

THE HEALTH PROFESSIONS COUNCIL

Chief Executive and Registrar: Mr Marc Seale

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MINUTES of the eighteenth meeting of the Health Committee held at **11a.m. on Thursday 12 April 2007** at The Brit Oval, Kennington, London, SE11 5SS.

Professor T Hazell (Chairman)
 Mr M Davies
 Mr P Douglas
 Dr C Kenny
 Mrs J Pearce

IN ATTENDANCE:

Mr J Bracken, Parliamentary Agent, Bircham Dyson Bell
 Miss S Butcher, Secretary to Committees
 Miss K Johnson, Director of Fitness to Practise
 Mr J Lucarotti, Case Manager
 Mr M Seale, Chief Executive and Registrar
 Miss E Seall, Manager of Fitness to Practise

Item 1.07/01 WELCOME AND INTRODUCTION

1.1 The Chairman welcomed Mr Lucarotti and Mr Bracken to the meeting.

Item 2.07/02 APOLOGIES FOR ABSENCE

2.1 Apologies for absence were received from the following committee members; Mr O Altay, Mrs P Blackburn, Mrs S Drayton and Professor A Turner.

Item 3.07/03 APPROVAL OF AGENDA

3.1 The Health Committee approved the agenda.

Item 4.07/04 MINUTES OF THE HEALTH COMMITTEE MEETING HELD ON TUESDAY 16 JANUARY 2007

4.1 It was agreed that the minutes of the eighteenth meeting of the Health Committee be confirmed as a true record and signed by the Chairman.

Item 5.06/05 MATTERS ARISING/ACTIONS LIST

5.1 Item 9.4 – Matters Arising – Website Information

The Committee noted that Council had agreed the recommendation of the Conduct and Competence Committee that; i) hearing dates and the notice of allegation should be placed on the HPC website four weeks in advance of the hearing; and ii) all cases which did not comply with the above should be removed from the HPC website until four weeks before the date of the hearing.

5.2 Item 10.2 – Matters Arising – Standards of Conduct, Performance and Ethics

The Committee noted that Council had agreed the recommendation of the Conduct and Competence Committee to approve the revised standards of conduct, performance and ethics for consultation. A progress paper to note would be provided for the Committee at its meeting in September 2007.

Action: MG – 6 September 2007

Item 6.07/06 CHAIRMAN’S REPORT

- 6.1 The Chairman reported that he had sat on the final selection panel for providers of legal services to the HPC. The Committee noted that Kingsley Napley had been reappointed.

Item 7.07/07 DIRECTOR OF FITNESS TO PRACTISE REPORT

- 7.1 The Committee received the Director of Fitness to Practise Report.
- 7.2 The Committee noted that the management statistics were incorporated into the annual report for their information.
- 7.3 70 hearings had been fixed for hearing before September 2007. The Committee noted that the Director of Fitness to Practise sat on a CHRE working group on Common Datasets.

Item 8.07/08 FITNESS TO PRACTISE ANNUAL REPORT 2007

- 8.1 The Committee received a paper from the Director of Fitness to Practise for discussion/approval.
- 8.2 The Committee noted that the Communications department were responsible for the proofing of the document. The Chairman requested that if committee members had any grammatical or typographical errors to

email them to either the Director of Fitness to Practise or the Secretary to the Committee as soon as possible.

Action: The Committee as soon as possible

- 8.3 The Committee noted that it was a legislative requirement of the HPC to produce an annual report on its fitness to practise functions.
- 8.4 The Committee reviewed the section of the report about the Health Committee. The Committee noted that in the third paragraph where it stated that 'fitness to practise is impaired' should be clarified.

Action: KJ – 31 May 2007

- 8.5 A number of case studies had been incorporated into the report at the request of the ftp committees. The Committee acknowledged that these case studies were very helpful in highlighting scenarios whereby a registrant's fitness to practise can be called into question and in turn by drawing attention to them could potentially reduce the number of ftp cases heard. Such case studies could also be used as an educational tool by employers for example in the promotion of health professionals developing better record keeping skills.
- 8.6 The Committee agreed that it would be beneficial to promote communication between the HPC and the national directorate of HR Directors across NHS departments and government agencies. The annual report would be made available on the HPC website.
- 8.7 The Committee thanked the Director of Fitness to Practise for all of her hard work in the production of the ftp annual report and recommended the report for approval by Council at their meeting in May 2007.

Action: KJ – 31 May 2007

Item 9.07/09 FITNESS TO PRACTISE WORKPLAN

- 9.1 The Committee received a paper from the Director of Fitness to Practise for discussion/approval.
- 9.2 The Committee noted that the ftp workplan for 2007-8 would be provided for Council as a paper to note at their next meeting in May 2007 along with all of the other departmental workplans.
- 9.3 The Committee noted that it was the fitness to practise department's responsibility to manage its resources to best effect. The most significant financial cost to the department was in the provision of its legal services.

Reliance on external legal providers was to be reduced via the in-house training of employees within the ftp department. Case Managers would for example in the near future start to present Registration Appeals. Training was also in hand for ftp employees to start taking witness statements.

- 9.4 The Committee discussed the growth in the number of ftp cases. The number of registrants was increasing year on year by an average of 8,000 whilst an estimated 10,000 - 15,000 applied psychologists would gain entry to the register as of September 2007. The new ftp suite being developed and built in Stannary Street would assist in the number of cases which could be dealt with simultaneously. 4 extra hearing officers had also been budgeted for in the next year.
- 9.5 The Committee noted that Council reviewed on an ongoing basis the length of its ftp cases. It also discussed how many cases a case manager should be managing and the impact a high case load had on processing time.
- 9.6 The Committee was in agreement with the priorities, projects and principles outlined in the workplan and agreed to keep the document under review. The Committee was content that although there were a number of key aims and objectives for the coming financial year the workplan was achievable as many of the processes were already significantly underway and/or interlinked with each other.

Action: KJ - 31 May 2007

- 9.7 The Committee requested that the internal ftp auditors report was circulated to all members of the ftp committees via email for their information.

Action: SB as soon as possible

Item 10.07/10 DISPOSAL OF CASES BY CONSENT

- 10.1 The Committee received a paper from the Director of Fitness to Practise for discussion/approval.
- 10.2 The Committee noted that the way in which cases were dealt was currently under review. With an established ftp process two different types of cases had now been identified where it was possible to dispose of cases by consent. The use of consent orders would be appropriate in two kinds of ftp cases; where the registrant admits an allegation and proposes remedial action which accords with HPC's expected outcome in that case and where the registrant is subject to a suspension order or a long term

conditions of practice order and wishes to be removed from the register but cannot be because of the existence of that order.

- 10.3 The Committee noted that the use of consent orders may reduce the amount of time cases were in the system. The process would still require the panels to determine whether the case was one which was appropriate to dispose of via consent. The Committee also noted that the Council for Healthcare Regulatory Excellence (CHRE) was content with the proposal to dispose of cases by consent where appropriate.
- 10.3 The Committee agreed in principle to the following recommendations; that:
- i) a process be developed for disposing of cases brought before it, in appropriate circumstances, by consent, and
 - ii) an appropriate practice note and procedural forms be prepared for consideration by the Committee prior to the implementation of that process.

Action: KJ – 6 September 2007

Item 11.07/11 FITNESS TO PRACTISE HEARING LOCATIONS

- 11.1 The Committee received a paper from the Manager of Fitness to Practise for discussion/approval.
- 11.2 The Committee noted that the Order stated that the HPC had to hold its ftp hearings home country of the registrant. However, there were a number of scenarios whereby the decision was taken to hold meetings in other towns and cities other than London, Belfast, Edinburgh and Cardiff; when a number of witnesses are being called by HPC, where calling a number of witnesses who worked within the same department could cause disruption, where the witness(s) were elderly, vulnerable and or had parental responsibilities for young children. These decisions were taken on an ad hoc basis. Due to the increase in the number of final hearings a process was required to develop criteria for when a hearing should be held outside of Park House.
- 11.3 The Committee noted that 12 hearings had been held outside of London in the last year. The financial cost to the HPC had to be borne in mind but the paramount concern was to ensure that the ftp processes in place were sufficient enough to protect the public. The Committee established that it was to set clear and consistent guidance in this matter in liaison with the other ftp committees. Council would not be required to approve this guidance as it was a matter for the ftp committees to set the policies by which the ftp panels operated.

- 11.4 The Committee noted that a financial benefit was afforded by holding hearings simultaneously at other venues as well as at Park House. HPC would also be given good publicity by being seen to operate in venues other than Park House and demonstrate a flexible approach by going out to registrants and raising the awareness of HPC.
- 11.5 The Committee supported the proposal that there needed to be a set of firm criteria created which would be used when a decision was taken about whether to decide whether to hold hearings in other locations in England. A draft practice note would be presented at their next meeting in September 2007. In the meantime the department would continue to use their discretion when a decision was taken to hold hearings at venues outside London.

Action: ES – 6 September 2007

Item 12.07/12 FITNESS TO PRACTISE COMMITTEE JOINT ANNUAL MEETING

- 12.1 The Committee received a paper from the Secretary to the Committee for discussion/approval.
- 12.2 The Committee noted that at the FtP Chairmen and Deputy Chairmen meeting on 12 February 2007, it was recommended that the three FtP committees should consider how best they could organise their meetings in order to make the best use of members' time and HPC's resources.
- 12.3 The Committee considered this issue and agreed to recommend the following to Council:
- i) that each committee would continue to hold four meetings a year
 - ii) in April and September all 3 committees would meet on the same date. The day would start with a joint forum to discuss items of mutual interest which members of all the committees would be invited to attend. Following the completion of this forum, each committee would hold a separate committee meeting at which any recommendations from the forum could be considered and, if thought appropriate, ratified.
 - iii) all three committees would continue to meet separately, as per the current meeting calendar twice a year (in November and January).
- 12.4 The Committee noted that the forum would be an advisory body and would have no decision making powers. Therefore the current HPC

Practice Committee Constitution Rules would not have to be amended in order for the above recommendation to be implemented. Meetings of the forum would be held in public and notes of the meetings would be published on the HPC website.

- 12.5 The Committee noted that the creation of a single ftp committee with decision making powers would require legislative changes.

Action: SB – Monday 21 May 2007

Item 13.07/13 ANNUAL REVIEW OF ACTIONS TAKEN 11 JULY 2006 – 7 JULY 2007

- 13.1 The Committee received a paper from the Secretary to the Committee to note.
- 13.2 The Committee noted the paper for their information.

Item 14.07/14 RISK ASSESSMENT

- 14.1 The Committee received a paper from the Director of Fitness to Practise for information.
- 14.2 The Committee noted the paper for their information.

Item 15.07/15 ANY OTHER BUSINESS

- 15.1 There were no items of any other business.

Item 16.07/16 DATE AND TIME OF NEXT MEETING

- 16.1 The next meeting of the Health Committee will be held at 11:00am on Thursday 6 September 2007 at Park House, HPC. (*subject to amendment*)