

## UNCONFIRMED

**MINUTES** of the second meeting of the Investigating Committee held at 11.00 a.m. on Thursday, 31<sup>st</sup> July 2003 at The Evangelical Alliance, Whitefield House, 186 Kennington Park Road, London, SE11 4BU.

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

In attendance: Mrs.L.A.Barnes – Director (Committee Secretary)  
Mr.M.Seale (Chief Executive & Registrar)  
Mr.S.Hill (Newchurch)

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### **1. APOLOGIES FOR ABSENCE**

1.1 Apologies were received from Mrs.G.Pearson, Mr.M.Collins and Mr.W.Munro.

### **2. MINUTES**

2.1 The minutes of the meeting held on 8<sup>th</sup> May 2003 were approved and signed by the Chairman.

### **3. APPROVAL OF AGENDA**

3.1 The agenda was approved.

### **4. MATTERS ARISING FROM THE MINUTES**

#### **4.1 Item 5(4.2) – Mediation**

4.1.1 It was reported that a meeting had taken place to consider the options for mediation. (Notes of the meeting were being prepared by Cathy Savage). It was decided at that meeting to recruit (on standby) five screener/mediators who should have a qualification and experience in mediation. The three companies who had already provided information, i.e. CEDR (Centre for Dispute Resolution), ADR (Association for Dispute Resolution) and Mediation UK, would be asked to tender for elements it was felt they could be most usefully employed for, e.g. to train and carry out awareness training for the

practice committees and in the process of that training, aim to set criteria for those cases which may be likely to go to mediation.

This would be set up as a pilot scheme initially running for approximately two years and the process would be closely monitored.

4.2 Item 6 – General Enquiries

4.2.1 Any general enquiries received by the Chief Executive and Registrar about the Standards of Conduct, Performance and Ethics would be referred to the relevant Committee, i.e. Conduct and Competence, Health or Registration (to deal with prospective registrants). Mr.Seale would report to the relevant Committee any matters which he was dealing with and where there was any doubt about a particular matter, he would refer it to the appropriate Committee. This process would be reviewed in due course.

4.3 Item 6.2 - Allegations by email

4.3.1 Mr.Seale confirmed that any allegations received by email would not be ignored and that the sender would be informed of the correct procedure and that the allegation must be submitted in writing.

4.4 Item 6.3

4.4.1 Mr.Seale reported that he had had a meeting with CHI (Commission for Health Improvement). It was noted that HPC's processes could be before, after, or run in parallel to any others that might be ongoing (other than a criminal investigation by the police) and CHI were in agreement with this.

4.4.2 Mrs.Mackellar reported that she had had an informal meeting with Care Commission Scotland which covers nursery, day care, etc. Care Commission Scotland also had a statutory responsibility and had expressed an interest in having links with us. Mr.Seale expressed an interest in meeting with them.

**5. ITEMS FOR DISCUSSION/APPROVAL**

5.1 Mr.Bracken from Bircham, Dyson, Bell, was welcomed to the meeting to explain the procedures for Investigating Panels. He explained that all the procedures would be open and transparent and registrants would be encouraged to be represented. Cases involving fraudulent entry to the register would be heard by a panel for the purpose.

5.2 A panel would be made up of a minimum of 3 people, i.e. lay, a registrant member and the Chairman. It was agreed that for reporting purposes and for continuity, the Chairman of an Investigating Panel would be a member of the Investigating Committee and that once a panel is set up, Mrs.Barnes would confirm details of the panel

members, including who would chair the meeting. If health were an issue, then the panel must have a medical practitioner on it as well. Mr.Bracken advised that as a general rule, the panel should consider a case only on the papers presented. In reaching a conclusion on a case, if the decision was split, the panel could seek further information through the Council's solicitor. Mr.Bracken also advised that the Investigating Committee are there to collect, but not examine, the evidence.

5.3 The use of Interim Orders was discussed. Mr.Bracken advised that the panel cannot make an interim order without having a hearing. The registrant would need to be present and normally would be given seven days notice to attend.

5.4 Preliminary private meetings

5.4.1 Mr.Bracken explained that once a case had been referred by the Investigating Panel to either the Health Committee or the Conduct & Competence Committee, a preliminary private meeting could be arranged and if so, would have to be arranged at the earliest opportunity. These meetings would be held to consider procedural issues only.

5.5 Consideration of Allegations

5.5.1 It was **AGREED** that with effect from 1<sup>st</sup> August 2003, a rota would be set up on a monthly basis whereby two members of the Investigating Committee would screen all allegations received by the Chief Executive and Registrar. The first two members on the rota would be Mr.Willis and Mrs.Farrell. They would be required to respond to Mr.Seale within 10 working days with their reasons for referring the allegation on to the Investigating Panel, or not. The rota would change on the first of each month.

5.5.2 Mr.Bracken advised the Committee that when considering an allegation about a registrant, the Committee could take account of any previous complaints of a similar nature that had occurred within the past three years.

**6. PROCESS REVIEW**

6.1 The Committee considered the paper prepared by Mr.Seale asking the Practice Committees to review the processes used and the quality of the outputs. A number of points were discussed and some members of the Investigating Committee felt that they were not fully aware of the processes undertaken when investigating a complaint, the nature and range of complaints received and, what happened following referral to the Disciplinary Committee. It was thought that areas requiring review were concerned with:

- a) throughput process: from receipt of an allegation to completion at each stage;
- b) nature of complaints: disciplines, seriousness;
- c) administration: panel selection process.

In addition, it was felt that the Committee could devote more time to discuss policies, etc.

- 6.2 Mrs.Farrell thought that the Committee had not sought feedback from ‘customers of the Investigating process’, for example, registrants who had been complained against, or panel members. However, the Committee was advised that it was important to recognise that there may be limits to which participants in cases could be asked for their opinion about an event that may have seen them lose their livelihood and it was decided not to pursue this course of action. Mrs.Farrell wished her protest to this to be recorded.

**7. ITEMS FOR INFORMATION**

**7.1 INVESTIGATING COMMITTEE RULES**

- 7.2 The Committee received and noted the Investigating Committee Rules.

**8. CASES PENDING INVESTIGATION**

- 8.1 The Committee noted the current backlog of cases pending consideration. It was recommended that a fewer number of cases go forward for consideration at any one meeting in future.

**9. CASES PENDING CONSIDERATION BY A PRACTICE COMMITTEE PANEL**

- 9.1 The Committee noted the current number of cases pending consideration by a Practice Committee.

**10. PARTNERS**

- 10.1 The number of partners recruited to the Practice Committees was noted.

**11. QUERIES RELATING TO THE STANDARDS OF PERFORMANCE, CONDUCT & ETHICS**

- 11.1 The Committee noted the paper prepared by Mr.Berrie for the Conduct and Competence Committee. It was requested that any comments be forwarded to Mr.Willis for the next meeting.

**12. ANY OTHER BUSINESS**

- 12.1 There was no other business.

**13. DATE OF NEXT MEETING**

- 13.1 The next meeting would be on Wednesday, 12<sup>th</sup> November 2003 at 11.00 a.m. at Park House.

**CHAIRMAN**