

COMPLAINT REVIEW

INTERIM REPORT

1 April 2008 – 30 September 2008

HEARING AID COUNCIL

INVESTIGATING COMMITTEE

1. Introduction

During the course of the first six months of this year, the total number of complaints received by the HAC was 37.

The following table sets out the number of complaints which were received each month:

Month	April	May	June	July	August	September
No of Complaints	10	1	7	7	11	1

2. Investigating Committee Meetings

During this six month period, the Investigating Committee met on 4 occasions, (3 of which were conducted by phone)

The Investigating Committee considered 27 complaints during this period. Of these cases:

- 1 complaint was the subject of a request for further information.
- 7 complaints were referred for consideration by the Disciplinary Committee.
- 18 complaints were closed by the Investigating Committee.
- 1 complaint was referred back to the Investigating Committee by the Disciplinary Committee. This case was subsequently closed by the Investigating Committee.
- 48 complaints remained open as at 30 September 2008. The table below sets out the length of time these cases have been open as at 30 September 2008:

Number of Weeks A Complaint Has Been Open	Number of Cases
Under 22 Weeks	27
23 to 30 Weeks	11
31 to 40 Weeks	3
Over 40 Weeks	8
Total No. of Complaints	49

- The average length of time taken to complete a case is 23 weeks. The length of time which a case takes to be dealt with is affected by a number of factors, including the intervals between IC meetings.

3. Disciplinary Committee

The Disciplinary Committee met on 7 occasions during the period 1 April 2008 to 30 September 2008. The cases dealt with by the Disciplinary Committee continued to reflect the regulatory aims of the HAC as set out in the Statement of Regulatory Intent.

A full list of the cases dealt with by the Disciplinary Committee (including the penalties and costs awarded) is set out in the attached Appendix. The Disciplinary Committee sat with a 3 person panel on 5 occasions, and a 5 person panel on 2 occasions.

- 24 dispensers were the subject of disciplinary action.
- 22 dispensers were convicted.
- Charges were found not to be proved in one case.
- Charges were withdrawn in respect of one case.
- 1 company was the subject of disciplinary action.

3.1 Fines and Costs

The average fines and costs imposed in respect of the following breaches of the Code of Practice were as follows:

- **Treating Clients Fairly**

Clause	Average Fine	Average Costs	No of Breaches
Clause 1	£ 1,000.00	£5,592.44	6
Clause 3	£ 571.43	£ 1,520.46	7
Clause 4	£ 400.00	£ 2,169.21	2

- **Clinical Practice**

Clause	Average Fine	Average Costs	No of Breaches
Clause 9	£ 750.00	£ 2,208.40	10

- **Relationship with Regulators**

Clause	Average Fine	Average Costs	No of Breaches
Clause 21	£ 1,000.00	£ 2,716.52	4

The average legal cost of a Fast Track disciplinary case was £1,401.67. The average legal cost of a Full disciplinary case was £2,865.00.

3.2 Restoration Cases

During the six month period of this report, the Disciplinary Committee restored 4 individuals to the Register of Hearing Aid Dispensers and 2 companies to the Register of Hearing Aid Employers. All removals from the register were non-payment of retention fees following 3 reminders.

APPENDIX 1

List of the Cases Determined by the Disciplinary Committee from
1 April 2008 to 30 September 2008

Dispenser	Employer at time of events giving rise to charges	Costs	Penalty	Qualifying Promise	Notes
RELATIONSHIP WITH REGULATORS					
Clause 21					
	Amplifon Ltd	£2,000.00	£1,000.00	No	
Mr D Malone	Independent	£969.38	Erasure	No	
Mr C Elcocks	Norfolk Hearing Services	£1,896.70	£1,000.00	No	
Mr R Borland (1)	Digital Hearing (UK) Limited	£12,000.00	suspension	No	
TREATING CLIENTS FAIRLY					
Clause 3					
Ms J Murphy (1)	Amplifon Ltd	£2,000.00	£500.00	Yes	10 hours CPD in audiometry & hearing aid solutions
Mr G Knowles	Hidden Hearing Ltd	£2,850.94	£1,000.00	No	
Mr B Bingham (1)	Hidden Hearing Ltd	£1,996.33	£500.00	No	
Mr A Berg (1)	Prestige Hearing Ltd	£2,000.00	£500.00	No	
Mr R Bell	Sietech Hearing Centre	£2,027.83	£500.00	Yes	5 hours CPD in programming of aids
Mr E J O'Neill (1)	St Johns Hearing Aid Centre	£2,027.83	£500.00	Yes	10 hours CPD in programming of aids
Mr J A O'Neill	St Johns Hearing Aid Centre	£1,752.36	£500.00	Yes	5 hours CPD in hearing aid selection
Clause 1					
Mr J Hobbs	Hidden Hearing Ltd	£8,087.60	Suspension	No	
Mr A Harris	Hidden Hearing Ltd	£4,000.00	Admonishment	No	
Mrs V Dixon (1)	Specsavers Hearcare Ltd	£10,000.00	Censure	No	
Mrs V Dixon (2)	Specsavers Hearcare Ltd				
Mr M Hobbs	Specsavers Hearcare Ltd	£6,467.03	£1,000.00	No	
Mr R Maitland	Specsavers Hearcare Ltd	£5,000.00	Erasure	No	
Mr B Tranter	Sussex Audiology Centre	N/A	N/A	N/A	Costs awarded against HAC - £12,000.00
Clause 4					
Mr B Sturdy	Mansel Hearing Centres	£2,338.41	£500.00	No	
Mr I Rogerson	The Hearing Company	£2,000.00	£300.00	No	
CLINICAL PRACTICE					
Clause 9					
Mr S Toon	Ambicare Hearing Ltd	£1,131.90	£500.00	Yes	5 hours CPD in audiology
Ms J Murphy (2)	Amplifon Ltd	see previous	£500.00	Yes	see previous breach (1)
Ms H Tenwolde	Hearing Health Care	£1,800.00	£1,000.00		
Mr B Bingham (2)	Hidden Hearing Ltd	see previous	£500.00	No	
Ms S Brain	Hidden Hearing Ltd	£5,639.99	£500.00	No	
Dr G Day	Independent	£1,500.00	£500.00	No	
Mr A Berg (2)	Prestige Hearing Ltd	see previous	admonishment	No	
Mr R Borland (2)	Digital Hearing (UK) Limited	see previous breach (1)	suspension	No	
Mrs F Downing	Specsavers Hearcare	£2,000.00	£2,000.00	Yes	5 hours CPD in otoscopy
Mr E J O'Neill (2)	St Johns Hearing Aid Centre	see previous	£500.00	Yes	see previous breach (1)
REGISTRATION/RESTORATION CASES					
	Clear Hear Ltd	£780.37	Restored		
Ms C Leek	Clear Hear Ltd	£1,142.87	Restored		
Ms S Dixon	Clear Hear Ltd	£780.37	Restored		
	East Sussex Hospitals NHS Trust	£1,336.92	Restored		
	Sound Matters Ltd	£1,242.48	Restored		
Mr P Carmichael	Sound Matters Ltd	£1,419.30	Restored		
Mr A H Miah	N/A	£1,463.13	Restored		
A number of dispensers have been found guilty of more than one breach of the Code of Practice					
(1) first matter involving dispenser					
(2) second matter involving dispenser					