

**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 9785

Fax: +44 (0)20 7840 9807

E-mail: [steve.rayner@hpc-uk.org](mailto:steve.rayner@hpc-uk.org)

MINUTES of the twenty-third meeting of the Investigating Committee held at **11.00am on Thursday 12 February 2009** at Park House, 184 Kennington Park Road, London, SE11 4BU.

**Present**

Miss Morag MacKellar

Dr Nigel Callaghan

Mr Robert Clegg

Ms Christine Farrell

Mrs Daisy Haggerty

Professor Diane Waller

Mrs Barbara Stuart

Mr Mark Woolcock

**In attendance:**

Dr Anna van der Gaag, President

Miss Kelly Johnson, Director of Fitness to Practise

Miss Louise Hart, Secretary to Council

Mr Steve Rayner, Secretary to the Committee

Mr Marc Seale, Chief Executive and Registrar

Miss Eve Seall, Head of Case Management

**Item 1.09/01 Apologies for absence**

- 1.1 Apologies were received from Mr William Munro.
- 1.2 The Chair welcomed Mrs B Stuart to the Committee, and Miss L Hart to her new post as Secretary to Council.

**Item 2.09/02 Approval of agenda**

- 2.1 The Chair noted that, due to problems with the electricity supply at Park House, there was a possibility that the meeting would be stopped prematurely. The Committee agreed to move the items for discussion and

decision to the top of the agenda to ensure that no disruption would be caused to the work of the Executive.

- 2.2 The Committee noted that Item 12, regarding feedback from Panel training, more appropriately discussed by the other FtP committees, and should be removed from the agenda.
- 2.3 The agenda would be taken in the following order:
  3. Declarations of members interests
  4. Case to answer practice note
  5. Fitness to Practise Workplan 2009-10
  6. Update on Fitness to Practise Workplan 2008-9
  7. Director of Fitness to Practise report
  8. Committee membership
  9. Minutes of the Committee of 17 September 2008
  10. Matters arising from previous meetings
  11. External review of complaints literature
  12. Any other business
  13. Dates of future Investigating Committees

### **Item 3.09/03 Declarations of members interests**

- 3.1 The Committee members declared no personal interest relating to items in the agenda.

### **Item 4.09/04 Case to Answer Practice Note**

- 4.1 The Committee received a paper from the Executive for discussion and approval on proposed amendments to the Case to Answer Practice Note originally approved by the Committee on 23 April 2008. The Practice note provided guidance to panels and those involved in fitness to Practice proceedings. The Committee were invited to discuss and approve the amendments to the Practice Note.
- 4.2 The Committee noted that feedback from Committee Chairs and legal assessors had fed into changes to the Practice Note.
- 4.3 The Committee approved the Case to Answer Practice Note.

## Item 5.09/04 Fitness to Practise Department workplan 2009-2010

- 5.1 The Committee received a paper from the Executive for discussion and approval setting out the Fitness to Practise (FtP) Department workplan for the coming year. The workplan set out the resources, responsibilities and priorities for the financial year 2009-2010. The Committee were invited to discuss and approve the workplan.
- 5.2 The Committee noted that the workplan reflected not only the work of the FtP Department in relation to the FtP Committees but also those areas of its work where oversight was the responsibility of ETC and Council.
- 5.3 The Committee noted that the creation of two Scheduling Officer posts had made a significant difference to the number of cases the Department was able to schedule.
- 5.4 The Committee noted that the increase in High Court appeals would have an impact on the work of the department.
- 5.5 The Committee noted that the proposed Council for Healthcare Regulatory Excellence (CHRE) audit into the initial stages of fitness to practise processes suggested a change in direction for that body. Indications from CHRE suggested that the investigation was likely to focus on understanding business processes with a view to identifying and providing signposts towards areas of best practice.
- 5.6 The Committee noted that research was planned into the expectations of complainants. It was hoped that the research would feed into the development of the fitness to practise process in 2010-2011.
- 5.7 The Committee noted that data from registration appeals, and the subsequent records of registrants involved, could be used to contribute towards the ongoing development of the FtP process..

**Action:** **Director of FtP** to review the data on registration appeals and any subsequent fitness to practise allegations.

- 5.8 The Committee noted work being done to ensure that complainants and registrants were signposted appropriately. Director of FtP would provide a paper on FtP panel decisions to the next meeting of the Committee.
- 5.9 The Committee noted Appendix two to the workplan, the FtP forecasting model, which is designed to take account of and ultimately predict the impact of, all of the influences on the FtP process. The model enabled the Director to review and accurately forecast case load and plan resource levels.

- 5.10 The Committee noted that the model took account of the projected impact of the uptake of Practitioner Psychologist cases. The Committee also noted the efficiency gains made from the improvements to FtP processes. These gains were particularly apparent against the context of a consistent referral rate over the last five years.
- 5.11 The Committee commended the Director of FtP, and the Department, for the detail and accuracy of the forecasting model, which represented an example of best practise in the field of Healthcare.
- 5.12 The Committee approved the FtP workplan for 2009-2010.

**Item 6.09/05 Update on the Fitness to Practise Department workplan 2008-2009**

- 6.1 The Committee received document from the Executive as an appendix to the paper on the FtP workplan 2009-2010 detailing progress made against the workplan cleared in February 2008. The Committee were invited to note the progress made against the 2008-2009 workplan.
- 6.2 The Committee noted the Fitness to Practise annual report for 2008-9 was currently being drafted.
- 6.3 The Committee noted the progress made against the FtP workplan 2008-2009.

**Item 7.09/07 Director of Fitness to Practise report**

- 7.1 The Committee received a paper to note from the Executive giving an overview of the work of the Fitness to Practise (FtP) Department. This included information on ongoing FtP cases, cases completed between September and December and statistical analysis from enquiries, allegations, pending cases and hearings from April 2007 to January 2008.
- 7.2 As an update to the report, the Committee noted that the appeal dismissed by the High Court in October 2008 had been referred to the Court of Appeal. This was the first time HPC had had a case referred to this body. The case referred to the High Court by CHRE was likely to be heard in March.
- 7.3 The Committee noted that 8 cases had been resolved using the interpretation of Article 30 that allowed HPC, at case review, to remove registrants from the register that had been subject to suspension orders for more than two years.

- 7.4 The Committee noted that a case had been heard after a determination by NMC. The registrant had been a member of both registers. This was the first time that a case had been brought to HPC as a result of a determination by another health regulator.
- 7.5 The Committee noted that the FtP department was accumulating a great deal of data on the pre-case to answer stage for cases.

#### **Item 8.09/08 Committee membership**

- 8.1 The Committee received a paper to note from the Executive detailing the appointment of Mrs B Stuart the Committee by Council on 11 December 2008.
- 8.2 The Committee noted the appointment.

#### **Item 9.09/08 Minutes of the Committee of 17 September 2008**

- 9.1 It was agreed that the minutes of the 22nd meeting of the Committee should be confirmed as a true record and signed by the Chairman.

#### **Item 10.09/10 Matters arising from previous meetings**

- 10.1 The Committee received a paper to note from the Executive listing matters arising from previous meetings, and setting out actions taken against them.
- 10.2 The Committee noted the actions.

#### **Item 11.09/11 External review of complaints literature**

- 11.1 The Committee received a paper to note from the Executive outlining the review of complaints literature commissioned by the department in September 2008. The paper had been returned to the Committee after a request at the last meeting that the Committee have more time to discuss it.
- 11.2 The Committee noted that work on complaints had been included in the Fitness to Practise workplan 2009-2010.

#### **Item 12.09/12 Any other business**

- 12.1 There was no further business.

#### **Item 13.09/13 Dates of future Investigating Committees**

- 13.1 Friday 24 April 2009 (following the FtP Forum)
- Thursday 17 September 2009 (following the FtP Forum)
- Thursday 26 November 2009

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**Chair**

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**Date**

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