3 The Committee was concerned that as the NHS, HSE and HPA were producing guidelines on this matter, it might not be necessary to recreate the work of other bodies. The approved HEIs also had a responsibility to recruit those who could successfully complete the programme including any practice placements.
- 8.4 The Committee considered this matter to be one which might have benefited from having a registered medical practitioner amongst its members.

9.04/9 Legal Assessor Reports

- 9.1 The Committee received a number of reports from legal assessors covering a range of cases. There was comment that there was no standard format but the Chief Executive suggested that this was a matter that might be resolved following a meeting with the assessors. These reports would form the basis for the annual report. There were some concerns over confidentiality but these reports were a summary of a public hearing. The Chief Executive offered to report back to the Committee on the issue.
Action: MJS
- 9.2 The possibility of asking panel chairmen to prepare reports too was raised but it was agreed that the independent legal assessor's report was sufficient.
- 9.3 It was agreed that panel members should receive a copy of the legal assessor's report once the 28 days period to allow for appeals had expired. The Committee noted that some assessors were not as prompt with their report as might be desired.

10.04.10 Performance Indicators

- 10.1 The Chief Executive reminded the Committee that the papers presented to the Committee had already been put to Council. Each Departmental Head provided him with a report on the working of their department which was collated for his report to Council. It was essential to establish that the correct information was being put together to judge whether the organization was performing and this would emerge over time. The Performance Indicators had been a draft which had been signed off by the Council but, when finalized, would be re-presented.

- 10.2 There was discussion concerning the standard on the acknowledgement of correspondence received. It was agreed that, wherever possible, a full reply should be sent within five working days but the complexity of issues raised might require an initial brief holding response.
- 10.3 The Committee was informed that the Council's lawyers had been asked to present their accounts on a case by case basis. This information would be sent to the Committee.
- 10.4 It was noted that the competence framework for fitness to practise panels, which had been presented to Council, had not included a review date and it was not clear how performance was to be measured. It was expected that there would be feedback from the annual partners' conference.
- 10.5 The Committee considered that several questions were raised by the document including how to dispense with the services of a panel member; the need for a report system; equity and fairness; evaluation sheets. Some issues concerning Council members could be reviewed in the annual review conducted by the President.
- 10.6 It was agreed that the Secretary should draw up a list of questions to be discussed at the next meeting.
Action: GLM
- 10.7 There was discussion about the selection process for membership of panels. It was agreed that the next agenda would include the fitness to practise flow chart showing how the processes involved led from one to the next.
Action: GLM
- 11.04/11 Publishing Fitness to Practise Hearings**
- 11.1 The Chief Executive reminded the Committee that this matter had been discussed at Council and the outcome would be detailed in the Council minutes.
- 12.04/12 Panel Chairmen's Reports**
- (Dealt with under minute 9.04/9(9.2) above.)
- 13.04/13 Fitness to Practise Activity**
- 13.1 The Council had received this information which gave details of how long each case since July 2003 had taken to resolve. Some cases had proved to be lengthy. The Committee agreed that the information was useful but the table required a glossary to explain the abbreviations used.
Action: AB

14.04/14 Privy Council Decision on Appeal

- 14.1 The Chief Executive reminded the Committee that Council had already received the decision of the Privy Council which demonstrated the need for panels to be absolutely clear in their decisions in respect of the sanctions to be imposed; the appropriate terms of the Health Professions Order 2001 and the Human Rights Act 1998 had to be observed.
- 14.2 There was a question on how much this had cost. It was reported that a meeting of the Privy Council was very expensive.

15.04/15 Committee Duty

- 15.1 The Committee was advised that it was charged under Article 27(a) of the Health Professions Order 2001 to advise the Council about the performance of its functions in relation to standards of conduct, performance and ethics as well as the requirements as to good character expected of registrants and prospective registrants.
- 15.2 It was agreed that the matter of how to undertake a review of the current advice should be undertaken at the September 2004 meeting.

16.04/16 Process for the Recruitment of Screeners

- 16.1 It was reported that there had been a lengthy discussion on the issue of appointing screeners. As the power to appoint had been given in the Health Professions Order 2001, it had been agreed to proceed and keep the matter under review. It had been considered useful to keep the initial stage of the fitness to practise procedure separate from Council members and other partners.

17.04/17 First Partners Annual Conference

- 17.1 The Committee was invited to note the date of the Conference (23-24 September 2004) in Manchester. It was expected that all Committee Chairmen would attend if possible. The use of partners was important to fulfilling the Council's functions. The outcome of the Conference would help inform the Council's Awayday two weeks later.

18.04/18 Items for Information

There was none.

19.04/19 Any Other Business

None previously notified and agreed to by the Chairman

20.04/20 Date of Next Meeting

The Committee noted that, following consultation with members, the dates of meetings for the coming year had been agreed and presented to Council as being

27 April 2004
22 June 2004
12 October 2004
16 November 2004
15 February 2005

All meetings were to commence at 11.00am.