

MINUTES of the fifth meeting of the Investigating Implementation Working Party held at 11.00 a.m. on Thursday, 9th May 2002 in Meeting Room 1, Park House, 184 Kennington Park Road, London SE11 4BU.

Present: Mr.N.Willis (Chairman)
Mr.M.Barham
Mr.M.Collins
Ms.C.Farrell
Mr.P.Frowen
Mr.C.Lea
Mrs.J.Pearce

In attendance: Mrs.L.A.Barnes (Working Party Secretary)
Mr.G.Ross-Sampson
Mr.M.Seale (Chief Executive & Registrar)
Mr.S.Hill (Newchurch)
Mr.J.Bracken (Bircham Dyson Bell)

Item 1. 02/25 APOLOGIES FOR ABSENCE

Received from Miss G.Pearson, Mr.W.Munro, Miss M.Mackellar and Mr.T.Berrie.

Item 2. 02/26 MINUTES

The minutes of the meeting held on 10th April 2002 were approved and signed by the Chairman.

Item 3. 02/27 MATTERS ARISING FROM THE MINUTES

27.1 Statutory Declarations

Mr.Seale reported that a paper had been prepared for discussion at the next Council meeting on 14th May 2002. The suggestion was to drop the use of statutory declarations as they were seen to be a barrier to members of the public being able to make a complaint and their use would not fit in with the HPC being seen as an open and transparent organisation. It was noted that statutory declarations were not used by other regulatory bodies. Mr.Bracken stated that statutory declarations were not intended as a protective measure for the complainant.

Item 4. 02/28 SCREENERS

28.1 It was **AGREED** that a procedure for screeners would need to be set up and job specifications would need to be devised. It

was noted that only practice committees and not screeners, would have the power to refer a case for mediation.

Item 5. 02/29 MEDIATION

- 29.1 It was noted that mediation would have to be considered as an option in every case and if believed to be the right option in a particular case, the consent of both parties (complainant and complaine) would be required in order to proceed.
- 29.2 Mediators would need to be trained in order to act effectively.
- 29.3 It was **AGREED** that mediators would need to be completely separate from screeners.
- 29.4 It was noted that if mediation were to fail and the case was referred back to the Investigating Committee, the Investigating Committee must not be aware of the reasons for the failure.
- 29.5 Mediation would have to be at the discretion of the Investigating Committee.
- 29.6 It was noted that Newchurch had held discussions with the GMC about mediation and a report was awaited.

Item 6. 02/30 DRAFT INVESTIGATING COMMITTEE RULES

- 30.1 Mr.Bracken reported that the draft rules (and draft rules for screeners) did not take account of Human Rights legislation. He would redraft both sets of rules adapting them to suit the Order in Council, keeping them as simple as possible and to allow as much flexibility as possible in order to avoid the need for Privy Council agreement to changes in the future. It was expected that the redrafting would take about one week to complete.

Item 7. 02/31 COUNCIL PROCESSES

- 31.1 Mr.Ross-Sampson presented the final draft of the Council processes flow chart. There were no significant changes and the draft would be forwarded to the lawyers for their input. It was noted that two other regulatory bodies had expressed an interest in this flowchart.

Item 8. 02/32 ANY OTHER BUSINESS

- 32.1 Newchurch (draft Consultation Document)
 - 32.1.1. Mr.Hill presented the draft consultation document for discussion and some amendments were considered. It was intended that the document should meet the concerns of the public and professions alike.

Item 9. 02/33 DATE OF NEXT MEETING

33.1 The next meeting would be on Tuesday, 11th June 2002 at 11.00 a.m.

CHAIRMAN