

DELEGATED AUTHORITY – Demands for Information

Introduction

The Health Professions Council and its Practice Committees have the power to order persons to provide information, produce documents and to appear at hearings. Failure to comply with such an order is a criminal offence.

Certain public bodies, such as police forces, are reluctant to assist HPC by providing information unless we are able to show that the information is being “demanded” under a statutory power and thus the disclosing body is protected by the fact that they have been compelled by law to provide the information.

Article 25(1) of the 2001 Order enables the Committee to appoint “authorised persons” to demand information which will assist the Committee in the discharge of its fitness to practise functions. The Conduct and Competence Committee, Investigating Committee and Council have agreed *That the Director of Fitness to Practise and all persons appointed as HPC Case Managers be appointed by the Committee as authorised persons for the purposes of Article 25(1) of the Health Professions Order 2001*. However, the Health Committee is also required to appoint the Director of Fitness to Practise and persons appointed as HPC Case Managers as authorised persons under Article 25(1) of the 2001 Order.

Decision

Item for Information

The Committee is asked to agree the following

That the Director of Fitness to Practise all persons appointed as HPC Case Managers be appointed by the Council as authorised persons for the purposes of Article 25(1)

Background information

Article 25(1) of the Health Professions Order 2001¹ (the 2001 Order) provides that, for the purpose of assisting them in carrying out their functions in respect of fitness to practise, a person authorised by the Council’s Practice Committees may require any person who is able to supply information or produce any document which appears relevant to the discharge of any such function, to supply that information or produce that document to them.

In addition, Article 32(2)(m) of the 2001 Order provides that the Practice Committees’ Rules may empower the Committees to require persons to attend and give evidence at hearings or to produce documents at hearings. Each of the Committees’ Rules² contain such powers.

Further, Article 37(5)(i) of the 2001 Order provides that the rules which apply to the Council when it is considering registration appeals may require persons to attend and give evidence at

¹ SI 2002/254

² Rules 10(3) and 13(6), Health Professions Council (Conduct and Competence Committee) (Procedure) Rules 2003 (SI 2003/1575); Rules 10(3) and 13(6), Health Professions Council (Health Committee) (Procedure) Rules 2003 (SI 2003/1576); Rule 6(8) Health Professions Council (Investigating Committee) (Procedure) Rules 2003 (SI 2003/1574)

appeal hearings or to produce documents at such hearings. The Council's Registration Appeal Rules³ contain such powers.

Failure to comply

Article 39(5) of the 2001 Order provides that a person who, without reasonable excuse, fails to comply with any requirement imposed by the Council or a Practice Committee under Article 25(1) or (2), or under rules made by virtue of Article 32(2)(m) (or any corresponding rule), is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale (currently £5,000).

Resource implications

None

Financial implications

None

Background papers

Practice Note

Appendices

None

³ Rule 15(4) Health Professions Council (Registration Appeals) Rules 2003 (SI2003/1579)

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