

**THE HEALTH PROFESSIONS COUNCIL**

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MINUTES of the nineteenth meeting of the Conduct and Competence Committee held at **10:30am on Tuesday 19 September 2006** at the Health Professions Council, Park House, 184 Kennington Park Road, London, SE11 4BU.

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

**IN ATTENDANCE:**

Miss S Butcher, Secretary to Committees  
 Mr M Guthrie, Policy Officer  
 Miss K Johnson, Director, Fitness to Practise  
 Mr M Seale, Chief Executive  
 Miss E Seall, Manager, Fitness to Practise  
 Professor A van der Gaag, President

**Item 1.06/01 INTRODUCTION AND WELCOME**

- 1.1 The Chairman welcomed Professor A van der Gaag to her first meeting of the Conduct and Competence Committee in her capacity as President.

**Item 2.06/02 APOLOGIES FOR ABSENCE**

- 2.1 One apology for absence was received from the following committee member; Ms H Patey.

**Item 3.06/03 APPROVAL OF AGENDA**

- 3.1 The Conduct and Competence Committee approved the agenda.

**Item 4.06/04 MINUTES OF THE CONDUCT AND COMPETENCE COMMITTEE  
COMMITTEE MEETING HELD ON THURSDAY 20 APRIL 2006**

- 4.1 It was agreed that the minutes of the eighteenth meeting of the Conduct and Competence Committee be confirmed as a true record and signed by the Chairman.

**Item 5.06/05 MATTERS ARISING**

- 5.1 The Committee agreed that the matters arising were all items on the agenda.

**Item 6.06/06 CHAIRMAN'S REPORT**

- 6.1 The Chairman had nothing to report.

**Item 7.06/07 DIRECTOR OF FITNESS TO PRACTISE REPORT**

- 7.1 The Committee received a report on the work of the Fitness to Practise department.
- 7.2 The Committee noted that the striking off sanction had been used regularly since the last meeting of the Committee. Further details regarding what the cases involved would be provided at the next meeting. The overall workload had increased for the fitness to practise team and four temporary members of staff had been employed to fix hearings.

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- 7.3 The Committee discussed the need to define what a serious allegation was and when an interim order was applied for. The Committee further discussed the usage of conditions of practice orders and their usage in review hearings. The Director of Fitness to Practise would provide the Committee with a report on review outcomes at the next committee meeting.

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- 7.4 The committee noted that 3 applicants had been denied registration through the health and character process.
- 7.5 It was noted that the first appeal against a registration appeal had been received. The protection of title and allegations policy would both be reviewed by Council at its meeting in December.
- 7.6 Meetings had taken place with a number of ambulance trusts regarding the effective exchange of information.

- 7.7 A legal assessor and panel review day would be held in October 2006 and feedback given to the Committee at their next meeting in November 2006.

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- 7.8 The Committee agreed that due to the increasing workload it was incumbent upon it to monitor the resources available.

**Item8.06/08 DISCUSSION OF STRATEGY**

- 8.1 The Committee discussed the overarching principles which would inform the Committees strategic plan. (Please see attached notes for your information).

**Item9.06/09 FITNESS TO PRACTISE WORK PLAN AND PROCESS REPORT**

- 9.1 The Conduct and Competence Committee received a paper from the Director of Fitness to Practise for discussion.
- 9.2 The Committee noted that the workplan would be undertaken in stages with continued implementation well into the next financial year.
- 9.3 The fitness to practise work load was expanding. Up to 250 hearings had been scheduled for 2006/2007. The Committee noted that a review of staffing requirements and the structure of the department was under way. Legal fees accounted for up to 50% of the ftp budget therefore HPC needed to ensure that the financial requirements of the department for 2007/2008 were catered for adequately.
- 9.4 A key priority of the workplan was to invest in the training of the department. There were currently 13 staff members which was anticipated to increase next year. Team meetings were used as an opportunity to review sections of the HPC legislation and the ftp team were also being encouraged to complete a BTEC Level 5 Advanced Professional Certificate in Investigative Practice from Edexcel, the National Awarding Body.
- 9.5 The department were due to be audited on the 8 January 2007. The auditors would be looking to review key areas of risk.
- 9.6 The ftp team were currently reviewing the protocols in place for the HPC website and best practice in communication in the fitness to practise area.
- Practice notes
  - witness support provisions
  - ensuring accessibility of the fitness to practise process;
  - the prosecutions policy;
  - freedom of information provisions;

- service level agreements with Kingsley and Napley;
  - Risk profiling.
- 9.7 The Committee were in agreement that with an expanding ftp workload, prioritisation should be given to the immediate issues which would affect the department in the year ahead. The communications strategy was identified as a key priority for building continued effective relationships with HPC's stakeholders. The ftp trends analysis was embedded into the workplan and was something which the Committee was keen to initiate.
- 9.8 The Director of Fitness to Practise would provide an updated workplan which factored in the value attached to the outcome of undertaking some priorities first over others. Overall the workplan was envisaged to be a work in progress for the next 2-3 years.

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#### **Item 10.06/10 STANDARDS OF CONDUCT, PERFORMANCE AND ETHICS REVIEW**

- 10.1 The Committee received a paper from the Policy Officer for discussion/approval.
- 10.2 The Conduct and Competence Committee would provide the lead on the review of the Standards of Conduct, Performance and Ethics (SCPE) whilst taking into account feedback obtained from the other fitness to practise committee's. The Committee noted that no significant changes were warranted to the Standards following a review of changes in legislation. Other regulators such as the Nursing and Midwifery Council (NMC), the General Medical Council (GMC) and the Royal Pharmaceutical Society (RPS) were also reviewing their codes of conduct and united in the view that the Standards should be easy to understand with overarching principles that informed them.
- 10.3 The Committee agreed that clarification was needed in the introduction about how a registrant could meet their standards with the assistance of their professional bodies.
- 10.4 The Committee noted that the brackets had been omitted in Standard 4. Further clarification was needed on what constituted a minor motoring offence as it was too broad a definition.
- 10.5 It was found that the Standards were well used by panel members and panel Chairmen in Conduct and Competence cases. This information would be fed back to the Panel Chairmen at their review meeting.
- 10.6 The Committee agreed to the revision of the workplan which recommended the inclusion of more committee meeting dates to ensure that a thorough review of the Standards would be achieved. Time would also be allocated at the Council Away Day for further discussion of this topic.

- 10.7 The Committee noted that the review of the Standards was publicised on the HPC website, via a press release, a letter to the professional bodies and in the August 2006 newsletter. Feedback had been received and was being incorporated.
- 10.8 The Committee considered whether guidance should be issued on discrete areas of the Standards. Four potential topics had been identified; confidentiality, consent, medicines and prescribing and record keeping. The Committee noted that following an evaluation of these areas, the recommendation was that guidance should be produced on confidentiality and disclosure of information. This was based on the fact that a number of fitness to practise cases involved issues of personal data and the copying and removal of records. Data protection legislation would also need to be addressed as part of this. It was important that HPC had its own guidance to inform registrants and others about the HPC's standards. The Committee noted that there was a lot of guidance already produced on confidentiality but was happy to prioritise this in the first instance for issue as of year.
- 10.9 A first draft of guidance on confidentiality had been produced with case study examples that were profession specific. Further work was required on the incorporation of the Children's Act to address the distinction between parental viewpoints and a practitioner's. Certain clauses in guidance could be strengthened to prevent case outcomes that were problematic. Issues such as working from home and delegation issues were queries that had been received by the education department to date. Access to medical records and medical reports was identified for incorporation and could be included in the consultation with SCPE. A revised draft would be presented at the next meeting of the Committee identifying the most frequent case type.

**Action: MG – 22 November 2006**

### **Item 11.06/11 HIGH COURT APPEALS**

- 11.1 The Committee received a paper for discussion from the Director of Fitness to Practise.
- 11.2 The Committee discussed an HPC case which had been referred by the Council for Healthcare Regulatory Excellence (CHRE). The case was referred as the decision to impose a caution order had been considered as unduly lenient. The case had been disposed of via a consent order. A reconvened panel of the Conduct and Competence Committee had now heard the remitted case. The panel imposed a suspension order for a period of 6 months. HPC incurred significant costs, as the organisation was ordered to pay all of CHRE's costs which amounted to £21,203.28 as well as legal costs of £16,003.74. The learning points from this case would be addressed at the panel members and Chairmen review day in October 2006.

**Item 12.06/12 FITNESS TO PRACTISE BUDGET**

12.1 The Committee received a paper from the Director of Fitness to Practise to note.

12.2 The Committee reviewed the fitness to practise budget.

**Item 13.06/13 WITNESS QUESTIONNAIRE AND SERVICE LEVEL STANDARDS**

13.1 The Committee received a paper from the Director of Fitness to Practise for information.

13.2 The Committee noted that a witness questionnaire had been devised to review the procedures that had been put in place to date for the general support of witnesses. A review of appropriate service level standards had also been undertaken to ensure that HPC's ftp processes were clear, open and transparent. The ftp database was identified as a means by which service level standards could be tracked.

**Item 14.06/14 REVIEW OF DOCUMENTATION 'WHAT HAPPENS IF A COMPLAINT IS MADE ABOUT ME' AND 'MAKING A COMPLAINT ABOUT A HEALTH PROFESSIONAL'**

14.1 The Committee received a paper from the Director of Fitness to Practise for information.

14.2 The Committee noted that a review of the documentation 'What happens if a complaint is made about me' and 'Making a complaint about a health professional' was to be undertaken in April 2007.

**Action: KJ - April 2007**

**Item 15.06/15 ANY OTHER BUSINESS**

15.1 There was no other business.

**Item 16.06/16 DATE & TIME OF NEXT MEETING**

16.1 The next meeting of the Conduct and Competence Committee would be held at 11:00am on Wednesday 22 November 2006.