

Health Professions Council

CONDUCT AND COMPETENCE COMMITTEE HEARING

Notice of Decision and Order

Date of Hearing: Thursday 16th June 2005

Name of Registrant: Mr Simon Harrison

Registration No.: PH43175

Panel: Robert Clegg - Chair
Richard Horwood - Physiotherapist
Malcolm Probert – Lay Partner

Legal Assessor: Angela Hughes

Hearing Officer: Eve Seall

Representation: The Council was represented by Ms N Hill of Kingsley Napley Solicitors

Mr Harrison was represented by Ms S Sleeman, Counsel, instructed by Thompsons Solicitors.

Allegation(s)

Your fitness to practise as a registered health professional is impaired by reason of your misconduct whilst employed at the Wrexham Maelor Hospital; in particular

- 1 On a date between 28 June 2004 and 5 July 2004 you put your arm around Miss A and put her head onto your shoulder.
- 2 On a date between 28 June 2004 and 5 July 2004 you put your arms around Miss A, hugging her and placing your head on her chest

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- 3 On 5 July 2004 you
 - a) Outstretched your hands towards Miss A's breasts
 - b) Made various inappropriate comments of a sexual nature to Miss A in front of a patient
 - c) Made inappropriate comments in relation to a patient's genitalia
- 4 On a date between 28 June 2004 and 5 July 2004 you attended at work smelling of alcohol
- 5 On a date between 28 June 2004 and 5 July 2004 you attended at work smelling of alcohol
- 6 On 5 July 2004 you attended at work smelling of alcohol.

DECISION:

The Panel noted the facts in allegation 1 are admitted by the Registrant. Having read and listened to all the evidence and submissions presented, we find that the remaining allegations have been well founded, and given the nature of all the allegations, this amounts to misconduct by which the registrant's fitness to practise is impaired.

In arriving at this decision, we have found Miss A to be a credible witness and have accepted her version of events in allegations 1, 2 and 3.

We also heard evidence from Mr Smith and Ms Jones confirming they had smelled alcohol on Mr Harrison's breath on the 5 July 2004, in addition to the two earlier instances when Miss A had smelt his breath i.e. allegation 4 and 5.

In looking at the facts in this case we have considered the Standards of Conduct, Performance and Ethics, and consider that the following standards have been breached:

Standard 1, acting in the best interests of your patients clients and users

Standard 3, keeping a high standard of personal care

Standard 13, carrying out your duties in a professional and ethical way

Standard 13, making sure you behaviour does not damage your professions reputation

ORDER:

In determining what sanction to impose we have taken into account your further evidence and submissions made on your behalf.

In the light of this case we did not consider that to take no further action would be appropriate.

It is our view that a caution would be sufficient to protect the public.

We therefore direct the registrar to annotate the register with a caution for a period of three years.

Right of Appeal

You may appeal against the Committee's decision and the order it has made against you.

Articles 29(9), (10) and 38 of the Health Professions Order 2001 provide that you have 28 days from the date that this notice was served on you to make such an appeal to the appropriate court. In this case the appropriate court is the High Court of Justice in England and Wales. The order set out above will not take effect until that appeal period has expired or, if you appeal during that period, until that appeal is withdrawn or disposed of.

2 Craig
18th June 2005