

Health Professions Council
Council – 12th May 2005

Executive Summary and Recommendations

1. Introduction

At its meeting on 2 March 2005 Council agreed a prosecutions policy. Subsequent to the Council meeting a number of changes were made to the document to cover the addition of timescales and clarification of the language to make it clear that the HPC would not hesitate to prosecute where it is appropriate to do so. The information relating to the decision to prosecute sets out a non-discrimination policy and applies two tests – the evidential test and the public interest test. It closely follows the Crown Prosecutions Service's code of prosecutors which is followed by most prosecuting agencies.

Although the additional text may seem to be more than just clarification, the tests set out in the Code are the ones the HPC would have to apply in any event. If we did not and a prosecution failed and the Court became aware the HPC had not applied the those tests, we would be criticised for failing to do so and probably made liable for the defendant's costs.

2. Decision

The Council is asked to agree the following revised prosecution policy.

3. Background information

Council was requested to agree revisions to the above document electronically however at the request of a number of Council members the Executive decided to bring this to a Council meeting for discussion and agreement.

4. Resource implications

As set out in paper HPC11/05 which was considered at the March 2005 meeting of Council.

5. Financial implications

As set out in paper HPC11/05 which was considered at the March 2005 meeting of Council.

6. Background papers

None

7. Appendices

8. Date of paper

17 March 2005

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