

THE HEALTH PROFESSIONS COUNCIL

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MINUTES of the twenty-first meeting of the Conduct and Competence Committee held at **11:00 am on Tuesday 30 January 2007** at the Brit Oval, Kennington, London, SE11 5SS.

PRESENT: Mr K Ross (Chairman)
Mrs M Clark-Glass
Ms H Davis
Professor C Lloyd
Mr P McFadden
Ms H Patey
Miss P Sabine
Dr G Sharma

IN ATTENDANCE:

Miss E Bowman, Team Administrator to Fitness to Practise
Miss S Butcher, Secretary to Committees
Mr M Guthrie, Policy Officer
Miss K Johnson, Director of Fitness to Practise
Mrs J Ladds, Director of Communications
Miss E Seall, Manager of Fitness to Practise
Mrs R Tripp, Director of Policy

Item 1.07/01 APOLOGIES FOR ABSENCE

- 1.1 One apology of absence was received from Mr D Proctor.
- 1.2 The Chairman welcomed Ms Bowman to her first meeting and Miss Seall.

Item 2.07/02 APPROVAL OF AGENDA

- 2.1 The Committee approved the agenda.

Item 3.07/03 MINUTES OF THE CONDUCT AND COMPETENCE COMMITTEE

COMMITTEE MEETING HELD ON THURSDAY 22 NOVEMBER 2006

- 3.1 It was agreed that the minutes of the twentieth meeting of the Conduct and Competence Committee should be confirmed as a true record and signed by the Chairman subject to amendments at 9.2 and 11.1.

Item 4.07/04 MATTERS ARISING

- 4.1 The Committee received a paper to note from the Executive.
- 4.2 The Committee noted the actions list as agreed at the last meeting and that most of the action points had been addressed, except for action point 7 (to provide a list of potential reports available from the fitness to practise database). The Committee noted that progress on completion of the database meant that this would not be available until the next meeting.

Item 5.07/05 CHAIRMAN'S REPORT

- 5.1 The Committee received a verbal report from the Chairman.
- 5.2 The Chairman reported that he had attended the Partner's Conference in November 2006 where he chaired two presentations on fitness to practise procedures. The evaluations from this event were currently being collated by the communications team.
- 5.3 The Chairman reported that he was involved in the tendering process of legal service providers to the HPC. Further short listing would be undertaken shortly.

Item 6.07/06 DIRECTOR OF FITNESS TO PRACTISE REPORT

- 6.1 The Committee received a report on the work of the Fitness to Practise department.
- 6.2 The Director of Fitness to Practise reported that most interim orders were now presented by HPC Case Managers. The Committee noted that it was intended that Case Managers would also start to present review hearings at HPC.
- 6.3 The case to answer rate had been reduced to 60% overall. Health and Character declarations continued to produce a steady caseload. It was intended that a review of the Health and Character process would begin in June. The Education and Training Committee were to receive a paper on this at their meeting in June. The Conduct and Competence

Committee would receive a paper to note on this review at its meeting in September 2007.

ACTION: KJ – by Wednesday 19 September 2007

- 6.4 The Auditors PKF (Pannel Kerr Forster) had recently undertaken an audit of the fitness to practise department. The final report was due imminently. Fitness to practise employees would start a BTEC in investigative practise as of February 2007. Recruitment into the ftp department was ongoing with one new Hearings Officer and two new Case Managers.
- 6.5 The Committee noted that the greatest proportion of cases pending were those which involved registrants from the paramedic profession. The Committee agreed that it would be useful if a paper could be produced on the different types of cases that were received for the paramedic profession.

ACTION: KJ – by Wednesday 19 September 2007

- 6.6 The Committee noted that it had been estimated that at least 375 days of hearing at Park House would be heard in 2008. The fitness to practise team would expand from 13 to 23 employees over the next financial year to cater for the increasing workload. Tracking how quickly and efficiently ftp cases were being dealt was part of the ftp case management strategy. The length of cases from start to finish would be detailed as part of the ftp Director's future reports.

ACTION: KJ – by Monday 23 April 2007

Item 7.07/07 FITNESS TO PRACTISE WORK PLAN AND PROCESS REPORT

- 7.1 The Committee received a paper for discussion/approval from the Director of Fitness to Practise.
- 7.2 The Committee noted the following list of priorities for the ftp department in the next financial year:
- Ftp Tracking System (APU); due to be completed imminently.
 - Operational Forecasting; the development of service standards and resource forecasting for costing of external legal services and the in-house management of those costs.
 - Ftp Employee Training; reducing the reliance on external legal providers through in-house training of ftp employees.
 - Ftp Annual Report; the Ftp Chairmen and Deputy Chairmen would meet in February 2007 to discuss the structure of the ftp Annual Report for 2007.

- Accessibility/Information Provision; Standard of Acceptance of Allegations and website information in relation to hearings and allegations and the form in which this information is posted on the HPC website will be reviewed.

7.3 The Committee noted that ftp risk assessment information would be provided to the Committee at their meeting in April 2007.

ACTION: KJ – by Monday 23 April 2007

Item 8.06/08 WEBSITE INFORMATION

8.1 The Committee received a paper for discussion/approval from the Director of Fitness to Practise.

8.2 The Committee noted that it was to consider the following options with regard to the scope and nature of information provided in relation to ftp cases on the HPC website:

- Remove all cases where a hearing has not been fixed from the website;
- All cases where a hearing date has been fixed placed on line as soon as the date for a hearing is fixed, or
- Hearing dates to be placed on line four weeks in advance of the date fixed for hearing.

8.3 The Committee noted that the HPC had received concerns regarding a disproportionate balance between public access to information and the registrant’s right to privacy.

8.4 The Committee agreed that the last option was the best balance between public protection, openness and transparency, and respecting the rights of individuals who were the subject of an allegation. Under this option details of hearings would be placed on line four weeks in advance of the date fixed for hearings at which time case bundles were exchanged. This option would not compromise the Councils purpose in relation to public safety as any risks to public safety would be dealt with by means of interim orders. The Committee agreed that it would be necessary to incorporate this decision into standard case directions.

8.5 The Committee agreed to recommend to Council that transcripts should not be placed on the HPC website and all historic transcripts should be removed. The Committee agreed that a message should be posted on the website to clarify that if the public should wish to receive a copy of a transcript to contact the ftp department directly. The Committee noted that the ftp department sent copies of transcripts via email, when requested, and was not part of their internal practice to despatch hard copies due to the cost. The Committee discussed whether it was appropriate to charge money for hard copies of

transcripts, if requested. The Director of Fitness to Practise would clarify the correct procedure with regard to the Freedom of Information Act.

Action: KJ – by Thursday 29 March 2007

Item 9.07/09 DRAFT STANDARDS OF CONDUCT, PERFORMANCE AND ETHICS (SCPE)

- 9.1 The Committee received a paper for discussion/approval from the Policy Officer.
- 9.2 The Committee noted that this was the final draft of the Standards of Conduct, Performance and Ethics (SCPE) for their review. Council would approve the final draft for consultation at their next meeting in March 2007.
- 9.3 The Committee discussed Standard 1 on page 10 and the appropriateness of the terms employed ‘policy or system’. The Committee agreed to remove these terms. The Committee agreed to remove the last sentence on page 10 as well ‘If you feel that you cannot raise the matter with a senior colleague, you can contact our Registrar’. This sentence implied that the HPC could potentially assist with internal disputes between employer and employee. The Committee agreed to change the term adopted ‘sex’ to ‘gender’.
- 9.4 The Committee noted that the Health Committee were concerned by the term ‘delegate’ in Standard 8 and had debated whether ‘referral’ was more appropriate as there were often different lines of accountability in a healthcare setting. A consultation question had been included so to cover this issue.
- 9.5 The Committee agreed to recommend to Council that the draft SCPE be approved to go to consultation as of May 2007.

Action: MG – by Thursday 29 March 2007

Item 10.07/10 CONFIDENTIALITY GUIDANCE

- 10.1 The Committee received a paper for discussion/approval from the Policy Officer.
- 10.2 The Committee agreed that the HPC should consult on the confidentiality guidance at the same time as the draft SCPE and recommended this route for Council’s approval in March 2007.

Action: MG – by Thursday 29 March 2007

Item 11.07/11 SUPPLEMENTARY GUIDANCE AND INFORMATION TO THE STANDARDS OF CONDUCT, PERFORMANCE AND ETHICS (SCPE)

- 11.1 The Committee received a paper for discussion/approval from the Policy Officer.
- 11.2 The Committee agreed to the proposal that formal guidance should not be produced at this stage, but rather that a bank of information should be produced for the HPC website. This information would be based upon the existing SCPE and include signposts for further sources of information such as department of health guidance and professional body guidance.
- 11.3 The Committee agreed that the professional bodies should be written to in early February 2007 to give them an update on the work currently being undertaken on the SCPE, to thank them for their input, and request for signposts to their publications of relevance.

Action: MG – by February 2007

Item 12.07/12 FITNESS TO PRACTISE CHAIRMEN AND DEPUTY CHAIRMEN MEETING AGENDA 12 FEBRUARY 2007

- 12.1 The Committee received a paper for discussion/approval from the Secretary to Committees.
- 12.2 The Committee agreed the proposed agenda for the Ftp Chairmen and Deputy Chairmen meeting on 12 February 2007. The Committee was requested to submit any further potential agenda items before this date. The main item on the agenda was the Fitness to Practise Annual Report 2007 and to identify the key messages of this report. The Committee also agreed to the inclusion of a discussion about a proposed joint meeting of all three ftp committees to be held annually (comprised of Health, Investigating and Conduct and Competence Committees).

Action: The Committee – by Monday 12 February 2007

Item 13.07/13 REVIEW CASES

- 13.1 The Committee received a paper for discussion from the Director of Fitness to Practise.
- 13.2 The Committee noted the review hearings which had been held since its last meeting.

Item 14.07/14 CASE REPORT

- 14.1 The Committee received a paper for discussion from the Director of Fitness to Practise.
- 14.2 The Committee noted that between 1 April 2006 and 15 January 2007, there had been 66 cases where a final disposal decision had been made. In nine cases the panel had determined that the allegation had not been proven. Details of the cases found not proven would be provided at the next meeting.

Action: KJ – by Monday 23 April 2007

- 14.3 The Committee noted that there was a growing incidence of cases where registrants were represented. The Committee asked to be provided with pie charts of the information in the case report.

Action: KJ – by Monday 23 April 2007

Item 15.07/15 CEPLIS STATEMENT OF COMMON VALUES OF THE REGULATED PROFESSIONS OF THE EUROPEAN UNION

- 15.1 The Committee received a paper for information from the Policy Officer.
- 15.2 The Committee noted that the European Council of the Liberal Professions (CEPLIS) had produced a statement of common values of regulated professions. The Committee noted that the SCPE did in large conform to this statement of values. Two areas where the SCPE did not meet with European standards had been identified; professional indemnity insurance and delegation to support workers. Professional indemnity insurance was not a requirement of HPC's current Standards and would not be required until the Department of Health had concluded its review to assess whether indemnity cover should be made a statutory requirement for other regulated professions. Delegation to support workers was an issue that was to be covered in the consultation on the SCPE as to whether this was appropriate.

Item 16.07/16 ANY OTHER BUSINESS

- 16.1 There was no other business.

Item 17.07/17 DATE & TIME OF NEXT MEETING

- 17.1 The next meeting of the Committee would be held at 11:00am on Monday 23 April 2007 at Park House.