

Memorandum

To: Marc Seale, HPC

From: Jonathan Bracken

Date: 22 March 2002

Re: **Interim Investigation and Discipline Arrangements**

This memorandum sets out the interim procedures which the Health Professions Council will have to apply in relation to investigation and disciplinary proceedings against existing CPSM registrants until such time as the HPC's own procedures are in place.

Schedule 2 to the Health Professions Order 2001 (HPO) provides for the HPC, during the transitional periods, to exercise the functions of the CPSM and the boards under the Professions Supplementary to Medicine Act 1960 Act (the 1960 Act) with such modifications as necessary and as if references to the CPSM and Board were to the Council.

That Schedule further provides that, if the relevant provisions of the 1960 Act have been repealed, it shall be treated for these purposes as if it remained in force. Consequently, during the transitional periods, proceedings in relation to existing CPSM registrants will be proceedings of the HPC but conducted under rules etc. prescribed by or under the 1960 Act.

That Schedule goes on to provide that proceedings currently before a CPSM Committee will, upon the formal establishment of the HPC, be referred to the HPC for disposal but in accordance with the 1960 Act procedures.

Disposal of cases will be by referring them to (or back to) the relevant profession's investigating committee or disciplinary committee. The 12 investigating committees and 12 disciplinary committees are constituted under rules made by the CPSM but approved by the Privy Council (the Committee Rules).

The procedure followed by the investigating committees will be as set out in their existing standing orders. As those standing orders do not need to be approved by the Privy Council, the HPC may amend them.

The rules of procedure for the disciplinary committees will remain as set out in the Professions Supplementary to Medicine (Disciplinary Committees)(Procedure) Rules Order 1964.

The Department of Health and Privy Council were asked to approve changes to the Committee Rules to remove all qualifications for membership (except the requirement for a practitioner from Northern Ireland to be present when the case relates to a registrant from Northern Ireland) and to allow members to be appointed "for such time as the Board thinks fit".

However, the Privy Council is now expected to change the Committee Rules so that members have to be appointed for a term of four years (consistent with existing practice) and to keep the number of members exactly as they are now but removing all qualification requirements. The number of members of each committee will therefore be:

	Investigating Committee	Disciplinary Committee
Arts Therapists	8	9
Chiropodists	6	5
Clinical Scientists	7	8
Dietitians	8	7
MLSOs	7	6
Occupational Therapists	9	8
Orthoptists	5	6
Paramedics	7	8
Physiotherapists	12	9
Prosthetists and Orthotists	6	6
Radiographers	7	6
Speech & Language Therapists	7	8

The HPC will be able to give each committee whatever composition it sees fit, provided that the correct number of members are appointed to each and that a person is not appointed to both an investigating and disciplinary committee.

Clearly relevant professionals need to be appointed to each committee, but it would also be possible to appoint a core group of members to a number (or even all) of the investigating committees and a similar core group to a number or all of the disciplinary committees.

There is no requirement that the members of these committees be members of the HPC other than the chairman. The HPO requires any committee appointed by the HPC to be chaired by a Council member and it would be prudent to treat these committees as so appointed and therefore have them chaired by a member of the Council.

From the above it will be clear that a number of steps will need to be taken as soon as possible if the investigation and disciplinary processes are to continue to run smoothly. I suggest that at the first council meeting the HPC is asked to:

1. RESOLVE that each of the cases which were pending before CPSM committees on 31st March 2002 be referred to the appropriate investigating committee or disciplinary committee for the profession to which they relate;
2. APPOINT the members of each of the Investigating Committees and Disciplinary Committees (or delegate that power to a committee or sub-committee subject to clear terms of reference as to the composition of those bodies)