

**Health Professions Council
Fitness to Practise Committees**

Fitness to Practise Hearing Venues

Executive Summary and Recommendations

Introduction

This paper asks the Committee to discuss the circumstances in which the decision should be taken hold a hearing away from Park House, and in particular away from London.

The process for making such a decision has, to date been ad hoc. This has operated effectively with the number of cases that the department has been dealing with, and the relatively small team the has been administering the process. As the team is growing and the number of cases that are considered at a final hearing is increasing, it is felt that it is necessary to develop criteria for when a hearing should be held outside of Park House.

Article 22(7) of the Health Professions Order 2001 states that:

“Hearings and preliminary meetings of the Practice Committees at which the person concerned is entitled to be present or to be represented are to be held in –
(a) the United Kingdom country in which the registered address of the person concerned is situated; or
(b) if he is not registered and resides in the United Kingdom, in the country in which he resides; and
(c) in any other case in England.”

Therefore, where a person resides in Scotland, for example, the hearing must take place in that country. As HPC must bear the expense of travel and the external venue in any event, in these cases we are able to hold the hearing in the most appropriate part of the country taking into account the address of the registrant and the location of any witnesses.

When the registrant’s registered address is in England, hearings generally take place in London. However, in some circumstances we travel to other towns and cities. A decision to hold the hearing in a location other than London is usually taken administratively within the fitness to practise department. We have held hearings in locations such as Bristol, Chester, Wolverhampton, Reading and Peterborough among others. The particular circumstances of a case are weighed against the cost implications of travelling outside of London. The types of cases where this decision has been made include:

- where there are a number of witnesses being called by HPC;
- where calling a number of witnesses who work within the same department may cause disruption ;
- where the witness(s) are elderly;
- where the witness(s) are vulnerable or are particularly nervous; and
- where the registrant has parental responsibility for young children

There has been one instance where an agreement could not be reached between HPC and the registrant and a preliminary meeting was held to resolve the matter with directions from the panel. This raised the issue that there were no formal guidelines as to when a hearing would be held in another part of England.

In order to ensure consistency in this area, we are asking for direction from the Committee as to the criteria that should be used when taking a decision about hearing venue

Decision

The Committee is asked to discuss the proposed criteria and consider whether such criteria are appropriate.

Proposed criteria

- the registrant is the sole carer for an elderly or disabled relative;
- the registrant has sole parental responsibility for young children;
- there are more than 8(?) witnesses;
- a number of witnesses work within the same department may cause disruption to the service provided to service users;
- the witness(s) are elderly;
- the witness(s) are vulnerable.

This is not an exhaustive list but is intended to assist registrants and the FTP department.

Background information

In 2005-2006 10 hearings were held in England at venues other than Park House. In 2006-2007 12 hearings were held at venues other than Park House.

Of all the UK regulators it appears that HPC is the most flexible when fixing hearings away from London. The GCC, GDC, GOC, GOsC and the RPSGB generally only hold hearings in London. The NMC mostly hold their hearings in London or the home country of the registrant, and the GMC only hold their hearings in their London or Manchester venues.

Resource implications

When a hearing is held outside of London this can impact on the staffing levels within the department as it requires a hearings officer to be away from the office for a greater period of time due to the travel that is required. Lieu time is also offered where an overnight stay is required or the employee arrives home late in the evening.

Financial implications

The average cost of hearing held away from Park House is approximately £1000 per day, plus the travelling costs, accommodation and expenses for the hearings officer and solicitor representing HPC.

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