
UNCONFIRMED

The Health Professions Council

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MINUTES of the twenty-eighth meeting of the Conduct and Competence Committee held **on Thursday 19 February 2009** at Park House, 184 Kennington Park Road, London, SE11 4BU.

Present

Mr Keith Ross (Chair)
Mrs Mary Clark-Glass

Ms Helen Davis
Professor Carol Lloyd

In attendance:

Mr R Brown, Lead Case Manager
Miss K Johnson, Director of Fitness to Practise
Mr S Rayner, Secretary to Committees
Mr J Anwar, Team Administrator

Item 1.09/01 Apologies for absence

- 1.1 Apologies were received from Mr J Donaghy, Mr D Proctor and Miss P Sabine.

Item 2.09/02 Approval of agenda

- 2.1 The Committee approved the agenda.

Item 3.09/03 Declaration of interest

- 3.1 The Committee declared no personal interest in the agenda items.

Item 4.09/04 Minutes of the meetings of 17 September 2008

- 4.1 It was agreed the minutes of the twenty-seventh meeting of the Committee should be confirmed as a true record and signed by the Chairman.
- 4.2 It was agreed the minutes of the private part of the twenty-seventh meeting of the Committee should be confirmed as a true record and signed by the Chairman.

Item 5.09/05 Matters arising

- 5.1 The Committee received a paper from the Executive for discussion and approval detailing actions taken against matters arising from the last meeting.
- 5.2 The Committee noted that the outcome to action point four, relating to the handling and purchase of religious books, should be changed from 'Ongoing' to 'Complete but under review'.
- 5.3 The Committee approved the paper, subject to the above amendment.

Item 6.09/06 Director of Fitness to Practise report

- 6.1 The Committee received a paper to note from the Executive giving an overview of the work of the Fitness to Practise (FtP) Department.
- 6.2 The Director of FtP updated the Committee on events since the report had been written.
- 6.3 The Committee noted that 14 cases had been adjourned during January. The Committee noted that the department planned to undertake an analysis of the reasons for adjournments.
- 6.5 The Committee noted that a case had been heard after a determination by NMC. The registrant had been a member of both registers. This was the first time that a case had been brought to HPC as a result of a determination by another UK health regulator.
- 6.6 The Committee noted that the appeal dismissed by the High Court in October 2008 had been referred to the Court of Appeal. This was the first time HPC had had a case referred to this body. The case referred to the High Court by CHRE had been listed for hearing in March.
- 6.7 The Committee noted that 11 registrants had been struck off in line with the provisions of Article 30 of the Health Professions Order 2001
- 6.8 The Committee noted that the FtP Department had taken on temporary employees to help deal with the high volume of cases in January. The rise in caseload over January was consistent with last year.

- 6.9 The Committee noted that the average time for hearings was consistent with the level of September 2008, and that this figure was also affected by the high level of adjournments.
- 6.10 The Committee noted that the significant saving being made by training HPC Case Managers to present FtP cases in place of externally hired lawyers should be specifically outlined in the FtP Annual Report.
- 6.11 The Committee noted that the report was a comprehensive analysis of FtP case work. It was the Committees view that much was being done by the FtP Department to reduce workload and to streamline processes.

Item 7.09/07 Fitness to Practise Department workplan 2009-2010

- 7.1 The Committee received a paper from the Executive for discussion and approval setting out the Fitness to Practise (FtP) Department workplan for the coming year. The workplan set out the resources, responsibilities and priorities for the financial year 2009-2010. The Committee were invited to discuss and approve the workplan.
- 7.2 The Committee noted that the workplan reflected not only the work of the FtP Department in relation to the FtP Committees but also those areas of its work where oversight was the responsibility of ETC and Council.
- 7.3 The Committee noted that the areas of work likely to have the biggest impact to the work of the department would be the transfer of new professions, High Court appeals and the development of an integrated case management system.
- 7.4 The Committee noted the FtP Department objectives, and that they were broadly the same as last year.
- 7.5 The Committee noted that work was being done across the field of Health regulation to produce summaries of FtP decisions in the High Court. It was noted that a large part of this work will duplication and that the regulators would benefit from more cooperation.
- 7.6 The Committee requested that, under the 'Effective Management of Resources' objective; point 3 should read "monitor budgetary controls" rather than "ensure budgetary controls". This more effectively conveys the point that the controls are already in place.

- 7.7 The Committee agreed that an overall strategic purpose for the FtP department would be a useful addition to the first page of the workplan to give an overarching context for the document.
- 7.8 The Committee requested that work to train new Committee members to deliver their responsibilities should be added to the workplan.
- 7.9 The Committee noted that the constitution and role of FtP Committees was likely to change shortly after the reconstructed Council took office.
- 7.10 The Committee noted the FtP forecasting model attached as Appendix Two to the report. The Committee noted that the model displayed very clearly that the Director of FtP had accurate forecasting and planning processes.
- 7.11 The Committee approved the workplan subject to the changes detailed in paragraphs 7.6-8

ACTION: **Director of FtP** to submit paper on the impact of legislative changes on the FtP process to the April meeting of the FtP Forum.

ACTION: **Director of FtP** to make changes to the workplan as detailed in paragraphs 7.6-8

Item 8.09/08 Fitness to Practise Department workplan 2008-2009 update

- 8.1 The Committee received document from the Executive as an appendix to the paper on the FtP workplan 2009-2010 detailing progress made against the workplan cleared in February 2008. The Committee were invited to note the progress made against the 2008-2009 workplan.
- 8.2 The Committee noted the progress made against the FtP workplan 2008-2009.
- 8.3 The Committee requested that an update to the workplan should be submitted to the Committee on an ongoing basis.

ACTION: **Director of FtP** to submit workplan updates to the Committee on an ongoing basis

Item 9.09/09 External review of complaints literature

- 9.1 The Committee received a paper to note from the Executive outlining the review of complaints literature originally considered by the FtP forum on 17 September 2008. The paper had been

resubmitted after a request at the last meeting that the Committee have more time to discuss it.

- 9.2 The Director of FtP highlighted the objective to 'ensure accessibility and improve communication and information provision' which including the development of work on complainants. This included research on consumer complaints with Policy and Standards.
- 9.3 The Committee noted that the department was commissioning statisticians to establish the statistical significance of data collected by HPC. The research would be submitted to a future meeting of the Committee.
- 9.4 The Committee noted that it would be useful to have data on the relationship between the nature of complaint and the outcomes those cases. It would be useful to see a profession specific breakdown of these figures. This would be addressed in the Fitness to practice annual report
- 9.5 The Committee noted that work was being done to review the sifting tools available for the management of allegations. A report would be submitted to a future meeting of the Investigating Committee.
- 9.6 The committee noted that a review was being undertaken of the Indicative Sanctions practice note.
- 9.7 The Committee noted that a potential source for investigating barriers to complaints would be the bi-annual opinion polling commissioned by the Communications Department.

ACTION: Director of FtP to discuss with Director of Communications.

Item 10.09/10 Feedback from FtP hearings

- 10.1 The Committee received a paper to note from the Executive introducing feedback data from Chairs and Legal assessors. The paper was originally considered by the forum of 17 September 2008. The paper had been resubmitted after a request at the last meeting that the Committee have more time to discuss it.
- 10.2 The Committee noted that feedback collected since September indicated roughly similar results.
- 10.3 The Committee noted the feedback.

Item 11.09/11 Any other business

- 11.1 The was no further business

Item 12.09/12 Date and time of next meeting

12.1 The next meeting of the Committee would be held at Park House following the FtP Forum on Friday 24 April 2009.

Item 13.09/13 Any other business (private)

13.1 The Committee hereby resolved to hold the remainder of the meeting in private, because the matters to be discussed included:

- (i) information relating to a registrant, former registrant or application for registration; and
- (ii) an issue relating to legal proceedings which was being contemplated or instituted by or against the Council.

Chair

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Date

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MINUTES of the private part of the twenty-eighth meeting of the Conduct and Competence Committee held **on Thursday 19 February 2009** at Park House, 184 Kennington Park Road, London, SE11 4BU.

Present

Mr Keith Ross (Chair)

Mrs Mary Clark-Glass

Ms Helen Davis

Professor Carol Lloyd

In attendance:

Mr R Brown, Lead Case Manager

Miss K Johnson, Director of Fitness to Practise

Mr S Rayner, Secretary to Committees

Item 14.09/14 Apologies for absence

- 14.1 Apologies were received from Mr J Donaghy, Mr D Proctor and Miss P Sabine.

Item 15.09/15 Approval of agenda

- 15.1 The Committee approved the agenda.

Item 16.09/16 Declaration of interest

- 16.1 The Committee declared no personal interest in the agenda items.

Item 17.09/17 Update on Court of Administration case

- 17.1 The Committee received a paper from the Executive to note outlining the decision made in respect of an HPC registrant in the Court of Administration in December 2008.

- 17.2 The Committee noted that the decision of the Court would contribute to case law.

Item 18.09/18 Any other business

18.1 The Director of FtP updated the Committee on the other High Court cases involving HPC.

Chair

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2009-02-23	a	SEC	MIN	FTP notes	Final DD: None	Internal RD: None