

HEARING AID COUNCIL  
PROCEEDINGS  
**Meeting of the**  
**DISCIPLINARY COMMITTEE**

Held at:  
The Hearing Aid Council  
70 St Mary Axe  
London EC3A 8BD

On  
Thursday, 25 September 2008

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PRESENT:

MR CHRISTOPHER HUGHES  
(Chair)

Panel Members:  
MR TONY CORCORAN  
MR MARK GEORGEVIC

Legal Assessor:  
MRS SIOBHAN GOODRICH

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MR LOUIS WESTON appeared on behalf of the Hearing Aid Council  
MR STUART PARKER assisted the counsel for the Hearing Aid Council  
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**In the matter of:**  
**FRANCES DOWNING**

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

1 THE CHAIR: In this case the respondent dispenser Mrs Downing was responsible for the  
2 audiological care of a patient in Spring 2007. She carried out audiometry on 28  
3 March 2007, and failed to carry it out in accordance with the recommendations of  
4 the British Society of Audiology. On 4 April 2007 she took impressions of each  
5 ear and during the process of taking those impressions the mould broke, and  
6 although she inspected the relevant ear she did not properly identify the fact that  
7 some material had remained within the ear. Therefore she failed to comply with the  
8 British Society of Audiology procedure for taking an aural impression in that she  
9 failed to recognise the presence of the material when performing otoscopy. As a  
10 result of this procedure, and the failure to identify the material left in the ear, the  
11 patient had to undergo the removal of the material under general anaesthetic. Mrs  
12 Downing has properly acknowledged her two breaches in these matters. The  
13 Committee gives her full credit for admitting her breach. In considering what  
14 sanction to apply, the Committee is satisfied that these two breaches cannot  
15 properly be dealt with by way of censure, and a financial penalty is in both cases  
16 appropriate. We have considered the suggested financial penalties and we consider  
17 that more appropriate sanctions are for the failure to carry out audiometry correctly  
18 there should be a sanction of £500, and for the failure to carry out otoscopy  
19 properly, and identify the presence of material in the ear which she had placed  
20 there, we think a sanction of £1,500 is appropriate. We also require the dispenser  
21 to undertake an additional five hours CPD in addition to her normal annual  
22 requirement, and this should be in the field of otoscopy.

23 THE CHAIR: The Committee has considered the application for costs, and is satisfied that  
24 costs in the sum of costs £2,590 are properly awardable. However, the Committee  
25 considers that costs of £2k would be more proportionate and appropriate in all the  
26 circumstances of the case. This gives a total sum of costs and penalties of £4k, and

1 we direct Mrs Downing pay back the sum at the rate of £200 per month, the first  
2 payment to be made within 28-days of being notified of the outcome of this  
3 hearing. If she is in default of any one of those payments the entire outstanding  
4 sum will become immediately due and payable.