

THE HEALTH PROFESSIONS COUNCIL

Chief Executive and Registrar: Mr Marc Seale

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MINUTES of the seventeenth meeting of the Investigating Committee held at **11:00a.m. on Wednesday 19th April 2006** at Park House, 184 Kennington Park Road, London, SE11 4BU.

Miss M MacKellar (Chairman)
 Dr N Callaghan
 Mrs S Chaudhry
 Ms C Farrell
 Mrs D Haggerty
 Mr W Munro
 Mr S Taylor
 Professor D Waller

IN ATTENDANCE:

Professor N Brook, President
 Ms S Butcher, Secretary to Committees
 Miss K Johnson, Director, Fitness to Practise
 Miss G Lee, Hearings Officer
 Mr M Seale, Chief Executive and Registrar

Item 1.06/01 APOLOGIES FOR ABSENCE

- 1.1 One apology for absence was received from the following Committee member; Mr R Clegg.

Item 2.06/02 APPROVAL OF AGENDA

- 2.1 The Investigating Committee approved the agenda.

Item 3.06/03 MINUTES OF THE INVESTIGATING COMMITTEE MEETING HELD ON MONDAY 23RD APRIL 2006

- 3.1 It was agreed that the notes of the sixteenth meeting of the Investigating Committee be confirmed as a true record and signed by the Chairman.

Item 4.06/04 MATTERS ARISING

- 4.1 Item 5.1 – Matters Arising – Panel Members’ Training Days
The Committee noted that there were no panel member training days currently scheduled. As soon as dates were established the Director of Fitness to Practise would notify committee members.
- 4.2 Item 8.5 – Matters Arising – Richard Inquiry
The Committee noted that an update on the progress of the Richard Inquiry would be provided at the end of the Director of Fitness to Practise’s report.
- 4.3 Item 12.3 – Matters Arising – Fitness to Practise Annual Report 2006
The Committee noted that the draft version of the fitness to practise annual report was distributed electronically to the ftp Chairmen for their review.

Item 5.06/05 CHAIRMAN’S REPORT

- 5.1 The Chairman reported that a meeting between the Chairmen and Deputy-Chairmen of the Fitness to Practise Committees was held on the 3rd March 2006. Last years ftp annual report was discussed and the structure and content of this years report was also reviewed. The Committee noted that ftp data collation on gender, age and race was to be collated over the next year and used for identification of trends. The review of the standards of conduct, performance and ethics was also highlighted as an upcoming matter for review.

Item 6.06/06 DIRECTOR OF FITNESS TO PRACTISE REPORT

- 6.1 The Committee received the Director of Fitness to Practise report.
- 6.2 The Committee noted that there had been an increase in the case to answer rate which was now at 58% and was anticipated to rise due to the increased caseload.
- 6.3 The NHS Counter Fraud and Security Management Service had provided training for the ftp team. A review day had also taken place for panel Chairmen and legal assessors.
- 6.3 The Committee noted that there were currently three High Court appeals outstanding. Another appeal involved an HPC case which had been referred to the High Court by the Council for Healthcare Regulatory Excellence (CHRE). The case was remitted back to a Conduct and Competence panel. The Council were to review the legal costs of this particular case which had amounted to £14,000. The ftp department had just received notification of a further case which was referred to the High

Court by CHRE. The Committee discussed what the comparative was of the number of cases referred by CHRE for all of the healthcare regulators. The expectation was that CHRE would eventually provide a report with this information. HPC has not yet been subject to judicial review.

- 6.4 The Committee noted that there had been a number of new appointments in the ftp department due to its expanding caseload. Miss G Lee, Hearings Officer was in attendance at the meeting as part of her induction. The ftp team now comprised of a total of 11.
- 6.5 The Director of Fitness to Practise updated the Committee on the Safeguarding Vulnerable Groups Bill. The Bill was to set up the 'Independent Barring Board'. The Committee noted that currently there were three separate barring lists that operated under different legislation with different criteria and procedures and were identified as being inconsistent in their application and effectiveness: List 99 (Education), Protection of Children Act List (POCA) and Protection of Vulnerable Adults List (POVA). The independent barring bill looked to protect children and vulnerable adults. The Committee noted the potential implications of the Bill for HPC and expressed concern that the Bill wasn't yet implemented uniformly across the U.K and its four home countries.

Item 7.06/07 FITNESS TO PRACTISE ANNUAL REPORT 2006

- 7.1 The Investigating Committee received a paper from the Director of Fitness to Practise for discussion/approval.
- 7.2 The Chairman reported that members should send any grammatical corrections electronically to the Director of Fitness to Practise.
- 7.3 The Director of Fitness to Practise updated the Committee on what changes the Health Committee had recommended to be made to the report. The Committee reviewed the report and also made various suggestions for amendments.
- 7.4 The Committee discussed the problem regarding protection of title and the misconception that HPC protects function too. Complaints should only be submitted to the HPC if a registrant was found to be using an incorrect title. The Committee agreed that this required further evidence of potential misuse of title to be submitted to HPC. Misuse of title was prevalent within specific professions such as Arts Therapists, Podiatrists, Chiropodists and Dietitians. These groups had an apparently wider susceptibility for varying strands of their work to be misrepresented by a pseudo title that was not in fact related to their practice.

- 7.5 The Committee discussed its statutory duty to review trends and patterns. The Committee considered whether there was a relationship between age and the sorts of offences committed by profession type. Was there evidence for example of poor record keeping amongst younger health professionals. The Committee noted that there was a definite trend for Speech and Language Therapists to have poor record keeping skills. This was especially prevalent amongst those that had come from a private practice to work in the NHS. The Committee noted that the ftp department could look at whether there was any relationship between the date of registration of a health professional and the time lapsed to when they committed an offence and the type of offence.
- 7.6 The Committee agreed that it would be beneficial to review the trends within the report for further consideration, along with possible other areas for assessment. When this information was available it would be provided to the Committee.

Action: KJ

- 7.7 The Committee thanked the Director of Fitness to Practise for all of her hard work on the ftp annual report for 2005-2006 and looked forward to the final report.

Item 8.06/08 ANNUAL REVIEW OF ACTIONS TAKEN 11TH JULY 2005 – 7TH JULY 2006

- 8.1 The Investigating Committee received a paper from the Secretary to the Committee to note.
- 8.2 The Committee had no comments to make on the actions received and noted the paper for its information.

Item 9.06/09 ANY OTHER BUSINESS

- 9.1 There was no other business.

Item 10.06/10 DATE AND TIME OF NEXT MEETING

- 10.1 The next meeting of the Investigating Committee would be on Thursday 14th September 2006 at 11:00am.