

1 HEARING AID COUNCIL PROCEEDINGS

2 **Meeting of the**  
3 **DISCIPLINARY COMMITTEE**

4 Held at:

5 70 St Mary Axe

6 London EC3A 8BD

7 On

8 Monday, 14<sup>th</sup> October 2009

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10 PRESENT:

11 MR CHRISTOPHER HUGHES OBE

12 (THE CHAIR)

13 Panel Members:

14 MR PETER INCE

15 MR MICHAEL BISHOP

16 Legal Assessor:

17 MR Anthony Coleman

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19 MS KEMP appeared on behalf of the Hearing Aid Council.

20 MR CHRISTOPHER RICHARDS represented himself.

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22 **In the matter of:**

23 CHRISTOPHER RICHARDS

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1 **Wednesday 14th October, 2009.**

2 MR HUGHES: Good morning. This session of the Disciplinary Committee of the Hearing  
3 Aid Council consists of myself: Chris Hughes, Chairman, Mr Peter Ince and Mr  
4 Mike Bishop. The Disciplinary Committee today is assisted by Mr Anthony  
5 Coleman, the Legal Assessor. There is before us one case relating to a Mr  
6 Christopher Richards, a Registered Hearing Aid Dispenser, who is present in  
7 person. The Hearing Aid Council is represented by Ms Kemp, assisted by Miss  
8 Knowles. Ms Kemp, where are we?

9 MS KEMP: Sir, we are ready to proceed, if I may. I propose to firstly ask you to confirm  
10 that you have received a bundle of documents on behalf of the Hearing Aid  
11 Council, which runs to 43 pages. I do not propose to deal with service, as Mr  
12 Richards is here present. I do firstly propose to read the charges for the purposes  
13 of the record and then I will - with your leave - I may suggest that Mr Richards is  
14 given an opportunity to present his preliminary position as to what he admits in  
15 respect of those charges. Then I will open the Council's case.

16 MR HUGHES: I think that is satisfactory. Thank you. If you could read the charge there.

17 MS KEMP: I am grateful. The charges appear on page 2 of the bundle. It reads as  
18 follows:

19 "The charge is that Mr Richards failed to take all reasonable steps to  
20 retain audiograms and case history records for a minimum of five years  
21 from the date of supply of hearing aids in breach of Clause 9, Subsection  
22 (c) of the Hearing Aid Council Code of Trade and Practice 2008."

1 "(1) Between 30th April 2007 and 10th September 2008, you failed to take all  
2 reasonable steps to retain audiograms in the case history records as follows to  
3 supply hearing aids to Debbie Sears of Glandwr New Inn, Pencader,  
4 Carmarthenshire, SA39 9AZ, in that you failed to maintain a back up of a full set of  
5 records relating to programme settings. (2), you failed to record the programming  
6 data for any adjustments/fine tuning which you made to Mrs Debbie Sears' hearing  
7 aids on (a) 11th July 2007 and (b) 5th September 2007."

8 MR HUGHES: Thank you, Miss Kemp.

9 Now, Mr Richards, what do you say to that? From Miss Kemp's introduction, it appears  
10 as though you want to say more than you accept the charge or you do not accept  
11 the charge.

12 MR RICHARDS: Yes. I do not accept the charge.

13 (The Disciplinary Committee heard evidence and argument)

14 *(The Panel withdrew to consider the charges).*

15  
16 *(The Panel returned).*

17 MR HUGHES: In this matter, Mr Christopher James Richards, a Registered Hearing Aid  
18 Dispenser, is charged that during the Spring and Summer of 2007, he failed to  
19 take all reasonable steps to retain audiograms and case history relating to the  
20 supply of hearing aids to one of his patients, in that he failed to maintain and back-  
21 up a full set of records relating to programme settings. At the time, the system he  
22 was using had been relatively recently introduced by his employer and he had

1 received some training on it. Mr Richards is quite clear in his recollection that he  
2 followed the procedure correctly, and he has no explanation for how the records  
3 cannot be found either on his laptop or on the head office system.

4 It is clear that he has experienced some difficulties operating the computer. Some of his  
5 colleagues have had further training in the system. The Committee is satisfied  
6 that Mr Richards has given his evidence in good faith and has conscientiously and  
7 carefully attempted to ensure that records are properly kept. However, we are  
8 satisfied from all the available evidence that he has failed to take all reasonable  
9 steps and he could have done more to ensure that the records were kept.

10 However, we do not consider that this is a case where any sanction is appropriate,  
11 nor indeed any award for costs. We have found a breach. We are recommending  
12 to Mr Richards and his employer that Mr Richards should undergo further training  
13 with respect to the operation of the system and the auditing of the records he has  
14 generated, so that on a daily basis he has assurance that all his transactions and  
15 advice to his patients have been properly recorded. We do not, however, consider  
16 that this is an occasion for a qualified promise, and we are entirely satisfied that  
17 Mr Richards and his employer will take proper steps to make sure that his practice  
18 is as robust as possible.

19 That concludes the hearing for today. Thank you very much.

20 MR RICHARDS: Thank you very much.  
21  
22