

HEALTH PROFESSIONS COUNCIL

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CONDUCT & COMPETENCE COMMITTEE

MINUTES of a meeting of the Conduct and Competence Committee held at 11.00am on Tuesday 27 April 2004 at Park House, 184 Kennington Park Road, London SE11 4BU.

Present: Dr A Yule (*Chairman*)
Mr R Clegg
Ms H Davis
Dr R Jones
Mr K Ross
Miss P M Sabine
Mr G Sutehall

In attendance: Mr G L Milch (*Committee Secretary*)

1.04/21 Apologies for Absence

- 1.1 Apologies were received from Dr Beastall, Professor Lloyd, Ms Manning, Mrs Stuart and Mr Seale.

2.04/22 Approval of Agenda

- 2.1 It was agreed that the agenda be approved.

3.04/23 Minutes of the Meeting held on 23 March 2004

- 3.1 It was agreed that the minutes be confirmed as a true record and signed by the Chairman.

4.04/24 Matters Arising from the Minutes

- 4.1 Standing Items
It was agreed that all future agendas should include a standing item on legal assessor reports which would allow the Committee an opportunity of seeing any that had arrived since the previous meeting. It was confirmed that no new reports had been received in the past month since the Committee had last met.

Action: GLM

4.2 Agenda Items

There was concern that the Committee had not had the opportunity to consider and comment on matters relevant to the Committee's work before they had been submitted to Council for deliberation. This had resulted in several items appearing on the previous meeting's agenda which had already been considered by Council.

5.04/25 Performance Indicators - Questions

5.1 The Committee considered six questions that had arisen from consideration of the draft Performance Indicators which had been presented to Council.

a. How to ensure that panel members are properly conversant with the procedures that should be followed

The Committee considered that there was a presumption that anyone who was invited to be a panel member had been trained and that panels were properly constituted.

b. How to dispense with the services of panel members who demonstrate a lack of knowledge of the procedures

The Committee considered that where panel members had any concerns about colleagues, the panel chairman could make a report to the Fitness to Practise Department (as could be done about any aspect which caused dissatisfaction). There was discussion about whether the Department's officers had a role in ensuring that unsatisfactory panel members were not used or used less often. The issues of peer review, implementing feedback to individuals about their participation and the use of independent assessors were touched upon. It was agreed that there should be an agenda item on the number of partners trained and used to date.

Action: GLM/LAB/KJ

c. How to ensure that Panel Chairmen are fully conversant with all aspects of their role

The Committee considered that this could only be done through training and practice. Committee members who had chaired panels had found that the 'crib sheet' provided had been most helpful but greater experience would give greater confidence.

d. How to ensure that equity and fairness are employed at all hearings

The Committee considered that the legal assessors' reports would indicate whether or not equity and fairness had been employed. It was to be hoped that all such reports would be positive in this respect.

e. How to ensure that the reputation of the HPC as a regulator is enhanced through proper application of legal procedures

The Committee considered that, in the light of the information about hearings and their outcomes posted on the HPC's website, together with a lack of any intervention by the Council for the Regulation of Healthcare Practitioners (CHRP) or any appeals to the courts, it would indicate that the legal procedures instituted by the Council were working properly.

f. How to ensure that all matters are dealt with expeditiously

The Committee considered that the reports received would comment on whether the case had been dealt with expeditiously.

- 5.2 The Committee discussed the possibility of discovering what procedures other regulators might be using in the desire to ensure that the HPC was getting it all right and to be a benchmark for correct procedures within the terms of the Health Professions Order.

6.04/26 Fitness to Practise Flow Chart

- 6.1 The Committee agreed that what they had wanted to have sight of was the Gantt chart showing how all the Council's fitness to practise actions flowed from one to the other rather than the simplified later version.

Action: GLM/GR-S

7.04/27 Fitness to Practise Activity

- 7.1 The Committee considered the data available. It was reported that there could be no precision in stating how quickly any case might take to be heard through each stage because of the number of variables. In some instances the registrant might be facing parallel procedures instituted by their employer; adjournments might be sought etc.. The Committee was concerned to know how many cases had moved from an interim hearing to a full hearing.

- 7.2 It was agreed to show the tables of information in A3 size format for ease of reading the detail.

Action: LAB

8.04/28 Any Other Business

- 8.1 **Employability of Suspended Registrants**
There was concern about the possibility of an employer – for example an NHS Trust – alleging that a registrant had committed an offence, no investigation being undertaken, an interim suspension order resulting, the registrant thereby losing registration temporarily and therefore ceasing to be employable in that professional capacity and thus being dismissed and losing all income.

- 8.2 The Committee considered that this sort of case might have to be dealt with by an industrial tribunal and in the extreme by the European Court. In the first instance, however, there would have to be some evidence to support the allegation.

- 8.3 The Committee discussed whether the HPC might request the Department of Health to issue appropriate guidance to Trusts. It was suggested that the Council's legal adviser be requested to frame some guidelines.

Action: GLM

9.04/29 Date of Next Meeting

9.1 The Committee noted that the dates of meetings for the coming year would be as follows

22 June 2004
12 October 2004
16 November 2004
15 February 2005

All meetings to commence at 11.00am.

9.2 The Chairman informed the Committee that he would be unable to attend the next meeting.

CHAIRMAN