

Executive Summary and Recommendations

Introduction

Fitness to practise is one of the most important areas of the HPC's work. It is one the main ways in which we safeguard the standards of each profession, and protect health professionals from those who might compromise their profession's reputation. There are many different stakeholders who may be interested in the results of hearings: regional papers, professional journals, professional bodies, trade unions, employers, recruitment agencies, and other health regulators to name just a few.

Since the 9th July, publicising the results of fitness to practise hearings (formerly 'disciplinary') has become the responsibility of the Communications department. We would like to ask the Communications committee to endorse this approach and this process in order to set up a robust procedure which ensures that the rights of the public and the registrant are addressed, and that the results of public hearings are made available in an open and fair manner.

Summary

What we propose is a process whereby:

- the legal department, Kingsley Napley, and the Communications team work together to ensure that information reaches those who need it or are interested.
- professional bodies and professional journals, and press agencies are informed when a hearing date is set. This date is also put on the website.
- regional and profession-specific journalists are informed after an allegation is well-founded, as well as other stakeholders by email.
- a full record of all public information is stored on the website.

Recommendation

Council to formally adopt this proposal as agreed by the Communications Committee on November 20th 2003

Publicising hearings – the process

In setting this process, we have liaised with the legal team, and also with Michael Caplan of Kingsley Napley. Although the communications department will send out emails, and structure the ‘complaints and allegations’ section of the website, in order for this process to run smoothly we will need good liaison between a number of different people both within and outside HPC. This is why I have written up this process in such detail: so that expectations, timeframes, information and recipients are all set out clearly. In particular, the recipients in each case mean that we should be able to cover annual leave, sickness and other absences without ‘losing’ information.

When the date is set for an interim order application

Legal services team to send the following information to Rachel and Chris by email:

- name of registrant
- registration number
- date of meeting
- time
- venue
- allegation number¹

Hearings for an interim suspension order are not always held in public. For this reason, notice of the hearings is not currently sent out, and not currently posted on the website. This will be kept under review as more interim orders are applied for. But currently, receiving this information allows Communications to plan work in advance.

When an interim order is granted

Legal services team to send the following information to Rachel and Chris as soon as meeting has finished. Info to be sent by email wherever possible, or by fax where not possible (ie if preliminary meeting is not at Park House):

- name of registrant
- registration number
- date of hearing
- time
- venue
- notice of allegation (if appropriate) otherwise a copy of the application for a suspension order
- copy of the panel’s finding

Because of the need not to be seen to comment on a case that is still in progress, we currently do not send out press notices when an interim order is granted. However, upon

¹ This is a unique number assigned to the case by the legal services department. This means that in the future when more hearings are arranged and, for example, we have more than one hearing on one day, or more than one allegation ongoing concerning registrants with the same surname, each hearing can be identified.

receiving this information we will send out an email to the relevant professional body, to the other health regulators, and to other relevant stakeholders. Notice of the suspension order is also posted on the website.

When a hearing date is set

Legal services team to send the following information to Rachel and Chris and Tony by email:

- name of registrant
- registration number
- date of hearing
- time
- venue
- notice of allegation
- committee considering case (Health, Conduct and competence, or Investigating)
- allegation number

When a hearing date is set, at this stage a web page is created for the case. A copy of an example web-page is attached to the back of this paper. This page is the repository for all information relating to the case, containing the notice of allegation, the date, time and venue of hearing, the committee's decision, etc. See the sample page at the end of this paper.

We will also email the hearing date to the relevant profession-specific journalists, to the relevant professional body, and to two news agencies who have previously attended hearings. If the nature of the allegation makes it obvious that the case might become very high profile, we could also email other relevant media.

Media will not be informed if the hearing is a panel of the Health Committee and will be held in private.

When an allegation is well-founded

Legal services team to send the following information to Rachel and Chris as soon as the meeting has finished. Info to be sent by email wherever possible, or by fax where not possible (ie if hearing is not at Park House):

- name of registrant
- registration number
- employer (if this was mentioned during the course of the hearing)
- date of birth (if this was mentioned during the course of the hearing)
- registered address (if this was mentioned during the course of the hearing)
- whether the registrant was present at the hearing
- whether they denied the allegations
- copy of the panel's finding
- copy of the panel's direction (ie sanctions)
- name of panel member who read out the committee's findings and direction
- allegation number

Kingsley Napley to send following information to Rachel and Chris (by email where possible):

- copy of statement that opened the hearing
- name of Kingsley Napley representative who read the statement

When available, legal services to send a copy of the legal assessor's report to Rachel and Tony.

When available, legal services to send a copy of the transcript to Rachel and Tony.

Receiving all of this information effectively sets up a process whereby we can populate the web-site and issue a news release, even for those cases where it's not possible for a member of the Communications team to attend the hearing. Indeed, the entire process has been designed to accommodate an increase in the number of hearings, and an increase in the number of hearings held outside London. It's vital in this situation that sufficient information reaches the Comms team so that we can confidently publicise the results of the case.

After an allegation is well-founded, we will send out a press release. This will normally go to my usual release distribution list (professional journals, and other interested parties including those who have signed up online), the contact at the relevant professional body, other health regulators, regional media, and also to other stakeholders. If the nature of the case means that there might be wider interest, we will also issue the release to relevant national media. See the sample release at the end of this paper.

When an allegation is not well-founded

Legal services team to send the following information to Rachel and Chris. Info to be sent by email wherever possible, or by fax where not possible (ie if hearing is not at Park House):

- name of registrant
- registration number
- copy of the panel's finding
- allegation number

When available, legal services to send a copy of the legal assessor's report to Rachel and Tony.

When available, legal services to send a copy of the transcript to Rachel and Tony.

When an allegation is not well-founded it's vital to balance the needs of the registrant with the requirement to publicise meetings which take place in public. We anticipate that when an allegation is not well-founded, we will publish the committee's decision on the web-site, but will not send out a news release, or email the results of the hearing to the various distribution lists. This means that the online 'archive' of fitness to practise proceedings will be complete.

HPC at the forefront of health regulation

I am confident that if the committee endorse this process, the publicity of HPC's fitness to practise proceedings will be robust, transparent, and also will place HPC at the forefront of health regulation in the UK. I believe that our online archive of hearings will be the clearest, most comprehensive, accessible and complete record of hearings and fitness to practise. It will provide a complete resource for anyone with an interest in our decisions, and will set the standard for the other regulators.

Rachel Tripp
Communications Officer

11/11/03