

Fitness to Practise Forum: 12 September 2007

Paper title: Fitness to Practise Hearing Locations

Executive summary and recommendations

Introduction

At their meetings in April 2007, the Investigating, Health and Conduct and Competence Committee(s) agreed in principal that a practice note should be produced to provide guidance to panels regarding decisions about the location of hearings.

Decision

The Forum is asked to discuss the attached practice note and recommend that the Investigating, Health and Conduct and Competence Committee approve the practice note and forms.

Background information

Please see paper previously provided to the Health and Conduct and Competence Committee in April 2007.

Resource implications

Please see previous paper.

Financial implications

Please see previous paper.

Appendices

Practice note and forms.

Date of paper

29 August 2007

PRACTICE NOTE

Hearing Locations

This Practice Note has been issued jointly by the HPC Practice Committees for the guidance of Panels and to assist those appearing before them.

Introduction

Article 22(7) of the Health Professions Order 2001 provides 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.”*

The Panel have discretion regarding where the hearing is held within the home country of the registrant concerned. As a matter of policy, fitness to practise hearings are not only held in Belfast, Cardiff, Edinburgh and London but also in other towns and cities across the UK. HPC has a flexible approach to hearing locations and aims to accommodate the needs of those who must attend fitness to practise hearings, whilst balancing the financial and resource implications this has.

Procedure

The FTP Department will seek to agree where a hearing is held, in consultation with the registrant concerned and other parties such as witnesses.

However, where agreement cannot be reached, a preliminary hearing will be held at which a Panel will make an order concerning the venue of the hearing (see Practice Note - Preliminary Hearings).

The Panel will consider the following factors when asked to provide directions regarding the venue of a hearing:

- The personal circumstances of the registrant concerned, for example, where the registrant is the carer of elderly relatives or young children.
- The needs of witnesses, particularly where vulnerable witness orders have been made or witnesses are elderly.

- The effect the location of the hearing may have on the quality of evidence given by witnesses at the hearing.
- The number of witnesses and their locations. Including the financial implications of witness travel and the impact the hearing may have on services provided by the witnesses.
- The financial implications to both HPC and the registrant concerned. Including whether in the opinion of the Panel, a decision in favour of HPC would cause undue hardship to the registrant concerned.

This is not an exhaustive list of factors to be considered, but is intended to act as guidance to the Panel on the factors that are considered important in reaching such a decision.

September 2007