

HEARING AID COUNCIL

PROCEEDINGS

**Meeting of**

**FAST-TRACK DISCIPLINARY COMMITTEE**

held at

70 St Mary Axe  
London EC3A 8BD  
on

17 August 2007

PRESENT:

MR CHRIS HUGHES (Chair)

MR TONY CORCORAN  
MR MIKE BISHOP  
(Committee Members)

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MS SIOBHAN GOODRICH: Legal Assessor  
MRS JANET HAWTHORNE: Council's Solicitor  
MS AMICIE KNOWLES: Committee Administrator

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Case of: MR PETER HAMILL

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The respondent did not attend.

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2 DECISION REGARDING SANCTION  
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4 CHAIR: In the case of Mr Hamill, the complaint which gave rise to this disciplinary  
5 hearing is exceptionally old. The transaction which gave rise to the complaint took  
6 place in November 2004. Unfortunately, due to the failure of Mr Hamill's former  
7 employer to properly address the issue, to properly correspond with the Registrar  
8 and to properly involve Mr Hamill in the complaint and give him notice of it, the  
9 complaint did not come to Mr Hamill's notice until earlier this year. This is wholly  
10 unsatisfactory for a number of reasons.

11 Turning to Mr Hamill's position, he was faced suddenly with a disciplinary  
12 proceeding before his regulatory body some two and a half years after the event,  
13 when clearly his recollection of the circumstances of the events would be much  
14 impaired.

15 However, leaving that on one side, the facts of the case are relatively  
16 straightforward. Mr Hamill dispensed a Phonak behind-the-ear hearing aid to a  
17 patient. This was a very high-powered aid which could potentially have caused  
18 significant harm to the patient's hearing. However, the circumstances were that the  
19 patient had a very significant and sudden hearing loss at about 1.5kHz. The hearing  
20 loss of the patient did not match the manufacturer's recommended hearing loss  
21 range and he did not take notice of the manufacturer's warning with respect to  
22 residual hearing.

23 MR BISHOP: It could cause damage to residual hearing.

24 CHAIR: Which could result in damage to hearing. Accordingly, Mr Hamill was in breach  
25 of Clause 3 of the Code of Practice. Mr Hamill has accepted that he was in breach  
26 of the Code of Practice. The Committee has considered carefully what an  
27 appropriate sanction and other measures might be to address these circumstances.

1 In order to ensure proper protection of the public and the maintenance of standards,  
2 the Committee considers that a sanction of £1,000 is appropriate. It further  
3 considers that a qualifying promise to demonstrate to the Registrar that he has  
4 successfully undertaken appropriate training on the selection of hearing aids should  
5 be given. That training is the Phonak I-learning System, or equivalent. He should  
6 produce evidence of successful completion of that course within three months to the  
7 Registrar. In addition, the sanction of £1,000 is appropriate.

8 The unsatisfactory nature of these proceedings so long after the event is  
9 clear, since for the last two years and nine months it is possible that the registered  
10 dispenser may have been committing the same error in other circumstances. This  
11 again, emphasises the importance of employers of dispensers of informing  
12 dispensers when complaints against them, and of employers properly and fully  
13 cooperating with the Hearing Aid Council to ensure that standards are properly  
14 maintained.

#### 15 DECISION REGARDING COSTS

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18 CHAIR: The Committee considered the issue of costs in this matter. The Committee is  
19 aware that the total costs of the Hearing Aid Council were of the order of £2,600.  
20 However, the Committee considered that in the light of the indication given to the  
21 registered dispenser that costs would be sought in the sum of £1,000, the  
22 Committee awards costs in that lower sum.

23 The total of £2,000 should be paid to the Registrar within 28 days. If such  
24 payment is impossible or causes substantial difficulties, he should within that 28-  
25 day period approach the Registrar with evidence of means including bank  
26 statements and proposals for payment of the £2,000 in staged payments within a

1 moderate period of time.

2 That concludes the case.

3

4 [The hearing concluded]