
PRACTICE NOTE

Use of Welsh in Fitness to Practise Proceedings

This Practice Note has been issued jointly by the HPC Practice Committees for the guidance of Panels and to assist those appearing before them.

Introduction

This Practice Note reflects the 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.

Background

Article 22(7) of the Health Professions Order 2001¹ (the Order) provides that fitness to practise proceedings must take place in the UK country of the registrant. Thus, if a person's address on the HPC register is in Wales, then the proceedings must take place in Wales.

The relatively small size of many of the professions which HPC regulates and the need for Panels to be appointed having regard to the profession and matters in issue means that only a limited number of Welsh-speaking Panel members are available to the Committees. That fact, plus HPC's limited caseload in Wales, mean that it is not feasible for Panels to be appointed which, without notice, are able to conduct proceedings in Welsh.

Consequently, this Practice Note sets out the arrangements which have been established to ensure that the principle enshrined in the Welsh Language Act 1993 is honoured and proceedings in Welsh are conducted fairly and effectively.

For the avoidance of doubt, it should be noted that these arrangements only apply to proceedings which take place in Wales.

Case management

Whilst Panels will provide appropriate support for the conduct of proceedings in Welsh, the primary responsibility for informing a Panel that the Welsh language may be used in proceedings before it must rest with the parties to the case or those representing them.

¹ SI 2002/254

In every case in which it is possible that Welsh may be used by any party or witness or in any document which may be placed before the Panel, the parties or their representatives must inform the Panel of that fact as soon as possible so that appropriate arrangements can be made for the management of the case.

The provision of this information should not be delayed because a party does not have definitive information or details about the use of Welsh in the proceedings.

An indication at the earliest stage that Welsh may be used in the proceedings will help in managing the case more effectively. However, once more detailed information becomes available it should be passed on to the Panel. This includes details of:

- any person wishing to give oral evidence in Welsh; and
- any documents or records in Welsh which that party expects to use.

Preliminary Hearings

At any preliminary hearing which it holds, a Panel will take the opportunity to consider whether it should give directions for the management of the case.

To assist the Panel, the parties or their representatives should draw attention to the possibility of Welsh being used in the proceedings, even where this information has already been provided.

In any case where a party has already intimated that Welsh may be used in the proceedings, wherever possible, this should be confirmed or not (as the case may be) at the preliminary hearing.

Interpreters

If an interpreter is needed to translate evidence from English to Welsh or from Welsh to English, the Panel will appoint an interpreter. Wherever possible, and unless the nature of the case calls for some special linguistic expertise, interpreters will be drawn from the list of those approved by the Courts.

Oaths and affirmations

When witnesses are called during hearings, the hearing officer administering the oath or affirmation will inform them that they may choose to be sworn or affirm in Welsh or English.

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