

### **Early receipt of allegations by the Council**

- During discussion, in private session, of draft document produced, for discussion, jointly by the Department of Health, the Health & Safety Executive and the Association of Chief Police Officers, it was noted that, in respect of allegations of misconduct, incompetence or ill-health, the Council could now be involved, in varying degrees, at the earliest stage. This is different from the old Boards' disciplinary processes, where the Boards would only be involved after all other processes had taken place, i.e. that the registrant had been dismissed or disciplined by his/her employer, or convicted or accepted a police caution.
- The Council now has powers, through its practice committees, of making interim orders of suspension or [conditional practice]. Further, the practice committees may continue to be interested in an allegation even if the NHS or another employer's process is not pursued, for example because they have resigned.
- The practice committees may also continue to be interested even if the police drop the case, because they are not only interested in "crimes", but professional misconduct, incompetence and ill-health. However, this is a more complex issue. Currently, the Council is notified of all convictions and cautions. Mr. J. Bracken has advised that, in the case of criminal proceedings involving a police investigation and court hearings, with the exception of the powers to make an interim order from notification of the allegation onwards, the Council is required by law to wait until due process has been carried out, as its earlier involvement could prejudice these proceedings. Whether or not, and under what circumstances, the Council can be notified of such an allegation made to the police before conviction by the courts, requires further investigation.
- In other instances, the Council's proceedings can run in parallel with all other proceedings, such as the internal disciplinary processes of an employer.
- The Committee believes that this should normally be the case, to expedite the consideration of allegations by the practice committees and because, in certain instances, it might be necessary to use the powers of making an interim order. It was therefore agreed that the Council be recommended to establish the following policy: Where practicable and legally possible, the Council's proceedings will run in parallel with other proceedings, such as the internal disciplinary processes of an employer. Where allegations of misconduct, incompetence or ill-health against a registrant are received by and subject to processes other than the Council's own, the Council asks that those responsible for these processes pass that allegation to the Council via its Chief Executive and Registrar as soon as practicable or legally possible during that process.

The Committee therefore **RECOMMENDS** that, where practicable and legally possible, the Council's proceedings run in parallel with other proceedings, such as the internal disciplinary processes of an employer.