

CONFIRMED

The Health Professions Council

Chief Executive and Registrar: Mr Marc Seale

Park House

184 Kennington Park Road

London SE11 4BU

Telephone: +44 (0)20 7840 9875

Fax: +44 (0)20 7840 9807

E-mail: steve.rayner@hpc-uk.org

MINUTES of the twenty-ninth meeting of the Conduct and Competence Committee held **on Friday 24 April 2009** at Park House, 184 Kennington Park Road, London, SE11 4BU.

Present

Mr Keith Ross (Chair)

Ms Helen Davis

Mr J Donaghy

In attendance

Miss K Johnson, Director of Fitness to Practise

Mr S Rayner, Secretary to Committees

Mr P Robson, Lead Case Manager

Item 1.09/19 Chair's Welcome and introduction

- 1.1 The Chair welcomed the members to the final meeting of the Committee.

Item 2.09/20 Apologies for absence

- 2.1 Apologies were received from Mrs Mary Clark-Glass, Professor Carol Lloyd, Mr D Proctor and Miss P Sabine.

Item 3.09/21 Approval of agenda

- 3.1 The Committee received a paper from the Executive enclosing the recommendations of the FtP Forum which had taken place in the morning of Friday 24 April 2009. The paper enclosed recommendations relating to Items 9-13 of the Committee agenda, and is attached as annexe A.
- 3.2 Mrs Clark-Glass was unable to attend the meeting, but had submitted her approval to the recommendations given to the Committee by the Forum. Mrs Clark-Glass submitted her approval of the decisions made by the Committee to the Secretariat on Friday 8 May 2009.

Item 4.09/22 Declaration of interest

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

Item 5.09/23 Minutes of the meeting of 19 February 2009

- 5.1 It was agreed the minutes of the twenty-eighth meeting of the Committee should be confirmed as a true record and signed by the Chairman.

Item 6.09/24 Annual review of action points

- 6.1 The Committee received a paper from the Executive for discussion and approval detailing actions taken in relation to matters arising from Committee meetings between April 2008 and April 2009.
- 6.2 The Committee noted the actions taken.

Item 7.09/25 Chairs report

- 7.1 The Chair had nothing to report

Item 8.09/26 Director of Fitness to Practise report

- 8.1 The Committee received a paper to note from the Executive giving an overview of the work of the Fitness to Practise (FtP) Department.
- 8.2 The Committee noted the report.

Item 9.09/27 Fitness to Practise annual report 2009

- 9.1 The Committee received a paper for consideration from the Executive recommending that it approve the FtP annual report 2009, which was also submitted as an appendix.
- 9.2 The Committee received a recommendation from the Forum that it approve the FtP annual report 2009 (subject to editorial changes and the addition of minuted comments from the Forum of 24 April 2009).
- 9.3 The Committee approved the Forum's recommendation.

Action: Director of FtP to submit report to Council - July 2009

Item 10.09/28 New practice notes

10.1 The Committee received a paper for discussion and approval from the Executive introducing a number of new practice notes. The practice notes had been produced as part of the departmental work plan for the guidance of Panels and to assist those appearing before them.

10.2 The Committee received recommendations from the Forum in relation to each individual practice note which are detailed below.

10.3 Disclosure

10.3.1 This practice note provided on the disclosure of material evidence.

10.3.2 The Committee received a recommendation from the Forum that it approve the practice note.

10.3.3 The Committee approved the practice note.

10.4 Finding the fitness to practise is impaired

10.4.1 This practice note provided guidance for Panels on finding a registrant's fitness to practise is impaired.

10.4.2 The Committee received a recommendation from the Forum that it approve the practice note.

10.4.3 The Committee approved the practice note.

10.5 Conducting hearings in private

10.5.1 This practice note provided guidance on the circumstances under which hearings may be held in private.

10.5.2 The Committee received a recommendation from the Forum that it approve the practice note.

10.5.3 The Committee approved the practice note.

10.6 Joinder

10.6.1 This practice note provided guidance on the procedure to be adopted when two or more allegations should be heard together and in determining whether allegations against two or more registrants should be heard together.

10.6.2 The Committee received a recommendation from the Forum that it approve the practice note.

10.6.3 The Committee approved the practice note.

10.7 Postponement and adjournment of proceedings

10.7.1 This practice note provided guidance on the circumstances under which hearings may be postponed or adjourned.

10.7.2 The Committee was also asked to agree that discretionary authority to postpone the hearing of any allegation by the Committee be delegated to the Hearings Manager (or a person nominated by the Hearings Manager) provided that any application for such a postponement is made by one of the parties not less than 14 days before the date on which the hearing of the allegation is due to first commence.

10.7.3 The Committee received a recommendation from the Forum that it;

a) approve the practice note; and

b) agree to delegate discretionary authority to the Hearings Manager under as detailed above.

10.7.4 The Committee approved the practice note and to the delegation of authority as detailed above.

10.8 Proceedings in the absence of the registrant

10.8.1 This practice provided guidance on whether to proceed with a hearing in the absence of the registrant.

10.8.2 The Committee received a recommendation from the Forum that it approve the practice note.

10.8.3 The Committee approved the practice note.

10.9 Unrepresented parties

10.9.1 The practice note provided guidance on the steps Panels should adopt when a registrant is unrepresented at a hearing.

10.9.2 The Committee received a recommendation from the Forum that it approve the practice note subject to the addition of wording to the effect that the Chair may invite the legal assessor to explain the process to the registrant.

10.9.3 The Committee approved the practice note subject to the above amendment.

Action: Director of FtP to begin use of practice notes – May 2009

Item 11.09/29 Practice Notes: updates to terminology

11.1 The Committee received a paper for discussion and approval from the Executive introducing minor changes to a number of practice notes. As part of the FtP workplan the Executive had reviewed the following practice notes and proposed changes to ensure that they reflect current regulatory best practice, including making the gender neutral:

- Case to answer practice note
- Disposal of cases by consent
- Cross examination in cases of a sexual nature
- Equal treatment
- Preliminary hearings
- Use of Welsh in FtP hearings

11.2 The Committee received recommendations from the Forum that it approve the above practice notes.

11.3 The Committee approved the practice notes.

11.4 Interim orders

11.4.1 The Committee approved changes to the Interim Orders practice note subject to;

a) clarification in the note of appropriate time periods for interim orders; and

b) the addition of wording to the effect that the Chair may invite the legal assessor to explain the process to the registrant.

Action: Director of FtP to begin use of practice updated notes – May 2009

Item 12.09/30 Practice notes: fit for purpose

12.1 The Committee received a paper for discussion and approval from the Executive introducing changes to a number of practice notes. As part of the FtP workplan the Executive had reviewed the following practice notes and proposed changes to ensure that they reflect current terminology.

12.2 Assessors and expert witnesses

12.2.1 The practice note had been amended to incorporate a requirement statement of truth, which was set out as an annex to the practice note.

12.2.2 The Committee received a recommendation from the Forum that it approve the practice note subject to clarification in the note on the stages at which a medical assessor may be appointed.

12.2.3 The Committee approved the recommendations of the Forum as above.

12.3 Requiring the production of information and documents and summoning witnesses

12.3.1 The practice note had been amended to provide further guidance on the production of information.

12.3.2 The Committee received a recommendation from the Forum that it approve the practice note.

12.3.3 The Committee approved the practice note.

12.4 Mediation

12.4.1 The practice note had been amended to include guidance on suitable cases under which mediation may be appropriate.

12.4.2 The Committee received a recommendation from the Forum that it approve the practice note.

12.4.3 The Committee approved the practice note.

12.5 Restoration to the register

12.4.1 The practice note had been amended to include guidance on cases in which Panels may grant a conditional restoration to the register.

12.4.2 The Committee received a recommendation from the Forum that it approve the practice note subject to an amendment to the first bullet point to the effect that the registrant should achieve specific outcomes through education and training.

12.4.3 The Committee approved the recommendations of the Forum as above.

Action: Director of FtP to begin use of practice updated notes – May 2009

Item 13.09/31 Any other business

13.1 There was no further business

Item 14.09/32 Date and time of the next meeting

14.1 This was the final meeting of the Conduct and Competence Committee. The next meeting of Fitness to Practise Policy Committee would take place on Thursday 22 October 2009.

Date	Ver.	Dept/Cmte	Doc Type	Title	Status	Int. Aud.
2009-02-23	a	SEC	MIN	FTP notes	Final DD: None	Internal RD: None