

Witness Name: Charles Hamilton Massey
Statement No.: WITN3365001
Exhibits: WITN3365002-3365010
Dated: 17 July 2019

INFECTED BLOOD INQUIRY

EXHIBIT WITN3365008 OF MR CHARLES HAMILTON MASSEY

WITN3365008 (referred to as CM/7 in WITN3365001)

Exhibit WITN3365008 (referred to as CM/7 in WITN3365001)

Changes made to fitness to practise legislation after 2004

Before 1 November 2004, a fitness to practise case progressed through the following processes:

1. A complaint or referral to us was initially considered by a case manager who would decide whether the matter should be closed at that initial stage or whether it should proceed.
2. If it proceeded, the matter was referred to a Medical Screener. They would decide if a question arose as to whether the conduct of the doctor constituted serious professional misconduct. If they concluded that the case could be closed, then this needed agreement from a Lay Screener. If they decided the test was met, then the case would be referred to the Preliminary Proceedings Committee (PPC).
3. The PPC would consider the case papers in the absence of the parties. They would decide whether or not to refer the case to a hearing.
4. If the case was referred to a hearing, this would take place before the Professional Conduct Committee (PCC). The parties would prepare for a public hearing and evidence would be obtained. The PCC would consider whether the doctor had been convicted of a criminal offence or whether factual allegations against the doctor were proved. They would then decide whether the allegations found proved meant the doctor was guilty of serious professional misconduct and if so, whether any action needed to be taken on the doctor's registration – either conditions, suspension or erasure.

If a case closed before 1 November 2004, then it would not be affected by the changes. If a case was opened after 1 November 2004, then it progressed through the following new processes:

1. A complaint or referral was initially considered by the Registrar who would decide whether the information amounted to an allegation about the doctor's fitness to practise. If not, the matter would be closed at that stage. If it did, then the allegation would be promoted to an investigation.
2. Information and evidence would then be gathered about the allegation and the doctor would be given a chance to comment on it. Two Case Examiners (one medical and one lay) would then consider the allegation and whether to refer it to a hearing or not. The test they apply is whether there is a realistic prospect of establishing that a doctor's fitness to practise is impaired to a degree justifying action on registration.
3. If referred for hearing, this would take place before a Fitness to Practise Panel (usually in public). The Panel would decide whether the factual allegations were found proved or not. They would then decide whether the doctor's fitness to practise was impaired, and if so whether any sanction needed to be imposed on the doctor's registration – again this could be conditions, suspension or erasure.