

NAME OF REGISTRANT: Peter Raymond Jellett
PROFESSION: Physiotherapist
HPC REF.NO: PH24812
DATE OF HEARING: 26/08/04
COMMITTEE: Conduct and Competence Committee
PANEL MEMBERS: Sandy Yule(Chair and Council Member) Kathryn Kloet (Physiotherapist) Roy Norris (Lay Partner)
LEGAL ASSESSOR: Angela Hughes
HPC'S SOLICITOR: Michael Caplan

CASE SUMMARY:

The case involved an application in terms of article 33 of The Health Professions Order 2001 for restoration to the register. The applicant had been removed from the register of the Council for Professions Supplementary to Medicine on 26th November 1996 following a disciplinary hearing. The disciplinary proceedings arose as a result of three convictions for indecent assault on female patients in respect of which the applicant served a nine month custodial sentence.

The panel heard from the applicant and from his solicitor, Mr. Cordingley. The panel were advised that the applicant had been practicing privately and that he had chaperone arrangements in place for all female patients. They were also advised that the applicant had been restored as a member of the Chartered Society of Physiotherapy on 6th May 1999 subject to permanent chaperoning arrangements for any female patients and that the applicant was prepared to give a similar undertaking to the Health Professions Council.

PANEL'S DECISION:

The Committee gave great consideration to the application by Mr. Jellett to have his name restored to the register. The convictions of Mr. Jellett in 1996 were of a very

nature which has been taken into account by the Committee today. During the past six years, Mr. Jellett has continued to work in his profession and, according to his references, has enjoyed support from former colleagues and other health professionals who were aware of his convictions. Mr. Jellett had also been removed from membership of the Chartered Society of Physiotherapists. However, in July 1999 he was restored as a member of the Chartered Society of Physiotherapists with a condition that he agreed not to treat female patients without the presence of a chaperone. Having fulfilled this condition, Mr. Jellett was restored to a member of good standing in 2002.

The Chartered Society of Physiotherapists at that time wished that Mr. Jellett continue with the chaperone process and also stated that they may choose unspecified dates to inspect his practice to ensure that the undertaking on chaperoning is in place.

The Committee also reviewed the CPD undertaken by Mr. Jellett during the past five years and considered this to be satisfactory. Having satisfied ourselves as to the professional competence of Mr. Jellett, the Committee then considered the question of whether Mr. Jellett is a fit and proper person to practice as a registered physiotherapist. The Committee took the view that it is possible for individuals to rehabilitate themselves and noted the measures already in place to ensure the safety of the public. We took into account the findings and decision of the Chartered Society of Physiotherapists and therefore the Committee were re-assured that this was adequate protection for the public, provided that the recommendations of the Chartered Society of Physiotherapists remain in place as outlined in their letter of 12th July 2002. We therefore direct the Registrar to re-instate the name of Mr. Jellett to the register subject to satisfactory completion of the necessary forms and payment of the fee.

Note of Advice: Before the applicant stated his case, the issue of whether he should be placed on oath arose. I advised the panel that the rules provided that they may require evidence to be given on oath and it was agreed that the oath would be administered.

Before the panel retired, having heard both parties, I advised them on the terms of Article 33(5), (6) and (7) of The Health Professions Order 2001. I advised that they should not grant the application unless they were satisfied, having regard in particular to the circumstances which led to the making of the initial order, that the applicant was a fit and proper person to practice as a physiotherapist. I also advised that it was open to them to grant the application subject to the applicant satisfying requirements as to additional education or training and that it was open to them to grant the application and make a conditions of practice order. I then explained that in terms of Article 29 a conditions of practice order could be made for up to three years and the committee could specify a period of up to two years within which no application to vary or revoke the order could be made.

In the course of his address to the panel, the applicant's solicitor suggested that the panel could restore the applicant to the register and accept an undertaking in similar terms to

the one given to the Chartered Society of Physiotherapists. I was asked for advice on such an undertaking and advised that there was no provision in the rules for an undertaking to be given.

The panel then retired and I was later asked to join them. I was asked for advice on the terms of a conditions of practice order and I advised that any conditions would have to be appropriate, realistic and verifiable. I confirmed this advice when the public hearing resumed.

I was also asked for assistance in the drafting of the decision, the decision having been taken before I attended and I confirmed this when the hearing resumed in public.

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