

CONFIRMED

The Health Professions Council

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MINUTES of the meeting of the Investigating Committee held **on Wednesday 17 September 2008** at Park House, 184 Kennington Park Road, London, SE11 4BU.

Present

Miss M MacKellar (Chair)

Dr N Callaghan

Mr R Clegg

Mrs D Haggerty

Professor D Waller

Mr M Woolcock

In attendance:

Miss N O'Sullivan, Secretary to Council

Item 1.08/32 Apologies for absence

- 1.1 Apologies were received from Mr W Munro.

Item 2.08/33 Approval of agenda

- 2.1 The Committee approved the agenda.

Item 3.08/34 Minutes of the meeting of 23 April 2008

- 3.1 The minutes were signed, having been agreed as a true record of the last meeting by the Committee by correspondence.

Item 4.08/35 Matters arising from the meeting of 23 April 2008

- 4.1 The Committee noted that the action points agreed during the last meeting had been dealt with as item 4.08/30 of the Forum.

Item 5.08/36 Chair's report

- 5.1 The Chair had noted that she and Ms Farrell had been members of the Continuing Fitness to Practise PLG. The report from the PLG would be considered at the October meeting of Council.

Item 6.08/37 Director of Fitness to Practise report

- 6.1 The Committee noted the report.
- 6.2 The Committee noted that cases were being actively managed by the Fitness to Practise Department. The Committee also noted that time taken from start to completion of a case was not always an appropriate measure of quality of management of that case and that setting targets in terms of time could effect the quality of the outcome.

Item 7.08/38 Commission for Healthcare Regulatory Excellence Review of the Nursing and Midwifery Council (and HPC performance review)

- 7.1 The Committee received a paper from the Executive introducing the Commission for Healthcare Regulatory Excellence (CHRE) Review of the Nursing and Midwifery Council (NMC). At its meeting of 3 July 2008, Council requested that the Forum and Practice Committees, along with the rest of the HPC Committees, discuss the report and its implications for the work of HPC. The Forum and Committees were asked to agree a list of actions to be considered by Council for prioritisation.
- 7.2 The Committee noted and approved the recommendation of the FtP forum that the following recommendations be submitted Council to consider for prioritisation:
- (a) That the Executive continue to take forward recommendations from within the CHRE report to develop:
- Systems for the assessment, appraisal and reappointment of HPC panel members;
 - Updating the register so that the conditions of practice are attached to individual registrants' entries; and
- (b) That the Executive continue to gather and evaluate data on timescales of cases, and that this data periodically be presented to FtP committees.
- (c) That the Executive continue to give strong emphasis to the collection and evaluation of data.

- 7.3 The Committee also noted that in the future it would monitor and evaluate quality issues arising from management of cases.

Item 8.08/37 External review of complaints literature

- 8.1 At the April 2008 meeting, the FtP Forum received a presentation on research done on external complaints mechanisms. The Executive had been asked to return to the Forum with options for further work in this area. The Forum received a paper from the Executive setting out further potential areas of work, and was invited to consider whether any should be added to the work plan.
- 8.2 The Forum made the following recommendation to the Conduct and Competence, Health and Investigating Committees:
- 8.2.1 That the Executive should be required to take decisions for further work as a result of the conclusions of the research into external complaints.
- 8.3 The Committee noted and approved the recommendation of the Forum in 8.2 and also agreed that the decisions taken by the Executive should be considered at the next meeting of the Committee.

Action: **Director of Fitness to Practise** to submit the above paper to the next meeting of the Investigating Committee.

Item 9.08/38 Abusive, frivolous and vexatious complaints policy

- 9.1 The Forum received a paper from the Executive outlining a policy for dealing with abusive, frivolous and vexatious complaints to the FtP Department. The policy had been developed in response to the anticipated growth in the number of complaints anticipated with the taking on of new professions over the next few years.
- 9.2 The Committee noted and approved the recommendations of the Forum that;
- (a) the Committees approve the policy; and that
- (b) the Committees pass the following resolution:

“That the Director of Fitness to Practise be authorised to exercise the power of the Committee to take no further action in respect of any complaint which, in the reasonable opinion of the Director, is frivolous or vexatious. The exercise of this power shall be subject to any policy which has been approved by the Committee on the management of such complaints. In the Director’s absence, this power may be exercised by a person nominated by the Director.”

Item 10.08/39 Handling and purchasing of religious books

- 10.1 The Forum received a paper from the Executive outlining a set of practices HPC's adjudication function should follow in relation to procedures on the taking of oaths and affirmations in hearings.
- 10.2 The Committee noted and approved the recommendations of the Forum that:
- HPC to follow the practices of the Courts within its own hearings process.
 - HPC to have copies of the most common scriptures as they are most likely to be requested by registrants and witnesses attending FTP hearings.
 - Hearings Officers to become familiar with how to handle various scriptures, to ensure no offence is taken when administering the oath.
 - HPC to have copies of the various wordings of the different oaths to be administered according to their scriptures and how these oaths are to be administered.
 - Notices of hearings should include a statement requesting registrants or witnesses to indicate if they have any preference for a particular holy scripture and further advise them to bring a copy of this scripture to the hearing if their choice is not available.

Item 11.08/40 Work plan update

- 11.1 The Committee noted the work plan.

Item 12.08/41 Operating guidance

- 12.1 The Committee noted the operating guidance.

Item 13.08/42 Service standards

- 13.1 The Committee noted the service standards.

Item 14.08/43 Report on panel training

- 14.1 The Committee noted the report on panel training.

Item 15.08/44 Feedback from panel training

- 15.1 The Committee received a report from the Executive introducing feedback collected from Chairs and Legal Assessors at FtP hearings.
- 15.2 The Committee noted the report, and recommended that the feedback, and any further feedback collected should be presented to a future meeting for full discussion.

Action: **Hearings Manager** to submit feedback report to the next meeting of the Committee.

Item 16.08/45 Dates of future committee meetings

- 16.1 The Committee noted the future dates of meetings as follows:
- 11.00 am, 14 November 2008
 - 11.00 am, 12 February 2009
 - 10.30am, 24 April 2009 (FtP Forum)
- 17.2 The Committee noted that planning was underway to ensure that committee meetings for 2009-10 tied in more closely with reporting cycles.

Item 17.08/46 Any other business

- 17.1 The Forum had no further public business and adopted the resolution to hold the rest of the meeting in private session.