Health Professions Council
Council -1st March 2006

High Court Decision in the Matter of ██████████

Executive Summary and Recommendations

Introduction

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

████████ appealed this decision to the High Court and the case was considered by the Administrative Court on 29th November 2005. The judgment was handed down on 7th December 2005.

████████ 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 ████████ 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 ████████

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

16th February 2006

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