
STATUTORY INSTRUMENTS

2002 No. 254

The Health Professions Order 2001

PART V

FITNESS TO PRACTISE

Screeners: supplementary provisions

24.—(1) Any rules made under article 23 shall contain the provisions mentioned in paragraphs (2) and (3).

(2) The rules made under article 23(1) shall provide that—

- (a) any matter referred to the Screeners shall be considered by a panel of at least two Screeners;
- (b) the panel shall include at least one lay person and one registrant selected with due regard to the professional field of the person concerned and to the matter under consideration;
- (c) the number of registrants on any panel may not exceed the number of lay persons.

(3) Any such rules shall give Screeners the functions—

- (a) of considering the allegation and establishing whether, in their opinion, power is given by this Order to deal with it if it proves to be well founded;
- (b) if in their opinion such power is given, of referring the matter together with a report of the result of their consideration to such Practice Committee as they see fit;
- (c) if in their opinion such power is not given, of closing the case, provided that—
 - (i) if there are two Screeners, the lay person agrees, or
 - (ii) if there are more than two Screeners, it is the decision of the majority,and if head (i) or (ii), as the case may be, is not satisfied, of referring the matter in accordance with sub-paragraph (b).
- (d) where requested to do so by any Practice Committee, of mediating in any case with the aim of dealing with the allegation without it being necessary for the case to reach the stage at which the Health Committee or Conduct and Competence Committee, as the case may be, would arrange a hearing in accordance with article 32(2)(f);
- (e) in the event that mediation fails, of referring the matter back to the Practice Committee which referred it to the Screeners.

(4) The Council may make such provision in respect of Screeners as it may determine—

- (a) for the payment of fees and allowances, including the payment of allowances to employers of Screeners for the purpose of enabling Screeners to perform their functions under this Order; and
- (b) for the reimbursement of such expenses as the Screeners may reasonably have incurred in the course of carrying out their functions under this Order.

(5) If the Screeners decide that power is not given by this Order to deal with the allegation the Registrar shall inform the person making the allegation giving reasons.