

CONFIRMED

The Health Professions Council

Chief Executive and Registrar: Mr Marc Seale

Park House

184 Kennington Park Road

London SE11 4BU

Telephone: +44 (0)20 7840 9875

Fax: +44 (0)20 7840 9807

E-mail: steve.rayner@hpc-uk.org

MINUTES of the twenty-ninth meeting of the Conduct and Competence Committee held **on Friday 24 April 2009** at Park House, 184 Kennington Park Road, London, SE11 4BU.

Present

Mr Keith Ross (Chair)

Ms Helen Davis

Mr J Donaghy

In attendance

Miss K Johnson, Director of Fitness to Practise

Mr S Rayner, Secretary to Committees

Mr P Robson, Lead Case Manager

Item 1.09/19 Chair's Welcome and introduction

- 1.1 The Chair welcomed the members to the final meeting of the Committee.

Item 2.09/20 Apologies for absence

- 2.1 Apologies were received from Mrs Mary Clark-Glass, Professor Carol Lloyd, Mr D Proctor and Miss P Sabine.

Item 3.09/21 Approval of agenda

- 3.1 The Committee received a paper from the Executive enclosing the recommendations of the FtP Forum which had taken place in the morning of Friday 24 April 2009. The paper enclosed recommendations relating to Items 9-13 of the Committee agenda, and is attached as annexe A.
- 3.2 The recommendations in the paper had been approved by Mrs Clark Glass as part of the Forum.

Item 4.09/22 Declaration of interest

- 4.1 The Committee declared no personal interest in the agenda items.

Item 5.09/23 Minutes of the meeting of 19 February 2009

- 5.1 It was agreed the minutes of the twenty-eighth meeting of the Committee should be confirmed as a true record and signed by the Chairman.

Item 6.09/24 Annual review of action points

- 6.1 The Committee received a paper from the Executive for discussion and approval detailing actions taken in relation to matters arising from Committee meetings between April 2008 and April 2009.
- 6.3 The Committee noted the actions taken.

Item 8.09/25 Chairs report

- 8.1 The Chair had nothing to report

Item 9.09/26 Director of Fitness to Practise report

- 9.1 The Committee received a paper to note from the Executive giving an overview of the work of the Fitness to Practise (FtP) Department.
- 9.2 The Committee noted the report.

Item 10.09/27 Fitness to Practise annual report 2009

- 10.1 The Committee received a paper for consideration from the Executive recommending that it approve the FtP annual report 2009, which was also submitted as an appendix.
- 10.2 The Committee received a recommendation from the Forum that it approve the FtP annual report 2009 (subject to editorial changes and the addition of minuted comments from the Forum of 24 April 2009).
- 10.3 The Committee approved the Forum's recommendation.

Item 11.09/28 New practice notes

- 11.1 The Committee received a paper for discussion and approval from the Executive introducing a number of new practice notes. The practice notes had been produced as part of the departmental work plan for the guidance of Panels and to assist those appearing before them.

11.2 The Committee received recommendations from the Forum in relation to each individual practice note which are detailed below.

11.3 Disclosure

11.3.1 The practice note would be issued for the guidance of Panels and to assist those appearing before them on the disclosure of material evidence.

11.3.2 The Committee received a recommendation from the Forum that it approve the practice note.

11.3.3 The Committee approved the practice note.

11.4 Finding the fitness to practise is impaired

11.4.1 The practice note would be issued for the guidance of Panels and to assist those appearing before them in determining whether HPC has proved whether a registrant's fitness to practise is impaired.

11.4.2 The Committee received a recommendation from the Forum that it approve the practice note.

11.4.3 The Committee approved the practice note.

11.5 Conducting hearings in private

11.5.1 The practice note would be issued for the guidance of Panels and to assist those appearing before them on circumstances under which hearings may be held in private.

11.5.2 The Committee received a recommendation from the Forum that it approve the practice note.

11.5.3 The Committee approved the practice note.

11.6 Postponement and adjournment of proceedings

11.6.1 The practice note would be issued for the guidance of Panels and to assist those appearing before them on circumstances under which hearings may be postponed or adjourned.

11.6.2 The Committee was also asked to agree that discretionary authority to postpone the hearing of any allegation by the Committee be delegated to the Hearings Manager (or a person nominated by the Hearings Manager) provided that any application for such a postponement is made by one of the

parties not less than 14 days before the date on which the hearing of the allegation is due to first commence.

11.6.3 The Committee received a recommendation from the Forum that it;

a) approve the practice note; and

b) agree to delegate discretionary authority to the Hearings Manager under as detailed above.

11.6.4 The Committee approved the practice note and to the delegation of authority as detailed above.

11.7 Proceedings in the absence of the registrant

11.7.1 The practice note would be issued for the guidance of Panels and to assist those appearing before them on the decision of whether to proceed with a hearing in the absence of the registrant.

11.7.2 The Committee received a recommendation from the Forum that it approve the practice note.

11.7.3 The Committee approved the practice note.

11.8 Unrepresented parties

11.8.1 The practice note would be issued for the guidance of Panels and to assist those appearing before them on steps Panels should take when a registrant is unrepresented.

11.8.2 The Committee received a recommendation from the Forum that it approve the practice note subject to the addition of wording to the effect that the Chair may invite the legal assessor to explain the process to the registrant.

11.8.3 The Committee approved the practice note subject to the above amendment.

Item 12.09/29 Practice Notes: updates to terminology

12.1 The Committee received a paper for discussion and approval from the Executive introducing minor changes to a number of practice notes. As part of the FtP workplan the Executive had reviewed the following practice notes and proposed changes to ensure that they reflect current regulatory best practice, including making the gender neutral:

- Case to answer practice note

- Disposal of cases by consent
- Cross examination in cases of a sexual nature
- Equal treatment
- Preliminary hearings
- Use of Welsh in FtP hearings

12.2 The Committee received recommendations from the Forum that it approve the above practice notes.

12.3 Interim orders

12.3.1 The Committee approved changes to the Interim Orders practice note subject to;

a) clarification in the note of appropriate time periods for interim orders; and

b) the addition of wording to the effect that the Chair may invite the legal assessor to explain the process to the registrant.

Item 13.09/30 Practice notes: fit for purpose

13.1 The Committee received a paper for discussion and approval from the Executive introducing changes to a number of practice notes. As part of the FtP workplan the Executive had reviewed the following practice notes and proposed changes to ensure that they reflect current terminology.

13.2 Assessors and expert witnesses

13.2.1