
Council – 26 March 2009

HPC's non-statutory Fitness to Practise Committees

Executive summary and recommendations

Introduction

The recently published draft "Section 60" Order redefines the purpose of the three Health Professions Council (HPC) statutory Practice Committees, namely, Investigating, Conduct and Competence and Health, limiting their role to the conduct of fitness to practise (FTP) hearings. This paper therefore proposes that a single non-statutory Fitness to Practise Committee is established. The purpose of the Committee would be to set the HPC's Fitness to Practise strategy and policy and to ensure that it is then operationalised by the Executive and subsequently monitored by the Committee.

In addition, changes are proposed to the frequency and timing of committee meetings.

Section 60

The draft Health Care and Associated Professions (Miscellaneous Amendments and Practitioner Psychologists) Order 2009 was laid in Parliament on 5 March 2009. It proposes that the role of HPC's three Practice Committees, namely, Investigating, Conduct and Competence and Health, is limited to acting as FTP Tribunals. This policy will apply to all nine UK statutory regulators of healthcare professionals and reflects the Government's aim of facilitating the move towards regulators having less Practice Committees.

Purpose of Fitness to Practise non-statutory committee(s)

The new role of the three statutory Practice Committees means that they will not be involved in establishing the Health Professions Council's (HPC) Fitness to Practise strategy and policy or ensuring that it is then operationalised by the Executive and subsequently monitored by the Committee.

It is therefore proposed that one or more non-statutory Fitness to Practise Committee(s) is established by the HPC.

Number of Committees

There are four options. They are as follows:

- i No committee

Date	Ver.	Dept/Cmte	Doc Type	Title	Status	Int. Aud.
2009-03-16	a	CER	PPR	FTP Committees	Final	Public
					DD: None	RD: None

The strategic work formerly undertaken by the three committees would be undertaken by the Council. Of the four options, it would have the biggest impact on reducing costs.

This option is not recommended by the Executive as the importance and scale of work that needs to be undertaken would mean that Council agendas would become too long.

ii One committee

The recently established Fitness to Practise Forum, whereby the members of the three Practice Committees jointly meet to review common themes, has proved to be most successful. It has demonstrated that the majority of the issues faced by the three committees are shared. It also reduces duplication of work by the Executive and significantly speeds up decision making. It would also reduce operational costs.

It is therefore recommended by the Executive that one committee should be established.

iii Two committees

This option would assume that, at some point in the future, the Health Committee will be disbanded but the Investigating Committee and a new single Fitness to Practise Committee would be established. This option seeks to mirror that potential future arrangement by means of non-statutory committees. This option would have some advantages but less than the option of a single committee.

The Executive does not recommend this option.

iv Three committees

In this option the status quo would be maintained, in the sense that three non statutory committees would shadow the work of the three statutory committees. The disadvantage of this option is that the existing Health Committee has not enough work to do and often the agendas are very short. In addition, by continuing with three separate committees there would be the need for the Fitness to Practise Forum to continue to meet. It would also have no impact on costs.

The Executive does not recommend this option.

Establishing non-statutory committees

Article 3 (12) of the Health Professions Order 2001, states:

The Council-

- (a) May establish such other committees as it considers appropriate in connection with the discharge of its functions

The decision of establishing a single non-statutory committee is therefore that of the Council.

Frequency of meetings

It is proposed that the Committee meets a minimum of three times per year.

Timing of Meetings

The cancellation of the Fitness to Practise Forum and two thirds of the currently scheduled meetings of the three Practice Committees, dictates that the dates of the Committees will have to be revised. In addition, with the Council's membership being reduced from 27 to 20, the appointment process and the cessation of alternate members it is likely that the committee membership may also be different.

It is therefore proposed that on the three occasions that the Fitness to Practise Committee meet:

- Council meetings will start at 1.00 p.m. rather than at 10.30 a.m. as is the existing arrangement.
- The Fitness to Practise Committee takes place the following morning, starting at 9.30 a.m.

It is proposed that a revised Council and Committee schedule will be drafted and presented to the Council meeting on 20 May 2009 for consideration and approval.

It will also include an analysis of the cost implications in terms of financial and other resources.

Standing Orders

The draft Health Care and Associated Professions (Miscellaneous Amendments and Practitioner Psychologists) Order 2009 will require the HPC to extensively amend the Rules and Standing Orders of the Council and its statutory and non-statutory committees. These are being drafted by the Executive and will be presented to the Council for approval at the next meeting of the Council on 20 May 2009.

Decision

The Council is requested to:

- Establish a single non-statutory Fitness to Practise Committee.
- The new Committee will start to meet after the Section 60 is enacted.
- The Committee will meet a minimum of three times per year.
- Provide feedback on the timing and juxtaposition of the Council and the Fitness to Practise Committee meetings.

Background information

None

Resource implications

To be reviewed at 20 May Council meeting

Financial implications

To be reviewed at 20 May Council meeting

Appendices

None

Date of paper

16 March 2009