

**Health Professions Council  
Council -1<sup>st</sup> March 2006**

**High Court Decision in the Matter of David Ryell**

**Executive Summary and Recommendations**

**Introduction**

Between 13<sup>th</sup> and 15<sup>th</sup> April 2005, a panel of the Conduct and Competence Committee heard an allegation regarding the fitness to practise of David Ryell, a Paramedic. The panel found that Mr Ryell's fitness to practise was impaired by his misconduct whilst employed by the London Ambulance Service and consequently imposed a caution order for four years.

Mr Ryell appealed this decision to the High Court and the case was considered by the Administrative Court on 29<sup>th</sup> November 2005. The judgment was handed down on 7<sup>th</sup> December 2005.

Mr Ryell had seven grounds of appeal which were as follows:

- Ground One – Failure to give notice of the issues/lack of specificity
- Ground Two – Failure to produce relevant evidence
- Ground Three – Lack of cross- examination
- Ground Four –Witnesses not called
- Ground Five – Hearing within a reasonable time
- Ground Six – Reasons for the decision
- Ground Seven – perversity.

The first five grounds advanced on behalf of Mr Ryell suggested that the conduct and procedure of the case was flawed. The judge found that there was no substance in this. However, he did allow the appeal on the basis of the sixth ground of appeal. The reasons for this are found in paragraphs 53 and 56 of the Judgment. The appeal was allowed because the panel failed to indicate what facts it had found proved in respect of each of the 7 incidents or why what they had found amounted to misconduct and/or lack of competence on the part of Mr Ryell.

The decision was therefore quashed and remitted back to the Conduct and Competence Committee for a fresh hearing.

The judgement and order made in this matter are attached, as is a letter from HPC's solicitors confirming the decision of Mr Justice Bennett

**Decision**

This paper is to note

## **Background information**

## **Resource implications**

None

## **Financial implications**

The HPC was order to pay the Appellant's costs in the sum of £4,091.35

## **Appendices**

## **Date of paper**

16<sup>th</sup> February 2006



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