

**confirmed**

**The Health Professions Council**

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MINUTES of the first meeting of the Fitness to Practise Forum held at **11.30am on Wednesday 12 September 2007** in MR1, The Evangelical Alliance, Whitfield House, 186 Kennington Park Road, London, SE11 4BT.

**Present**

Mr K Ross (Chairman)

Mr O Altay

Mrs P Blackburn

Dr N Callaghan

Ms H Davis

Mr J Donaghy

Mr P Douglas

Miss C Farrell

Mrs D Haggerty

Professor T Hazell

Professor C Lloyd

Miss M MacKellar

Mr W Munro

Mr D Proctor

Miss P Sabine

Professor A Turner

Professor D Waller

Mr N Willis

Mr M Woolcock

**In attendance:**

Mr J Bracken, Parliamentary Agent, Bircham Dyson Bell

Miss K Johnson, Director of Fitness to Practise

Ms N O'Sullivan, Secretary to Council

Mr M Chapman, Temporary Secretary to Committees

Miss E Seall, Fitness to Practise Manager

Mr G Ross Sampson, Director of Operations

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2007-09-10

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DD: None

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### **Item 1.07/01 Apologies for absence**

- 1.1 Apologies were received from Mr R Clegg, Mrs M Clark-Glass, Mrs S Drayton, Mrs H Patey, Mrs Jacki Pearce.
- 1.2 Apologies for absence were also received from Mr M Seale and Dr A van der Gaag.

### **Item 2.07/02 Approval of agenda**

- 2.1 The Forum approved the agenda.

### **Item 3.07/03 Chairman's report**

- 3.1 The Chairman welcomed members to the meeting and noted that the purpose of the Forum was to facilitate discussion among members of HPC's statutory Practice Committees on matters which were of common or mutual interest to those committees. The Chairmen of the 3 Fitness to Practise Committees would discuss the practical details of the meeting timetable following the meeting.
- 3.2 The Chairman welcomed Mr Donaghy, who had been elected to the Council in July 2007, to the meeting and also Mr Willis who had been re-elected to the Council in July 2007.

### **Item 4.07/04 Director of Fitness to Practise report**

- 4.1 The Committee received a paper from the Executive.
- 4.2 The Committee noted that Fitness to Practise Case Managers would begin presenting Article 30 cases in November.
- 4.3 The Committee noted that the results of an audit of the Fitness to Practise department by PKF, HPC's internal auditors, would be considered at the September meeting of the Audit Committee.
- 4.4 The Committee noted that a number of HPC panel decisions were being appealed in the High Court. In this situation the registrant could continue to practice while the appeal was ongoing unless an interim order had been made against him.
- 4.5 The Committee noted, for reasons beyond HPC's control, some cases had been in the system for 80 weeks. The Fitness to Practise department carried out regular reviews of these longstanding cases.

- 4.6 The Forum noted the high number of employer allegations (as outlined on page 8a of enclosure 1) relative to other groups. It was noted that the Fitness to Practise department were working with the Communications Department on initiatives to ensure employers were referring appropriately. The Committee also noted that amendments could be made to the Fitness to Practise database to log information on whether cases referred by employers had been through the employer disciplinary process before being referred.

#### **Item 5.07/05 Disposal of cases by consent**

- 5.1 The Forum received a paper from the Executive for discussion.
- 5.2 The Forum noted that at their meetings in April 2007, the Health and Conduct and Competence Committee had agreed in principle to the disposal of cases via consent and that a practice note and procedural forms was to be prepared for consideration by these committees.
- 5.3 The Committee noted that this was an open process for which the consent of three parties; the HPC, the Fitness to Practise Panel and the registrant would be required. As cases being considered under this process would be straightforward and non-controversial it was likely that a panel could consider a few cases in one day.
- 5.4 The Forum noted that if the new process was agreed, a possible 65 cases per year could be dealt with by consent and that this number could increase.
- 5.4 The Forum noted that under no circumstances would the process be used to produce a plea bargain based outcome.
- 5.5 The Fitness to Practice Forum recommended the practice note to the Conduct and Competence and the Health Committee for approval without modification.

#### **Item 6.07/06 Fitness to Practise hearing locations**

- 6.1 The Forum received a paper for discussion from the Executive.
- 6.2 The Forum noted that only a small percentage of cases involved a disagreement about the location of the hearing. The practice note would provide guidance to panel members when this occurred in the future.

- 6.3 The Forum recommended the practise note to the Conduct and Competence, Investigating and Health Committee for approval without modification.

**Item 7.07/07 Practice notes**

- 7.1 The Forum received a paper for discussion from the Executive.
- 7.1 The Forum noted that the Executive had recently reviewed and updated the following practice notes previously approved by the Fitness to Practise Committees;
- (i) Case Management and Directions
  - (ii) Service of Documents
  - (iii) Welsh Language
  - (iv) Adjournments
  - (v) Mediation
  - (vi) Interim Orders
  - (vii) Preliminary Hearings
  - (viii) Disclosure of Witness Orders
- 7.2 The Forum noted that the Welsh Language practice note reflected HPC's support for the principle set out in the Welsh Language Act 1993 that, in the administration of justice in Wales, the English and Welsh languages should be treated on the basis of equality.
- 7.3 The Forum discussed whether a reference to a right of appeal against an interim order should be included in the practice note entitled "Interim Orders".
- 7.4 The Forum recommended the practice notes to the Conduct and Competence, Investigating and Health Committee for approval subject to the inclusion of a reference to a right of appeal against an interim order in the practice note entitled "Interim Orders".
- 7.5 The Forum noted that the guidance contained in the practice notes was generally used by members of the legal teams involved in the HPC Fitness to Practise processes. Further information would be provided aimed at registrants and members of the public which would be reviewed by the Plain English Society.

## **Item 8.07/08 Review of types of paramedic fitness to practise cases**

- 8.1 The Forum received a paper for discussion from the Executive.
- 8.2 The Forum noted that at its last meeting the Conduct and Competence Committee had requested that a review should be undertaken of paramedic fitness to practise cases which had been considered by panels. As instructed by the Committee the Director of Fitness to Practise had prepared the paper under consideration.
- 8.2 The Forum noted that no conclusions should be drawn from the raw data in the paper. It was also noted that an examination of paramedic fitness to practise cases should be undertaken relative to a review of cases of the other 12 professions.
- 8.3 It was agreed that future analysis should include some form of statistical test of relative comparisons and significant variances from other professional groups. It was noted that the Executive was working with a statistician to analyse the data and that a further paper would be produced when this analysis was undertaken.

**Action: KJ- ongoing**

**The Forum noted the following papers;**

**Item 9.07/09 Review of not well founded cases**

**Item 10.07/10 Health and character declarations**

**Item 11.07/11 Fitness to Practise brochures update**

**Item 12.07/12 Joint forum constitution**

**Item 13.07/13 HPC advocates code**

**Item 14.07/14 Sanctions policy**

**Item 15.07/15 Case reports**

**Item 16.07/16 Any other business**

- 16.1 The Forum noted that there would be discussions with the Secretariat regarding the timing of future Forum and committee meetings.

**Item 17.07/17 Date and time of next FTP Forum meeting:**

17.1 10.30 am on Wednesday 23 April 2008

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