THE HEALTH PROFESSIONS COUNCIL

Chief Executive and Registrar: Mr Marc Seale

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MINUTES of the twenty ninth meeting of the Health Professions Council held at **10.30 a.m. on Tuesday 6 December 2005** at Park House, 184 Kennington Park Road, London, SE11 4BU.

Professor N Brook (President) Mr P Acres Mr J Camp Mrs S Chaudhry Mr R Clegg Ms G Darwent Ms H Davis Mr M C Davies Mrs S Drayton Ms C Farrell Dr C H Green Professor J Harper Professor T Hazell Mrs R Levenson Miss M MacKellar Mr P McFadden Mr W Munro Miss P Sabine Mrs. B. Stuart Mr S Taylor Miss E Thornton (alternate for Dr R Jones) Mrs A Turner Dr A van der Gaag Professor D Waller

IN ATTENDANCE:

Mr C Bendall, Secretary to Committees Mr T Berrie, Information Services Manager Miss S Butcher, Secretary to Committees Mr R Dunn, Director of Corporate Services Miss L Foster, Human Resources Manager Miss K Johnson, Director, Fitness to Practise Mr S Leicester, Finance Manager Ms L McKell, Partner Manager Mrs R Mead, Project Manager, Department of Health

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Mr C Middleton, Director of Communications Ms N O'Sullivan, Secretary to Council Mr Mark Potter, Acting Manager, International Registration Mr G Ross-Sampson, Director of Operations Mr M Seale, Chief Executive and Registrar Ms R Tripp, Policy Manager

Item 1.05/403 INTRODUCTION AND WELCOME

- 1.1 Professor Brook welcomed all members and non-members to the meeting. She noted that Mrs Mead, Policy Manager, New Regulation Projects, Department of Health was attending the meeting to give a presentation on the restructuring of the HPC register.
- 1.2 Professor Brook asked members to bring their papers to meetings and to inform the Secretariat in good time if their papers failed to arrive.

Item 2.05/404 APOLOGIES FOR ABSENCE

2.1 Apologies for absence were received from the following Council members; Mrs M Clark-Glass, Dr R Jones (Miss Thornton attending), Professor J Lucas and Mr K Ross.

Item 3.05/405 APPROVAL OF AGENDA

3.1 The Council approved the agenda.

Item 4.05/406 MINUTES

- 4.1 It was agreed that the minutes of the twenty-eighth meeting of the Health Professions Council be confirmed as a true record and signed by the President subject to the following amendments;
- 4.2 The removal of Mrs Levenson's name from the list of those present as she had not attended the meeting.
- 4.3 The renumbering of the minutes because of the repetition of item 9.
- 4.4 5.3 The Chief Executive reported that the issue of the delay in the agreement of the model contract for programme providers

9.2 The Council noted that a number of registrant Council members had asked if the HPC had an agreed position with regard to.....

10.2 The Council noted that the first meeting of the Health Committee following the Council elections.....

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Item 5.05/407 MATTERS ARISING

5.1 <u>Item 5.3 – Matters Arising – Chief Executive's Report</u> The Chief Executive reported that the issue of the delay in the agreement of model contract for programme providers would be included on the agenda of the next meeting with the Department of Health to be held on 12 December 2005.

Action: MJS-12 December 2005

- 5.2 <u>Item 8 Restructuring of the Health Professions Council</u> The Council noted that Ms Mead, Project Manager, Department of Health, was in attendance to speak to item 27, Restructuring of the Health Professions Council, on the agenda.
- 5.3 <u>Item 9 Post- Registration Qualifications</u> The Council noted that the setting up of a Professional Liaison Group (PLG) on Post-Registration Qualifications had been included in the HPC's work plan for the coming year. A paper regarding this would be presented to a Council meeting in the New Year.

Action: RT – April 2006-April 2007

5.4 <u>Item 13 - Audit Committee Membership</u> The Council noted that a paper on the process for appointment of members to the Audit Committee had been included on the agenda for the current meeting at agenda item 17.

Item 6.05/408 PRESIDENT'S REPORT

- 6.1 Professor Brook reported that she had attended two HPC Listening Events in Scotland. She noted that the nature of the questions and feedback at these events had been more positive than at previous events. The Listening Event held in Inverness had live video links with venues in Orkney, Shetland and the Outer Hebrides. This had been very successful and the Communications Department was considering using such links in the future having given due consideration to the costs of such an exercise.
- 6.2 The President also reported that she had attended meetings of the Council for Healthcare Regulatory Excellence (CHRE). A number of projects were being set up in collaboration with different regulators to share good practice.
- 6.3 The President noted that she had co-ordinated the HPC's response to a consultation from the General Medical Council on a review of the guidance booklet entitled 'Good Medical Practice'. This was a very useful document and could be considered by the HPC when issuing guidance in the future.

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- 6.4 The President noted that a meeting of the Chairmen of HPC's statutory and non-statutory committees had taken place at Park House on 14 November 2005. The Chief Executive had been in attendance. The purpose of this informal meeting was to provide a forum for the Chairmen of Committees and the President to discuss issues of mutual interest. The Group had no formal status or decision-making powers. Following each meeting the President would report back to Council on issues discussed by means of the President's Report. The President noted that any issue arising from the meeting which required formal consideration by Council would be included as an item on the Council agenda with a paper from the Executive. The President noted that the first meeting had agreed that there was a need to ensure that all Committees were working in a consistent manner. Methods of achieving this had been considered and a number of recommendations had been fed back to the Secretariat for implementation.
- 6.5 Other meetings attended had included a meeting on effective prescribing for Allied Health Professionals (AHPs), a meeting of the Medico Legal Association of the Chartered Physiotherapists and a conference for Allied Health Professionals from the Kennet and North Wiltshire Primary Care Trust.

Item 7.05/409 CHIEF EXECUTIVE'S REPORT

- 7.1 The Council received a paper from the Executive.
- 7.2 The Chief Executive reported that the review of non-medical professional regulation - 'the Foster Review' would report in late January 2006. A paper regarding the report would be presented to the March meeting of Council if it had been published by then.

Action: MJS-1 March 2006

Item 8.05/410 ANNUAL ACCOUNTS 2004/5

- 8.1 The Council received a paper from the Executive for discussion/approval.
- 8.2 The Council agreed the annual accounts for the year ending March 2005.

Item 9.05/411 COUNCIL ELECTIONS

9.1 The Council received a paper from the Executive for discussion/approval.

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- 9.2 The Council noted that in July 2006 the registrant members for Physiotherapy, Radiography and Occupational Therapy would stand down and elections would be held for these professions. The Health Professions Council (Election Scheme) Rules required the Council to appoint a returning officer and to decide how the statements of expenditure should be published.
- 9.3 The Council agreed the following;
 - (i) that the Chief Executive be appointed as the Returning Officer as of 9 January 2006 until the close of the 2006 election process.
 - (ii) that all statements of expenditure would be published on the HPC website.
- 9.4 The Council noted that no announcements would be made regarding the election results until ballots for all professions had taken place and the votes had been counted.

Item 10.05/412 STANDARDS OF EDUCATION AND TRAINING GUIDANCE FOR EDUCATION PROVIDERS

- 10.1 The Council received a paper from the Executive for discussion/approval.
- 10.2 The Council noted that the Professional Liaison Group on the Standards of Education and Training – Guidance for Education Providers had completed its work. In accordance with the process agreed by Council the draft guidance which had been prepared by the Group was presented to Council for approval.
- 10.3 The Council agreed the following;
 - (i) the text of the document,
 - (ii) that a consultation on the guidance should take place,
 - (iii) to publish the document online and send it to professional bodies, approved programmes, and other organisations with an interest in the approval of programmes (e.g. aspirant groups and education providers) from the HPC consultation list.

Action: RT – February 2006

Item 11.05/413 PARTNERS' COMPLAINT SYSTEM

11.1 The Council received a paper from the Executive for discussion/approval.

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- 11.2 The Council noted that the Executive had taken legal advice on the management of complaints made against partners. The advice had been that the HPC should introduce a formal, non-contractual process to ensure fairness and consistency. Complaints about misconduct, poor performance or unprofessional behaviour could be considered by either the informal or formal procedure, depending on the severity of the complaint. Any decisions reached as a result of the formal complaints procedure could be appealed by invoking the Partner Appeals Procedure.
- 11.3 The Council noted that partners were accountable to the HPC Director with responsibility for the work area which their work included. All partners were issued with job descriptions and a set of competencies which they were expected to attain. An appraisal system for partners was currently being developed.
- 11.4 The Council agreed that the relationship between the informal and the formal system needed to be strong and that there was a need to clarify the relationship between the complaints system and the appraisal system.
- 11.5 The Council also agreed that the question of who should replace the President in a situation where the President was unable or unwilling to participate in the appeals procedure should be discussed at the Council meeting in March 2006.
- 11.6 The Council agreed that the word complainer should be amended to read complainant.
- 11.7 The Council agreed that the document should be circulated to members electronically for comment and that a revised document which should include the amendments suggested at the meeting and by email should be included on the agenda for the March 2006 meeting of Council.

Action: LM – 1 March 2006

Item 12/05/414 MINUTES OF THE FINANCE AND RESOURCES COMMITTEE HELD ON 20 SEPTEMBER 2005

12.1 The Council received the minutes of the Finance and Resources Committee held on 20 September 2005.

Item 13.05/415 MINUTES OF THE COMMUNICATIONS COMMITTEE HELD ON 27 OCTOBER 2005

13.1 The Council received the minutes of the Communications Committee held on 27 October 2005.

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Item 14.05/416 MINUTES OF A MEETING OF THE BOARD OF DIRECTORS OF 22/26 STANNARY STREET HELD ON 24 NOVEMBER 2005

- 14.1 The Council received the minutes of the Board of Directors of 22/26 Stannary Street held on 24 November 2005.
- 14.2 The Council noted that 22/26 Stannary Street was a non-trading company through which the HPC owned the building at 22/26 Stannary Street. Winding up the company would invoke a tax liability. This liability would diminish over time.

Item 15.05/417 RESIGNATION OF ALTERNATE COUNCIL MEMBER

- 15.1 The Council received a paper from the Executive for discussion/approval.
- 15.2 The Council noted that Ms F Taylor, alternate Radiographer member had resigned from Council as of 8 November 2005. The Health Professions Order 2001 provided for the appointment of a replacement registrant or alternate member by Council following the resignation of a member. The HPC elections Rules 2004 stated that the Council could cause a by-election to be held to fill a vacancy for a registrant or alternate member. In such a situation the election process could be truncated. In line with best practice with regard to corporate governance the Council agreed that an election should be held to fill this vacancy and that the timescale allowed for the election should replicate that allowed for the annual Council elections.
- 15.3 The Council election process for the election of Physiotherapist, Radiographer and Occupational Therapist members on Council would begin in January 2006, therefore given the timescale involved the Council agreed that the election of an alternate Radiographer member will be held as part of this election process.

Action: NO'S – January 2006

Item 16.05/418 MEMBERSHIP OF EXTERNAL GROUPS

- 16.1 The Council received a paper from the Executive for discussion/approval.
- 16.2 The Council agreed that Mr P McFadden should be nominated to represent Council on the Joint Royal College Ambulance Liaison Committee.

Action: MJS – December 2005

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Item 17.05/419 ATTENDANCE AT THE PRIVATE PART OF COUNCIL MEETINGS

- 17.1 The Council received a paper from the Executive for discussion/approval.
- 17.2 The Council noted that the current practice was that, except in exceptional circumstances, only those entitled to be present at a meeting or whose presence was necessary for the effective conduct of the business should be present at a private meeting of the Council or its committees.
- 17.3 The Council agreed to amend this practice so that alternate members who had been invited to attend the Council meeting and annual Away Day event should also be permitted to attend the private part of that Council meeting.
- 17.4 The Council also agreed that a paper on the attendance of Council members at all Council meetings should be considered at the March 2006 meeting of Council.

Action: NO'S – March 2006

Item 18.05/420 PROCESS FOR THE APPOINTMENT OF MEMBERS TO THE AUDIT COMMITTEE

- 18.1 The Council received a paper from the Executive for discussion/approval.
- 18.2 The Council noted that at its meeting held on 5 October 2005 Council had agreed that the Finance and Resources Committee and the Audit Committee should have separate memberships.
- 18.3 The Council noted that given the very specific role of the Audit Committee it was proposed that the Council agreed process for the appointment of members to non-statutory committees should be amended. Members who put themselves forward should be asked to provide details of their reasons for nominating themselves, a description of what they could contribute to the Committee and also details of relevant experience.
- 18.4 The Council agreed the process subject to the inclusion of a statement that there would be an expectation that Council members with relevant qualifications would be given preference.

Action: NO'S – December 2005

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Item 19.05/421 PRESENTATION OF MINUTES OF COMMITTEE MEETINGS TO COUNCIL

- 19.1 The Council received a paper from the Executive for discussion/approval.
- 19.2 The Council noted that the current practice was that unconfirmed committee minutes had been presented to Council for ratification or to note. It was proposed that this practice was changed and that in future only minutes which had been confirmed by a Committee as being a true record of the meeting should be included on Council agendas.
- 19.3 The Council noted that the proposed change could delay or impede the flow of information.
- 19.4 The Council agreed that unconfirmed minutes should be included on the Council agenda as an item to note and that any decisions which required Council ratification should be included on the Council agenda as a separate item for discussion/approval. The fact that minutes were unconfirmed should be stated clearly through the background.

Item 20.05/422 NOMINATION OF CHAIRMAN AND DEPUTY CHAIRMAN OF THE INVESTIGATING COMMITTEE

- 20.1 The Council received a paper from the Executive for discussion/approval.
- 20.2 The Council noted that at a meeting of the Investigating Committee held that morning the Committee nominated Miss MacKellar to be Chairman of the Committee and Miss Farrell to be Deputy-Chairman.
- 20.3 The Council ratified the decision of the Investigating Committee.

Item 21.05/423 NOMINATION OF THE CHAIRMAN AND VICE-CHAIRMAN OF THE EDUCATION AND TRAINING COMMITTEE

- 21.1 The Council received a paper from the Executive for discussion/approval.
- 21.2 The Council noted that at the first meeting of the Education and Training Committee following the Council elections the Education and Training Committee nominated Miss Thornton as Chairman and Professor Harper as Vice-Chairman.
- 21.3 The Council ratified the decision of the Education and Training Committee.

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Item 22.05/424 NOMINATION OF THE CHAIRMAN AND VICE-CHAIRMAN OF THE OF THE COMMUNICATIONS COMMITTEE

- 22.1 The Council received a paper from the Executive for discussion/approval.
- 22.2 The Council noted that at the first meeting of the Communications Committee following the Council elections the Communications Committee nominated Dr van der Gaag as Chairman and Mr McFadden as Vice-Chairman.
- 21.3 The Council ratified the decision of the Communications Committee.

Item 23.05/425 NOMINATION OF THE CHAIRMAN AND VICE-CHAIRMAN OF THE REGISTRATION COMMITTEE

- 23.1 The Council received a paper from the Executive for discussion/approval.
- 23.2 The Council noted that at the meeting of the Registration Committee held on 28 November 2005 the Registration Committee nominated Mrs Turner as Chairman and Mr Proctor as Vice-Chairman.
- 23.3 The Council ratified the decision of the Registration Committee.

Item 24.05/426 DATES OF COUNCIL MEETINGS 2006/07

- 24.1 The Council received a paper from the Executive for discussion/approval.
- 24.2 The Council agreed the dates of Council meetings for the year July 2006 to July 2007 subject to the amendment that the last meeting of Council and the annual meeting should be held on the same day in July 2007.
- 24.3 The Council noted that as of 11 July 2006 Council meetings would start at 10.30am.

Item 25.05/427 DATES OF COMMITTEE MEETINGS 2006/07

- 25.1 The Council received a paper from the Executive for discussion/approval.
- 25.2 The Council agreed the dates of Committee meetings for the year July 2006 to July 2007. The Secretary to Council would circulate the dates electronically.

Action: NO'S – December 2005

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Item 26.05/428 'FOSTER REVIEW' – NON-MEDICAL REVIEW OF PROFESSIONAL REGULATION

- 26.1 The Council received a paper from the Executive for discussion/approval.
- 26.2 The Council noted that the Department of Health's Review of nonmedical regulation, the 'Foster' Review was scheduled to conclude its work by the end of 2005 when recommendations would be made to the Secretary to State for Health. The recommendations would probably be published in late January 2006, as would those of the review of medical regulation, the 'Donaldson' review.
- 26.3 The Council agreed the following;
 - (i) that the Executive would distribute the recommendations to Council and Committee members as soon as published;

Action: MJS- as soon as recommendations published

(ii) that the Executive would prepare a paper for the March meeting of Council.

Action: MJS-1 March 2006

Item 27.05/429 STRATEGIC INTENT

- 27.1 The Council received a paper from the Executive for discussion/approval.
- 27.2 The Council noted that the draft HPC Strategic Intent document incorporated changes made at the Council 'Away Day' in October 2005 and was intended to eventually replace HPC's current Strategic Intent document.
- 27.3 The Department of Health's two reviews of medical and non-medical regulation were expected to report to the Secretary of State for Health in late December 2005. The publication of the recommendations was anticipated in January 2006. The reviews could make significant changes to the statutory regulation of healthcare professionals and others. This could mean that HPC's Strategic Intent would require substantial revision.
- 27.4 The Council noted that the draft Strategic Intent would be considered by statutory and non-statutory committees over the coming months.

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27.5 The Council agreed that in view of the imminent publication of the Foster Review further discussion of the draft Strategic Intent should be postponed until the Council meeting on 1 March 2006. The agenda for the March Council meeting would be as brief as possible, the main item for discussion would be the strategic intent.

Action: MJS-1 March 2006

Item 28.05/430 RESTRUCTURING OF THE HEALTH PROFESSIONS COUNCIL

- 28.1 The Council received a paper from the Executive for discussion/approval.
- 28.2 The Council noted that the Health Professions Council had agreed four options for the restructuring of the Health Professions Council. These options had been submitted to the Department of Health. Two of the four options had been rejected by the Department of Health as not meeting the principles of restructuring. The Council had invited Mrs Mead, New Regulations Projects Manager, Department of Health, to attend the meeting for further discussion of the issues involved.
- 28.3 Mrs Mead gave a presentation to Council which outlined the reasons for the Department of Health's decision (attached for reference at appendix 1).
- 28.4 The Council noted that public protection would be the utmost consideration in any decision taken by the Government regarding the restructuring of the Council.
- 28.5 The Council noted that a likely outcome of the Foster review was that in future most registrant members on Council would be appointed.
- 28.6 The Council noted that Council members should be fit for purpose and that the appointment of members was the best way to achieve this.
- 28.7 The Council agreed that to propose to the Department of Health that the Council should retain a professional majority but that that the percentage elected should be reduced or alternatively all should be appointed.
- 28.8 The Council agreed to await the outcome of the Department of Health public consultation within the draft Healthcare Scientist Section 60 Order before undertaking any further work with regard to this matter.

Item 29.05/431 HEALTH PROFESIONS COUNCIL – ORGANISATION CHART

29.1 The Council received a paper to note from the Executive.

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Item 30.05/432 SURVEY OF ATTITUTES TO THE HEALTH PROFESSIONS COUNCIL

- 30.1 The Council received a paper to note from the Executive.
- 30.2 The Council agreed that this would be considered by the Communications Committee and would be included on a future agenda of Council for discussion.

Action:VN/SB – 27 February 2006

Item 31.05/433 FEEDBACK FROM MORI POLL – CHECK YOUR HEALTH PROFESSIONAL IS REGISTERED

31.1 The Council received a paper to note from the Executive.

Item 32.05/434 MINUTES OF THE HEALTH COMMITTEE HELD ON 7 SEPTEMBER 2005

32.1 The Council noted the minutes of the Health Committee held on 7 September 2005

Item 33.05/435 MINUTES OF THE HEALTH COMMITTEE HELD ON 7 NOVEMBER 2005

33.1 The Council noted the minutes of the Health Committee held on 7 November 2005

Item 34.05/436 MINUTES OF THE INVESTIGATING COMMITTEE HELD 8 SEPTEMBER 2005

34.1 The Council noted the minutes of the Investigating Committee held on 8 September 2005.

Item 35.05/437 MINUTES OF THE CONDUCT AND COMPETENCE COMMITTEE HELD ON 19 SEPTEMBER 2005

35.1 The Council noted the minutes of the Conduct and Competence Committee held on 19 September 2005.

Item 36.05/438 MINUTES OF THE EDUCATION AND TRAINING COMMITTEE HELD ON 29 SEPTEMBER 2005

- 36.1 The Council noted the minutes of the Education and Training Committee held on 29 September 2005
- 36.2 The Council noted that the work of the Continuing Professional Development Professional Liaison Group was proceeding according to the agreed timetable.

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36.3 The Council also noted that interviews for the Prosthetist and Orthotist member on the Education and Training Committee would be held on 13 December 2005.

Item 37.05/439 COUNCIL REPRESENTATIVES ON THE ALLIED HEALTH **PROFESSIONALS REFERENCE GROUP**

- 37.1 The Council received a paper to note from the Executive.
- 37.2 The Council noted that Mr Taylor and Dr Jones had been nominated to represent Council on the Allied Health Professionals Reference Group. Professor Waller had attended the first meeting of the Group as both Mr Taylor and Dr Jones had been unavailable to attend.

Item 38.05/440 INTERNATIONAL FEES

38.1 The Council received a paper to note from the Executive.

Item 39.05/441 ANY OTHER BUSINESS

- 39.1 The Council noted that interviews had been held for vacancies on the Finance and Resources Committee and the Audit Committee for accountants and that two suitable candidates had been identified.
- The Council agreed to the appointment of Mr D Ross to the Finance 39.2 and Resources Committee and Mr R Kennett to the Audit Committee.

Item 40.05/442 DATE AND TIME OF NEXT MEETING

- The next meeting of the Council would be at 11a.m. on 40.1 Wednesday 1 March 2006
- 40.2 Further meetings would be held on the following dates;

Thursday 11 May 2006

Thursday 6 July 2006

Friday 7 July 2006 (Annual Meeting)

As of 11 July 2006, all Council meetings would start at 10.30am.

Tuesday 11 July 2006

Monday 17 July 2006 (as required)

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Tuesday 12 September 2006

Wednesday 4 October and Thursday 5 October 2006 Council meeting and 'away day'

Thursday 14 December 2006

Thursday 1 March 2007

Thursday 10 May 2007

Thursday 5 July 2007 – Council meeting and annual meeting

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