

**2003 No. 1573**

**HEALTH CARE AND ASSOCIATED PROFESSIONS**

**HEALTH PROFESSIONS**

**The Health Professions Council (Screeners) Rules Order of  
Council 2003**

<i>Made - - - -</i>	<i>13th June 2003</i>
<i>Laid before Parliament</i>	<i>17th June 2003</i>
<i>Coming into force</i>	<i>9th July 2003</i>

At the Council Chamber, Whitehall, the 13th day of June 2003

By the Lords of Her Majesty's Most Honourable Privy Council

Whereas in exercise of the powers conferred on it by articles 23, 24, 32(2) and 41(2) of the Health Professions Order 2001<sup>(a)</sup>, and of all other powers enabling it in that behalf, the Health Professions Council has made the Health Professions Council (Screeners) Rules 2003 as set out in the Schedule to this Order:

And whereas by articles 41(1) and 42 of the Health Professions Order 2001 such Rules shall not come into force until approved by order of the Privy Council:

Now, therefore, Their Lordships, having taken the Rules into consideration, are pleased to, and do hereby, approve them.

This Order may be cited as the Health Professions Council (Screeners) Rules Order of Council 2003 and shall come into force on 9th July 2003.

*A.K. Galloway*  
Clerk of the Privy Council

---

<sup>(a)</sup> S.I. 2002/254.

## SCHEDULE

### THE HEALTH PROFESSIONS COUNCIL (SCREENERS) RULES 2003

The Health Professions Council, in exercise of its powers under articles 23, 24, 32(2) and 41(2) of the Health Professions Order 2001 (a) and of all other powers enabling it in that behalf and after consulting in accordance with article 41(3) of that Order, hereby makes the following Rules:

#### Citation and commencement

1. These Rules may be cited as the Health Professions Council (Screeners) Rules 2003 and shall come into force on 9th July 2003.

#### Interpretation

2. In these Rules:

“allegation” means any allegation of a kind mentioned in article 22(1)(a) of the Order or any matter which is treated as an allegation in respect of fitness to practise by virtue of action taken under article 22(6) of the Order;

“Conduct and Competence Committee” shall be construed in accordance with article 3(9) of the Order;

“health professional” means a person whose name appears in the register against whom an allegation has been made and includes a person whose registration is currently suspended;

“lay screener” shall be construed in accordance with rule 3(2)(a);

“Health Committee” shall be construed in accordance with article 3(9) of the Order;

“panel” shall be construed in accordance with rule 4;

“the Order” means the Health Professions Order 2001; and

“registrant screener” shall be construed in accordance with rule 3(2)(b).

#### Appointment of Screeners

3.—(1) The Council may appoint persons to be Screeners in accordance with article 23 of the Order.

(2) Screeners shall be appointed—

(a) from among persons who are not and never have been members of a health or social care profession which is regulated under any enactment (“lay screeners”); and

(b) from among registrants (“registrant screeners”),

who have such qualifications, interests and experience as, in the opinion of the Council, will enable them to perform the functions of Screeners.

(3) There shall be at least one registrant screener appointed from each part of the register.

(4) A person may not be appointed as a registrant screener nor act as such if he is subject to any investigations, proceedings or determination against him concerning his fitness to practise his profession.

#### Panels

4.—(1) Any allegation which is referred to the Screeners shall be considered by a panel of at least two Screeners.

(2) If a panel—

(a) comprises two Screeners, it shall consist of one lay screener and one registrant screener;

(b) comprises more than two Screeners, it shall consist of at least one lay screener and one registrant screener and the number of registrant screeners shall not exceed the number of lay screeners.

---

(a) S.I. 2002/254.

(3) In appointing a registrant screener to a panel the Council shall have due regard to the professional field of the health professional and to the allegation under consideration.

### **Consideration of allegations**

5.—(1) A panel shall consider any allegation which is referred to it and shall establish whether power is given by the Order to deal with the allegation if it proves to be well founded.

(2) Where a panel decides that power is not given by the Order to deal with an allegation, subject to paragraph (3), it shall close the case and inform the Registrar of its decision.

(3) Where a panel comprises two Screeners, a decision to close a case may only be made by a unanimous decision but where a panel comprises more than two Screeners it may be made by a majority decision.

(4) Where—

(a) a decision to close a case cannot be reached in accordance with paragraph (3); or

(b) a panel determines that power is given by the Order to deal with an allegation,

the panel shall refer the allegation to such Practice Committee as it sees fit and shall submit the report of the result of its consideration of the allegation to that Committee.

(5) Where a panel refers any allegation to the Health Committee or Conduct and Competence Committee the Council shall give notice of the referral to—

(a) where known, the employer of the health professional or any other person with whom he has an arrangement to provide professional services;

(b) where known, any other body by which the health professional is authorised to practise a health or social care profession; and

(c) the Secretary of State, the Scottish Ministers, the National Assembly for Wales, and the Department of Health, Social Services and Public Safety in Northern Ireland.

### **Mediation**

6.—(1) Where the Screeners are requested by a Practice Committee to mediate in a case, a panel shall undertake mediation with the aim of dealing with an allegation without it being necessary for the case to reach the stage at which the Health Committee or Conduct and Competence Committee would arrange a hearing in accordance with article 32(2)(f) of the Order.

(2) In undertaking any mediation a panel may adopt such procedure as it sees fit.

(3) The Council shall not appoint a Screener to be a member of a panel undertaking mediation unless he holds such qualification or has undergone such training as the Council may determine.

(4) A panel shall report the outcome of any successful mediation to the Practice Committee which referred the case to the Screeners and its report shall include the terms on which the case was resolved.

(5) A panel shall refer any case in which mediation fails back to the Practice Committee which referred the case to the Screeners.

Sealed with the common seal of the Health Professions Council on 6th June 2003.

*Norma Brook*  
President

*Marc Seale*  
Registrar



## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order, which is made under the Health Professions Order 2001, approves Rules made by the Health Professions Council in respect of the appointment of Screeners and the procedure they are to follow in considering allegations made to the Health Professions Council.

**£1.75**

© Crown copyright 2003

Printed and published in the UK by The Stationery Office Limited  
under the authority and superintendence of Carol Tullo,  
Controller of Her Majesty's Stationery Office and Queen's Printer of  
Acts of Parliament

E0861 6/03 ON (MFK)