

1 HEARING AID COUNCIL PROCEEDINGS

2 **Meeting of the**
3 **DISCIPLINARY COMMITTEE**
4

5 Held at:

6 70 St Mary Axe

7 London EC3A 8BD

8 On

9 **Friday, 22nd January 2010**

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11 PRESENT:

12 MR CHRISTOPHER HUGHES OBE

13 **(THE CHAIR)**

14 **Panel Members:**

15 MR MICHAEL BISHOP

16 MR DAVID PYLE

17 MR TONY CORCORAN

18 MR MARK GEORGEVIC

19
20 **Legal Assessor:**

21 MR MICHAEL VERE HODGE QC

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23 MR CHRIS WHALLEY appeared on behalf of the **Hearing Aid Council.**

24 MS AMICIE KNOWLES Disciplinary Committee Clerk
25 -----
26

27 **In the matter of:**

28 MR ROBERT ILES

29
30 Transcript produced by Sellers Legal Services

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Friday, 22nd January, 2010.

MR WHALLEY: I will start by reading out the charges, which are found at pages B and C of your bundle.

"Charge 1: failure to give best possible advice to your clients regarding hearing aids and their use in breach of clause 3 of the Hearing Aid Council's Code of Trade Practice 2004 and 2008. The particulars of that breach are: 1) between 11th February 2005 and 3rd June 2008 you failed to give the best possible advice to Client K regarding hearing aids and their use and that you dispensed Oticon syncro MIC hearing aids which were inappropriate to their hearing loss because their hearing loss fell outside the fitting range of Oticon Syncro MIC. Number 2; between 11th February 2005 and 3rd June 2008 failed to give the best possible advice to Client K regarding hearing aids and their use and that you failed to carry out further audiometry after 11th February 2005 and as a result the programming and adjustments you made to the hearing aids were inappropriate.

Charge number 2: failure to carry out audiometry in accordance with those recommended procedures by the British Society of Audiology to breach of Code 9A of the Hearing Aid Council Code Practice 2004 and 2008.

The particulars of that breach, number 1, between 12th February 2005 and 12th June 2008 you failed to carry out audiometry a maximum of 24 months after the audiogram on 11th February 2005 was taken when an identical replacement aid was supplied to Client K. Number 2, between 12th February 2005 and 3rd June 2008 you failed to carry out audiometry when Client K had reported a change in hearing."

As I indicated, this is for fast-track hearing today. You will see at page D there is a fast-track letter sent to Mr Iles. He has returned it and signed it dated 20th October 2009, stating:

"I fully and unequivocally admit the charges set out and would like my case to

1 be dealt with by the fast-track procedure."

2 *(The committee heard submissions from The Hearing Aid Council)*

3 (Committee retire)

4 CHAIR: On the 11th February 2005 Mr Robert Iles, a registered hearing aid dispenser, saw
5 a new client. He tested his client's hearing and dispensed a hearing aid. The
6 hearing aid he dispensed was not suitable for the hearing loss and as a result of this
7 over the course of approximately three and a half years the client or patient had
8 cause to contact Mr Iles in excess of thirty times seeking assistance, support and
9 help. During those three and a half years, although Mr Iles made repeated
10 adjustments to the aid and cleaned the aid, he did not carry out further audiometry on
11 his patient's hearing. This set of circumstances has given rise to two charges before
12 us.

13 The first relates to a failure to give best advice, both at the original consultation when
14 the decision was made as to what aid to dispense and subsequently in making a
15 series of ineffective programming adjustments which were in essence bound to be
16 ineffective because the aid was not suitable for the hearing loss. So from 11th
17 February for a period of three and a half years, Mr Iles continued to give defective
18 advice.

19 The second charge relates to the carrying out of audiology in accordance with the
20 British Society of Audiology Code as required by the Hearing Aid Council Code of
21 Trade Practice. This requires audiometry to be carried out within two years after the
22 initial carrying out of audiometry. There was a failure to do this, so there is a failure
23 to properly understand and monitor the hearing loss which his patient required
24 remedying.

25 In the relatively brief communications which the Council has received from Mr Iles, it is
26 clear that the difficulties his patient was experiencing were entirely predictable from
27 the original failure to carry out audiology - to give appropriate advice and dispense
28 the correct aid. In order to properly protect the public from such deficient services,

1 the Committee has concluded that a financial sanction is appropriate and accordingly
2 we impose a penalty of £1,000 with respect to the failure to provide best advice and
3 £1,000 with respect to the failure to follow the British Society of Audiology guidance
4 on audiometry.

5 CHAIR: Is there an application for costs?

6 MR WHALLEY: That's correct, Sir. There is an application for costs in the sum of £1,596.

7 A breakdown of costs has been provided to you. A statement of means has been
8 provided by Mr Iles dated the 16th of this month.

9 CHAIR: Mr Whalley. You are making an application in the sum of £1,596?

10 MR WHALLEY: That's correct Sir.

11 *(The committee adjourn to consider the issue of costs)*

12 CHAIR: In this matter costs are sought in the sum of £1,596. The Committee has
13 considered how the costs have arisen and has concluded they are all properly
14 occurred and are proportionate to the issues and complexity of the case before us.
15 Accordingly we award costs in that sum in favour of the Hearing Aid Council. The
16 total sums due to be paid by Mr Iles are therefore £3,596. In his income expenditure
17 schedule, which is rather brief and recently served on the Hearing Aid Council he
18 discloses an uncommitted disposable income per month. In his absence it is difficult
19 to go behind that. Accordingly we direct that the full sum of £3,596 be paid within
20 three months, should he have difficulty in meeting that target he should approach the
21 registrar of the Hearing Aid Council within 28 days of the date he receives notification
22 of the decision with proposals for payment. I think that concludes the hearing for
23 today.

24 (Hearing concluded)