

**Health Professions Council
Investigating Committee – 19th April 2007**

Disposal of Cases via Consent.

Executive Summary and Recommendations

Introduction

The Health and Conduct Competence Committees are considering a paper on the disposal of cases via consent. The process will not apply to cases heard by the Investigating Committee. However, the attached paper provides the Committee with information regarding that proposal.

Decision

This paper is for information only. No decision is required.

Background information

None

Resource implications

None

Financial implications

None

Appendices

Disposal of Cases via Consent

Date of paper

10th April 2007

Health Professions Council

[CONDUCT AND COMPETENCE] COMMITTEE

CONSENT ORDER

TAKE NOTICE that, in respect of the [allegation made on [date] against] [review of the order made by the Committee on [date] against] [application for restoration to the Register made on [date] by] [name of registrant]:

1. [name of registrant] consents to the Committee [making a [Caution] [Conditions of Practice] [Suspension] [Striking Off] [Restoration] Order] [revoking the order] against [him][her] in respect of that matter on the terms set out below; and
2. the Council, being satisfied upon due inquiry that doing so would in all the circumstances be appropriate, also consents to the making of an Order on those terms.

AND FURTHER TAKE NOTICE that the Committee, upon due inquiry, now makes the following Order:

[set out Order]

Signed: _____ Chairman

Date: _____

Signed: _____ Signed: _____

Date: _____ Date: _____

Note: the parties may consent to the Order by all signing one copy of this form or each signing separate copies.

Voluntary Removal Agreement

DATE:

PARTIES:

1. [Name and address] ('the Registrant')

2. Health Professions Council
Park House
184 Kennington Park Road
London SE11 4BU ('HPC')

BACKGROUND:

- A. The Registrant is registered by HPC as a [profession] under the registration number [number] in the register maintained by HPC ('the Register') under the Health Professions Order 2001;
- B. the Registrant [is][was] the subject of the allegation set out in Schedule A ('the Allegation') which [is currently before the][which on [date] was held to be well founded by] HPC's [name] Committee [and that Committee made the order set out in Schedule B ('the Order')];
- C. the Registrant [admits][admitted][now admits] the Allegation;
- D. the Registrant wishes to apply to be removed from the Register but, by virtue of Article 11(3) of the Health Professions Order 2001 and Rule 12(3) of the Health Professions Council (Registration and Fees) Rules 2003, cannot do so for so long as the Registrant is the subject of [the Allegation][the Order] or any other matter which could give rise to another allegation against the Registrant;
- E. HPC is satisfied that it would be meeting its statutory objective of protecting the public if the Registrant was permitted to be removed from the Register, but on similar terms to those which would apply if the Registrant had been struck off the Register by an order made under Article 29(5)(a) of the Health Professions Order 2001;
- F. the parties have entered into this Agreement to enable the [Allegation to be withdrawn][Order to be revoked] and the Registrant to be removed from the Register as if a striking off order had been made against the Registrant.

OPERATIVE PROVISIONS

1. Operative Date

The operative date of this Agreement shall be [date] ('the Operative Date')

2. Obligations of HPC

HPC shall:

- 2.1 [withdraw the Allegation on] [apply to the [name] Committee, asking it to revoke the Order from] the Operative Date; and
- 2.2 from that date, desist from taking any further action against the Registrant in respect of the Allegation.

3. Obligations of the Registrant

The Registrant shall:

- 3.1 on or before the Operative Date, execute a letter in the form set out in Schedule C to this Agreement, to take effect upon the Operative Date;
- 3.2 from the Operative Date:
 - 3.2.1 cease and desist from practise as a [profession];
 - 3.2.2 cease and desist from the use of the title(s) ["designated title"] or any other title which implies that [the registrant is registered in the Register as a [profession]; and
 - 3.2.3 not at any time on or after the Operative Date to seek re-admission to the Register.

4. Admission to Register

In the event that, at any time on or after the Operative Date, the Registrant makes an application to be admitted to the Register (whether or not in contravention of Clause 3 and notwithstanding any other legal remedy which may be available to HPC), the Registrant agrees that:

- 4.1 HPC's Education and Training Committee shall be entitled to deal with that application as if it was made by a person who had been removed from the Register on the Operative Date by means of an order made under Article 29(5)(a) of the Health Professions Order 2001; and
- 4.2 HPC shall be entitled to provide the Committee with such information relating to the [Allegation]{Order} as it sees fit, including but not limited to a copy of this Agreement, in order to assist the Committee to determine that application.

5. Publicity

The Registrant agrees that

- 5.1 HPC shall be under no obligation to keep the existence or terms of this Agreement confidential; and
- 5.2 in the event that any person makes any inquiry of HPC concerning the registration status of the Registrant, HPC shall be entitled to disclose such information concerning the Registrant as it sees fit and, in particular (but without any limitation), shall be entitled to make a statement in the form set out in Schedule D to this Agreement.

6. Whole Agreement etc.

The parties agree that:

Schedule A

The Allegation

That your fitness to practise is impaired by reason of [ground] in that:

[set out allegation in full]

Schedule B

The Order

[set out Order]

Schedule C

Letter to be executed by the Registrant

To: The Registrar
Health Professions Council

Dear Sir,

Registration [number]

With effect from [Operative Date] please remove my name from the HPC Register.

Prior to that date I was the subject of [an allegation under Article 22 of the Health Professions Order 2001 which I admitted and which was withdrawn by HPC on that date] [an order made by the [name] Committee on [date] in respect of an allegation which I have admitted and that order was revoked by the committee on [date]] in order to enable me to remove myself from the HPC Register.

I declare that, other than the circumstances giving rise to that allegation, I am not aware of any matter which could give rise to any other allegation against me under the Health Professions Order 2001.

Yours faithfully,

Schedule D

Agreed Statement

[name of the Registrant] was the subject of an allegation to the effect that [describe or state the allegation as set out in Schedule A of this Agreement]. That allegation was withdrawn by HPC on the basis that [name] wished to be removed from the HPC Register voluntarily. [Name] admitted the allegation and has undertaken not to practise as a [profession] or use any title associated with that profession. If [he/she] seeks to return to the HPC Register at any time the application would be treated as if [he/she] had been struck off as a result of that allegation.

OR

[name of the Registrant] was the subject of an allegation to the effect that [describe or state the allegation as set out in Schedule A of this Agreement]. That allegation was held to be well founded by HPC's [name] Committee on [date] and a [type] Order was made against the registrant. The Committee revoked that Order on [date] on the basis that [name] wished to be removed from the HPC Register voluntarily. [Name] admitted the allegation and has undertaken not to practise as a [profession] or use any title associated with that profession. If [he/she] seeks to return to the HPC Register at any time the application would be treated as if [he/she] had been struck off as a result of that allegation.