

HEARING AID COUNCIL
DISCIPLINARY COMMITTEE

Held at:
70 St Mary Axe
London EC3A 8BD

On:
Tuesday, 19 August 2008

PRESENT:

MR CHRISTOPHER HUGHES
(Chair)

Panel Members:
MR PETER INCE
MR MIKE BISHOP

Legal assessor:
MR DAVID GRANT

MRS JANET HAWTHORNE appeared on behalf of HEARING AID COUNCIL.

**IN THE MATTER OF:
EAST SUSSEX NHS TRUST**

Transcript provided by Ubiquis
Cliffords Inn, Fetter Lane
London EC4A 1LD
Telephone: 020 7269 0370

1 THE CHAIR: The Disciplinary Committee of the Hearing Aid Council this morning
2 consists of myself, Christopher Hughes, Mr Peter Ince and Mr Mike Bishop.
3 We are assisted today by Mr David Grant, legal assessor, and the Hearing Aid
4 Council is represented by Mrs Janet Hawthorne, solicitor. Now, Mrs
5 Hawthorne, where are you going to take us first in today's list?

6 MRS HAWTHORNE: The restoration application made by East Sussex Hospitals NHS
7 Trust. The hospital is not represented today. If I outline in brief the
8 circumstances giving rise to the erasure, East Sussex Hospitals NHS Trust was
9 registered provisionally on 1 March 1997. However, as a result of non-
10 payment of retention fees, they were removed from the register maintained by
11 the Hearing Aid Council. On 10 June 2008, they submitted a formal
12 application to apply for restoration to the Registrar following erasure on 29
13 May 2008. The Trust have apologised to the Council and have stated that
14 administrative delays led to the various cheques not being processed in time.
15 The arrears regarding the hospital are the retention fee in the sum of £695. The
16 Registrar's position in relation to this matter is that there have been no
17 complaints during the period that the hospital has been off the register and,
18 therefore, will not oppose this application for restoration.

19 THE CHAIR: Thank you. Any questions? Very well. We direct the restoration of the
20 East Sussex NHS Trust to the register.

21 MRS HAWTHORNE: In those circumstances, could I submit an application for costs?

22 THE CHAIR: Yes. Thank you.

23 MRS HAWTHORNE: I have prepared a schedule of costs.

24 THE CHAIR: Thank you.

1 MRS HAWTHORNE: Now, there is one matter that I need to bring to your attention. The
2 schedule of costs in all of the cases today was prepared when the list in front of
3 you was four matters; this is now six matters, if two of the subsequent matters
4 go forward. Therefore, there has to be a reduction to take account of that, the
5 application that I am making on behalf of the HAC for costs is now £1,336.92.

6 THE CHAIR: £1,336.92. And these fairly and properly reflect the costs incurred by the
7 Hearing Aid Council in preparing...?

8 MRS HAWTHORNE: Yes. The fixed costs are the costs of actually hosting today's
9 hearing and, obviously, the Registrar's time in dealing with this matter. In
10 addition, there is an element of time for investigation and also for preparing the
11 bundles of documentation which you see in front of you, for gathering the
12 information together and corresponding and general emails and telephone
13 conversations with the hospital, which are a necessary part of this type of
14 application.

15 MR GRANT: Well, the advice that I give the Committee, Mr Chairman, is this: there are
16 two criteria. One, that the figure of the costs should reflect work actually and
17 necessarily done in order to process the matter and, secondly, that the overall
18 figure, irrespective of the person, should be a figure that the Committee think is
19 proportionate to the matters that they are seized with.

20 THE CHAIR: Thank you. Thank you, Mr Grant. We will now notionally withdraw.

21 [Committee withdraws]

22 THE CHAIR: We have considered the application for costs and we award costs to the
23 Hearing Aid Council in the sum of £1,336.92. Thank you.

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