

HEALTH AND SOCIAL CARE ACT 2008

EXPLANATORY NOTES

TERRITORIAL EXTENT

Interpretation

Part 2 – Regulation of Health Professions and Health and Social Care Workforce

The Office of the Health Professions Adjudicator

Section 100: Fitness to practise panels

315. *Section 100* provides that the OHPA's function of adjudication of fitness to practise cases is to be carried out by panels. The members are to be drawn from lists held by the OHPA and each panel must consist of at least 3 people - -- a chair, a lay member and a professionally qualified member. Other lay or professionally qualified members may be appointed to the panels provided they are on the OHPA's lists (see note on section 101 below). The chair can be a person who is legally qualified, a lay member or a professionally qualified member (see note on section 101 below). *Subsection (3)* empowers the OHPA to make further provision about the selection of fitness to practise panels through its rules. Rules may provide, for example, that professionally qualified panel members are selected from the professional list with due regard to the profession of the practitioner whose fitness to practise is being considered.
316. *Subsection (4)* provides that rules made under subsection (3) may require the selection of a legally qualified chair in specified circumstances. The rules may also provide for pilot schemes under which legally qualified chairs are, or are not, selected for certain proceedings.