

unconfirmed
THE HEALTH PROFESSIONS COUNCIL

Chief Executive and Registrar: Mr Marc Seale

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MINUTES of the eighteenth meeting of the Health Professions Council held at
11am on Thursday 15 July 2004 at Park House, 184 Kennington Park Road,
London, SE11 4BU.

PRESENT: Professor N Brook (President)

Mr J Camp
Mrs S Chaudhry
Ms C Farrell
Prof. J. Harper
Professor T Hazell
Ms R Levenson
Miss M MacKellar
Ms J Manning
Mr W Munro
Dr J Old
Miss P Sabine
Mrs. B. Stuart
Miss E Thornton
Professor D Waller
Mr N Willis
Dr S Yule

IN ATTENDANCE:

Mr P Baker, Finance Director
Mr T Berrie, Director
Mr. J. Bracken, Bircham, Dyson, Bell
Mr R Dunn, Director of Information
Miss K Johnson, Fitness to Practise Director
Ms N O'Sullivan, Secretary to Council
Miss L Pilgrim, Director
Mr G Ross-Sampson, Project Manager
Mr M Seale, Chief Executive and Registrar
Ms D Thompson, Human Resources Director

Item 1.04/71 INTRODUCTION AND WELCOME

Professor Brook welcomed all members and non-members to the meeting.

Item 2.04/72 APOLOGIES FOR ABSENCE

- 2.1 Apologies for absence were received from the following Council members; Mr R Clegg, Miss M Crawford, Mrs C McGartland, Dr R Jones (Miss E Thornton attending), Mr C Lea, Professor J Lucas, Mr K Ross, Mrs J Stark, Dr A Van Der Gaag.

Item 3.04/73 APPROVAL OF AGENDA

- 3.1 The Council approved the agenda.

Item 4.04/74 MINUTES

- 4.1 It was agreed that the minutes of the seventeenth meeting of the Health Professions Council be confirmed as a true record and signed by the President subject to the inclusion of Dr S Yule on the list of those present.

Item 5.04/75 MATTERS ARISING

- 5.1 5.4 Matters Arising – Chief Executives Report
5.1.1 The Council noted that the HPC response to the consultation document on the regulation of healthcare staff in England and Wales had been despatched.
- 5.2 Matters Arising- Council Membership
5.2.1 The Executive had been informed that an announcement by the Department of Health (DH) on the appointment of a replacement alternate paramedic member would be made shortly.
- 5.3 Matters Arising – Process for Recruitment of Screeners
5.3.1 The Council noted that the Investigating Committee and the Conduct and Competence Committee had agreed that screeners should not be appointed. All cases would be considered by the Investigating Committee.
- 5.4 7.5 Chief Executive’s Report
5.4.1 The Council noted that information on the breakdown of partners recruited by country had been added to the Council members’ section of the website.

- 5.5 9.4 Health Professions Council's Draft Election Rules
5.5.1 The Council noted that the consultation on the draft election rules had been completed and that an analysis of the responses received was being undertaken. Council would consider the decisions to be taken as an outcome of the consultation at the September Council meeting.

Action: NO'S

- 5.6 Item 13 Supplementary Prescribing for Allied Health Professionals
5.6.1 The Council noted that the Standards of Proficiency and the Standards of Education and Training for Supplementary Prescribing and a consultation document on the Standards would be considered at the September meeting of the Education and Training Committee.

Item 6.04/76 PRESIDENT'S REPORT

- 6.1 Professor Brook noted that she had attended a meeting on the modernisation of orthopaedic services which had been interesting but at which little had been discussed in relation to the allied health professions.
- 6.2 She had been involved in interviews for the post of Director of Education. This was included as an item on the private agenda.
- 6.3 Professor Brook noted that she had attended the launch of 'Choosing Health' which had been chaired by the Health Minister John Hutton.
- 6.4 The Council for the Regulation of Healthcare Professionals had changed its name and was now known as the Council for Healthcare Regulatory Excellence (CHRE). Professor Brook had attended a meeting of the Council and also a meeting to discuss cases referred under section 29 of its legislation. None of the cases considered had been taken any further.
- 6.5 Other meetings included a meeting of the Partnership Approvals Group, the outcome of which had been considered at the meeting of the Approvals Committee held on 12 July, and also the quarterly meeting with the Department of Health.
- 6.6 Finally Professor Brook noted that Miss P Sabine had been awarded a gold medal by the Society of Chiropodists and Podiatrists and that Mr R Clegg had been elected to his local council. The Council offered its congratulations to both members on their achievements.

Item 7.04/77 CHIEF EXECUTIVE'S REPORT

- 7.1 Mr Seale informed the Council that the HPC had been recommended for ISO 9001 2000 registration. The HPC was the only regulator in the United Kingdom to have achieved this. The implementation of a quality management system was a fundamental step in putting in place

robust business processes and demonstrated the seriousness with which the HPC regarded the provision of a quality service.

- 7.2 Mr Seale noted that following interview a new Director of Education and Policy had been appointed and that this was included as an item on the private agenda.
- 7.3 A customer services manager had also been appointed to track all complaints and in this way to capture valuable feedback for the organisation.
- 7.4 The Chief Executive noted that he had met the Vice-Chancellor of Anglia Polytechnic University on 7 June 2004 and that the University was looking into the possibility of setting up a BSc (Hons) Podiatry Degree in 2005.
- 7.5 The Council noted that currently no analysis of complaints with regard to ethnicity was undertaken and that a discussion with regard to these issues needed to take place in the future. It was agreed that this matter would be discussed at a future Council meeting.

Action: MJS

- 7.6 The Council noted that some of the information tables presented to Council needed refinement. It was agreed that members should feed their comments to the Director of Information.

Item 8.04/78 OUTCOME OF THE CONSULTATION ON THE STRUCTURE OF THE REGISTER

- 8.1 The Council received a paper from the Chief Executive.
- 8.2 The Council noted that the response rate to the consultation was in line with that received as a result of similar consultations. It was normal practice to identify those who had responded in the decisions document unless they specifically asked not to be identified.
- 8.3 The Council agreed that this matter should be discussed at a special meeting to be held at 10am on Tuesday 14 September 2004. All Council members, including alternates, were invited to attend. The Council meeting to be held on the same day would start at 11.30am. The decision of the earlier meeting would be included as an item on the agenda.

Item 9.04/79 OUTCOME OF THE CONSULTATION ON THE STANDARDS OF EDUCATION AND TRAINING AND THE APPROVALS PROCESS

- 9.1 The Council received a paper from the Chief Executive.

- 9.2 The Council noted that the analysis and key decisions from the consultation on the standards of education and training and the approvals process had been considered at a special meeting of the Education and Training Committee and the Approvals Committee which had been held on 12 July 2004. The final document which had been produced as a result of the decisions taken at that meeting was being presented to Council for approval.
- 9.3 The Council noted that the number of responses to the consultation which had been received was high and that many detailed comments had been made. These would be taken into consideration when the curriculum guidelines were prepared.
- 9.4 The Council noted that under Article 3 (14) of the Health Professions Order 2001 all standards could only be altered after consultation. The approvals process could be amended as required.
- 9.5 The Council;

RESOLVED

That the standards of education and training and the approvals process be approved subject to a number of minor amendments.

- 9.6 The Council thanked the Standards of Education and Training and the Approvals Professional Liaison Groups for their work on this matter.

Item 10.04/80 OUTCOME OF THE CONSULTATION ON THE OPERATING DEPARTMENT PRACTITIONERS – DRAFT STANDARDS OF PROFICIENCY

- 10.1 The Council received a paper from the Executive.
- 10.2 The Council noted that the consultation on the draft standards of proficiency which had been agreed at the last meeting had been completed.
- 10.3 The Council noted that the comments received from the consultation should be considered when all the Standards of Proficiency were reviewed.
- 10.4 The Council;

RESOLVED

That the Standards of Proficiency be approved as setting out the requirements for safe and effective practice as an operating department practitioner.

- 10.5 The Council noted that as yet there was no member of the profession to which the standards related on Council and that in future when standards for aspirant groups were being drafted a joint consultation with the HPC and the aspirant group would be organised.

**Item 11.04/81 HEALTH, DISABILITIES AND REGISTRATION
PROFESSIONAL LIAISON GROUP (PLG)**

- 11.1 The Council received a paper from the Executive.
- 11.2 The Council noted that the proposal to create a Professional Liaison Group for Health and Disabilities Registration had arisen from work being undertaken by the Council in this area.
- 11.3 The Council agreed to the setting up of the Professional Liaison Group and to the terms of reference proposed in the paper.
- 11.4 The Council also agreed that Miss M Crawford should be the Chairman of the PLG and that members who were interested in being a part of the PLG should put their names forward. The Allied Health Professions Forum should be asked to nominate members and suggestions for organisations representing patient groups or people with disabilities who could be asked to make nominations for members were requested. It was agreed that all Council members would be contacted with a request for suggestions.

Action: NO'S/RT

**Item 12.04/82 REVISION OF THE APPLICATION PACK FOR ASPIRANT
GROUPS**

- 12.1 The Council received a paper from the Executive.
- 12.2 The Council noted that the process to decide if an aspirant group should be regulated by the Health Professions Council had been operating since April 2003. To date the only significant area for improving the process was to increase the time at Council meetings that the Council had to review the application. The Executive recommended that the process should be split between two meetings.
- 12.3 The Council agreed to that the process should be split between two meetings as recommended in the paper.
- 12.4 The Council noted that issues raised at the first meeting would be fed back to the aspirant group so that they could address these in their presentation to the meeting.

Item 13.04/83 REVIEW OF COUNCIL MEMBERS' PERFORMANCE AND DEVELOPMENT REVIEW SYSTEM

- 13.1 The Council received a paper from the President.
- 13.2 The Council noted that a members' performance and development review system had been introduced in December 2002 as a pilot.
- 13.3 The Council noted that review meetings had taken place with sixteen Council members and that overall the system had worked well. It was felt that the six monthly follow-up review meeting was only necessary if specifically requested by the President or by a member.
- 13.4 The Council noted that it was important that an induction programme was put in place for new members prior to the completion of the elections in July 2005. A training programme was being planned and consideration was being given to the setting up of a mentoring system.

Action: NO'S

- 13.5 It was agreed that the form for completion by members should be circulated to members for comment.

Action: NO'S

Item 14.04/84 AMENDMENTS TO PRACTICE NOTES

- 14.1 Preliminary Meetings
 - 14.1.1 The Council received a paper from the Executive.
 - 14.1.2 The Council agreed that preliminary meetings of the Investigating Committee, Conduct and Competence Committee and Health Committee panels as allowed for in the relevant rules for each committee only take place where there were matters of a technical/complex nature to be resolved or if the parties had particularly requested that a preliminary meeting took place.
 - 14.1.3. The Council approved the practice note in relation to preliminary meetings.
- 14.2 Appointment of Assessors and Expert Witnesses
 - 14.2.1 The Council received a paper from the Executive.
- 14.3 The Council approved the practice note in relation to the appointment
 - 14.3.1 of assessors and expert witnesses.
- 14.4 Interim Orders
 - 14.4.1 The Council received a paper from the Executive.

14.4.2 The Council approved the practice note in relation to interim orders.

14.5 Delegated Authority

14.5.1 The Council received a paper from the Executive.

14.5.2 That the Director of Fitness to Practise and all persons appointed as HPC Case Managers be appointed by the Council as authorised persons for the purposes of Article 25(1) *and* Article 37(7) of the Health Professions Order 2001.

14.5.3 The Council approved the practice note in relation to delegated authority.

14.6 The Council agreed that matters relating to Fitness to Practise should be considered at the relevant practice committee before being agreed by Council.

Item 15.04/85 HEALTH PROFESSIONS COUNCIL ANNUAL REPORT

15.1 The Council received the Health Professions Council Annual Report.

15.2 The Council approved the document.

15.3 The Council also agreed that in future this should be considered by the Council before the publication of the final document.

Action: MJS/CM

Item 16.04/86 FITNESS TO PRACTISE ANNUAL REPORT

16.1 The Council received the Health Professions Council Fitness to Practise Annual Report.

16.2 The Council approved the document.

16.3 The Council also agreed that in future this should be considered by the Council before the publication of the final document.

16.4 The Council agreed that further consideration should be given to the presentation of the document taking into consideration the needs of those who were visually impaired and also the presentation of some of the tables of figures. The Director of Communications should contact members for their comments and this matter should be discussed by the Communications Committee.

Action: CM

Item 17.04/87 ATTENDANCE AT NON-HPC MEETINGS

17.1 The Council received a paper from the Executive.

17.2 The Council agreed the proposals for attendance at non-HPC meetings as laid out in the paper.

17.3 The Council also agreed that members should complete a feedback sheet outlining issues of relevance to the HPC and key decisions taken at the meeting.

Item 18.04/88 APPOINTMENT TO STATUTORY AND NON-STATUTORY COMMITTEES POST JULY 2005

18.1 The Council received a paper from the Executive.

18.2 The Council agreed the proposals for appointment to statutory and non-statutory committees post July 2005.

Item 19.04/89 NON-COUNCIL MEMBERS' APPOINTMENT TO COMMITTEES

19.1 The Council received a paper from the Executive.

19.2 The Council noted that the HPC had two committee members who were not Council members, Dr Raman Kapur who had been co-opted to the Education and Training Committee and Mr Daniel Ross who had been appointed to the Shadow Finance and Resources Committee.

19.3 The Council noted that it was regrettable that the Commission for Public Appointments guidance had not been followed in the appointment of these members to committees however given the fact that elections and reappointments would take place before July 2005 there was little to be gained from initiating an appointments process at this time.

19.4 The Council agreed to re-appointment of Dr Kapur and Mr Ross to the end of the second transitional period on 9 July 2005 and that Mr Seale should write to them to confirm this.

Action: MJS

Item 20.04/90 NOMINATION OF CHAIRMAN AND VICE-CHAIRMAN OF THE APPROVALS COMMITTEE

20.1 The Council noted that the Approvals Committee had nominated Professor John Harper as Chairman of the Committee and Miss Gill Pearson as Vice-Chairman.

20.2 The Council agreed the nomination.

Item 21.04/91 RECOMMENDATION FOR APPOINTMENT TO THE REGISTRATION COMMITTEE

- 21.1 The Council noted that following the agreed procedure for ad-hoc appointments to committees the President had agreed to the nomination of Mrs Shaheen Chaudhry to the Registration Committee.
- 21.2 The Council agreed the nomination.

Item 22.04/92 NHS RECORD KEEPING REQUIREMENTS

- 22.1 The Council received a paper from the Executive.
- 22.2 The Council noted that a standard for basic record keeping had been developed by the HPC, General Medical Council (GMC) and the Nursing and Midwifery Council (NMC). These guidelines were based on the HPC's Standards of Proficiency and Standards of Conduct, Performance and Ethics and equivalent documents from the GMC and the NMC. The standards of a regulator could not be changed to bring them into line with NHS standards.
- 22.3 The Council agreed to endorse the content of the document entitled Health Record and Communication Practice Standards for Team Based Care and supported the aims however it was noted that this document applied only to England and that consideration should be given to this in the other three home countries.
- 22.4 The Council noted that consideration needed to be given to the storage of visual objects as these could be regarded as records. It was agreed that the HPC representatives on the Information Standards Board should raise this issue at a future meeting.

Action: PS/RD

Item 23.04/93 MINUTES OF THE COMMUNICATIONS COMMITTEE HELD ON 26 FEBRUARY 2004

- 23.1 The Council received the minutes of the Communications Committee held on 26 February 2004.
- 23.2 The Council noted that Fitness to Practise hearings were held in public and that a standard press release was issued when a Fitness to Practise Panel found against a registrant. Legal advice had been taken regarding the standard wording of the press release. If it was agreed that it was not in the public interest for cases to be held in public they could be held in camera.
- 23.3 The Council noted that the HPC website had received a crystal mark from the Plain English Campaign.

Item 24.04/94 MINUTES OF THE REGISTRATION COMMITTEE HELD ON 14 MAY 2004

- 24.1 The Council received the minutes of the Registration Committee held on 14 May 2004.
- 24.1 The Council noted that the next meeting of the Registration Committee would be considering the production of a statement detailing the criteria on which the Registration Committee had based its approval of the tests to be used in determining an applicant's English Language Competence.

Item 25.04/95 MINUTES OF THE APPROVALS COMMITTEE HELD ON 24 MAY 2004

- 25.1 The Council received the minutes of the Approvals Committee held on 24 May 2004.

Item 26.04/96 MINUTES OF THE APPROVALS COMMITTEE HELD ON 25 JUNE 2004

- 26.1 The Council received the minutes of the Approvals Committee held on 25 June 2004.
- 26.2 The Council noted that the Registration Committee and the Approvals Committee were subcommittees of the Education and Training Committee and that in future that Committee would consider their minutes and report any important decisions to the Council. Therefore the minutes of the Registration Committee and the Approvals Committee would no longer appear on the Council agenda.

Item 27.04/97 MINUTES OF THE FINANCE AND RESOURCES COMMITTEE HELD ON 24 JUNE 2004

- 27.1 The Council received the minutes of the Finance and Resources Committee held on 24 June 2004.
- 27.2 The Council agreed that Mr Roy Dunn should be included on the bank mandate in place of Mrs Anne Barnes.
- 27.3 The Council also agreed that the Trustees of the Professions Supplementary to Medicine Charitable Trust should be asked to make arrangements for it to be wound up no later than 31 March 2005, any costs of the winding up to be borne by the HPC.
- 27.4 The Council noted that it was not within the statutory powers given to the HPC to set up a charitable trust.

- 27.5 It was agreed that Miss Farrell should view a copy of the deeds of the Professions Supplementary to Medicine Charitable Trust on request to the Finance Department.

Item 28.04/98 MINUTES OF THE CONDUCT AND COMPETENCE COMMITTEE HELD ON 27 APRIL 2004

- 28.1 The Council received the minutes of the Conduct and Competence Committee held on 27 April 2004.

Item 29.04/99 MINUTES OF THE CONDUCT AND COMPETENCE COMMITTEE HELD ON 22 JUNE 2004

- 29.1 The Council received the minutes of the Conduct and Competence Committee held on 22 June 2004.

Item 30.04/100 MINUTES OF THE EDUCATION AND TRAINING COMMITTEE HELD ON 28 APRIL 2004

- 30.1 The Council received the minutes of the Education and Training Committee held on 28 April 2004.

Item 30.04/101 MINUTES OF THE EDUCATION AND TRAINING COMMITTEE HELD ON 23 JUNE 2004

- 30.1 The Council received the minutes of the Education and Training Committee held on 23 June 2004.

Item 31.04/102 AGENDA FOR THE ANNUAL MEETING TO BE HELD ON 16 JULY 2004

- 31.1 The Council received the agenda for the annual meeting to be held on 16 July 2004.

Item 32.04/103 ANY OTHER BUSINESS

- 32.1 The Council received a paper from the Executive.
- 32.1 The Council noted that minor and consequential changes were required to the Health Professions Council (Registration and Fees) Rules 2003 and, in accordance with the Health Professions Order 2001 that it was required to consult on those changes.
- 32.2 The bulk of the changes would give effect to the Health Professions (Operating Department Practitioners and Miscellaneous Amendments) Order 2004. That Order, which was recently approved by both Houses of Parliament and the Scottish Parliament, brought operating department practitioners into statutory regulation by the Council.

- 32.3 A number of miscellaneous amendments to the Health Professions Order 2001 would enable the HPC to update the names of the existing Chiropodists and Medical Laboratory Technicians parts of our register. In future they would be known as the “Chiropodists and Podiatrists” and “Biomedical Scientists” parts respectively.
- 32.4 The other three amendments to the rules would be: to enable registration applications to be accepted online; to fix the renewal cycles for each profession by reference to a date in odd or even numbered years; to set the scrutiny fee paid by EEA applicants who are exercising EC mutual recognition rights at the same level as the scrutiny fee paid by other international and “grandparenting” applicants.
- 32.5 The Council approved the draft rules and the consultation paper.

Action: MJS

Item 33.04/104 DATE AND TIME OF NEXT MEETING

- 33.1 The next meeting of the Council would be held at 11.30am on Tuesday 14 September 2004 This would be preceded by a special meeting of Council to discuss the structure of the register at 10am.
- 33.2 Further meetings would be held on the following dates;
- Wednesday 6 October 2004 and Thursday 7 October 2004
- ‘away day’ -
- Tuesday 7 December 2004
- Wednesday 2 March 2005