

THE HEALTH PROFESSIONS COUNCIL

Chief Executive and Registrar: Mr Marc Seale

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MINUTES of the twenty seventh meeting of the Health Professions Council held at **11a.m. on Tuesday 13 September 2005** at Park House, 184 Kennington Park Road, London, SE11 4BU.

Mr P Acres
 Professor N Brook (President)
 Mr J Camp
 Mrs S Chaudhry (part)
 Mrs M Clark-Glass
 Ms G Darwent
 Ms H Davis
 Mr M Davies
 Ms C Farrell
 Dr C H Green
 Professor J Harper
 Professor T Hazell
 Dr R Jones
 Mrs R Levenson
 Professor J Lucas
 Miss M MacKellar
 Mr P McFadden
 Mr K Ross
 Miss P Sabine
 Mrs B Stuart
 Mr S Taylor
 Mrs A Turner
 Dr A van der Gaag
 Professor D Waller

IN ATTENDANCE:

Ms S Butcher, Secretary to Committees
 Mr R Dunn, Director of Corporate Services
 Mr C Middleton, Director of Communications
 Ms N O'Sullivan, Secretary to Council (part)
 Mr M Potter, Acting Manager, International Registration
 Miss P Richardson, Events Manager
 Mr G Ross-Sampson, Project Manager
 Mr M Seale, Chief Executive and Registrar
 Miss R Tripp, Policy Manager

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Item 1.05/348 INTRODUCTION AND WELCOME

- 1.1 Professor Brook welcomed all members and non-members to the meeting. In particular Professor Brook welcomed Dr Jones who was attending his first meeting of the new Council following his reappointment by the Privy Council.

Item 2.05/349 APOLOGIES FOR ABSENCE

- 2.1 Apologies for absence were received from the following Council members; Mr R Clegg, Mrs S Drayton, Mr W Munro (and alternate Mr O Altay).

Item 3.05/350 APPROVAL OF AGENDA

- 3.1 The Council approved the agenda.

Item 4.05/351 MINUTES

- 4.1 It was agreed that the minutes of the twenty fifth meeting of the Health Professions Council be confirmed as a true record and signed by the President.
- 4.2 The Council noted that an error had occurred in the numbering of the minutes however each agenda item which had been discussed at the meeting had been included.

Item 5.05/352 MATTERS ARISING

- 5.1 Item 5, Election of President and Item 7, Election of Vice-President
- 5.1.1 The Council noted that it had approved the process for the election of the President and Vice-President. However the experience of holding the elections at the Council meeting on 12 July 2005 had indicated that an additional step needed to be added to the election process. The Council agreed that the process should be amended to allow for the Secretary of Council to seek nominations for the position of President and Vice-President in advance. The process for the election of Chairmen and Vice-Chairmen of Committees should be similarly amended. The Executive would prepare a paper for a future meeting of Council to reflect this decision.

Action: NO'S

Item 6.05/353 MINUTES

- 6.1 It was agreed that the minutes of the twenty sixth meeting of the Health Professions Council be confirmed as a true record and signed by the President subject to the following amendments;

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- 6.2 Ms Darwent should be added to the list of those present, Mr Mount and Mrs Blackburn should be deleted and C Green should be listed as Dr C H Green.
- 6.3 11.4Ms Farrell reported that she had been asked to sit on the Communications Committee and was sad to note that she had not been allocated to this. The Chief Executive reported that changes were made for the purposes of balance and that if individuals were not happy with their committee allocations to write with their specific queries and every endeavour would be made to incorporate preferred choices accordingly.
- 6.4 11.6 Mr Ross highlighted....
- 6.5 12.3 The Council noted that they were requested to approve the following:
1. The Rules and Standards of CPD be approved and effective from July 2006
- 12.4 The Council noted that the date for the implementation of the Rules and Standards was contrary to what had been agreed at the Education and Training Committee meeting on 14 June where it was understood that the Standards would be approved from June 2005.
- 6.6 12.5 The Council finally approved the Standards of CPD (effective from August 2005), that the first audit should take place in August 2008.....

Item 7.05/354 MATTERS ARISING

- 7.1 6.1 – Matters Arising – Ethnic Monitoring
- 7.1.1 The Council noted that this was an extremely important issue and that a paper would be considered by the Finance and Resources Committee on 20 September 2005. The matter would be brought back to Council for further consideration at a future meeting.

Action: MJS

- 7.2 17.6 – VAT on Council Members' Expenses
- 7.2.1 The Council sought clarification as to whether attendance allowance was set at a flat sum of £260 or if this was a maximum with members being allowed to claim up to that figure.

Action: MJS

- 7.2.2 The Council noted that it appeared that other regulators adopted a variety of methods for the payment of attendance allowance to members. However in the light of the imminent publication of the Foster Review Report it appeared that there was little to be gained

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from discussing this matter further at this time. In the absence of a direction in the Foster Review Report the Finance and Resources Committee would review the method by which Council members were paid attendance allowance and also issues regarding the payment of VAT. However in the meantime the decisions made at the Council meeting on 18 July 2005 should hold.

Item 8.05/355 PRESIDENT'S REPORT

- 8.1 The President noted that the Council 'away day' would be held in Northern Ireland on 5 and 6 Octobers. She asked members to notify her if there were any items they wished to include for discussion for the 'away day'.
- 8.2 Professor Brook also noted that it was important the members of committees attended committee meetings as an inquorate committee could not take any decisions and this delayed the implementation of important policies.

Item 9.05/356 CHIEF EXECUTIVE'S REPORT

- 9.1 The Council received a paper from the Executive.
- 9.2 The Chief Executive noted that a meeting had been held with the Society of Radiographers. Regular meetings were being held with the Professional Bodies and were a very useful forum for discussion. The Council noted a suggestion that it would be useful if the appropriate registrant council member was invited to attend these meetings.
- 9.3 The Chief Executive also noted that meetings were held with the Department of Health every 3 months. Members who wished to include an item on the agenda for these meetings should contact him. The Council agreed that the issue of the delay in the agreement of the model contract for programme providers should be raised at the next meeting with the Department of Health.

Action: MJS

- 9.4 The Council noted that the Foster Review would conclude in December 2005 and that the recommendations would be sent to the Secretary of State for Health.
- 9.5 The Council noted that the Chief Executive's report contained a large amount of in-depth information regarding the operation of the HPC. The Council had now reached a stage that it required an analysis of the information being provided. The Council agreed that the Executive should prepare a targeted report and that the in-depth information should be available on the Council members' section of the website.

Action: MJS

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- 9.6 The Council noted that it appeared that the British Psychological Society (BPS) had concerns about regulation of the profession by the HPC. The Department of Health was engaged in meetings with the BPS regarding these concerns. It was likely that legislation would be enacted for the regulation of Applied Psychologists by the HPC however this would take some months.

Item 10.05/357 REGULATION OF NEW PROFESSIONS BY THE HEALTH PROFESSIONS COUNCIL (APPLICATION FROM THE INSTITUTE OF MAXILLOFACIAL PROSTHETISTS AND TECHNOLOGISTS (IMPT))

- 10.1 The Council received a paper from the Executive for discussion/approval.
- 10.2 The Council noted that an application for regulation by the Institute of Maxillofacial Prosthetists and Technologists (IMPT) on behalf of the Maxillofacial Prosthetists and Technologists had been considered at the May meeting of Council. Following on from that meeting the IMPT had been invited to the 7 July meeting of Council to give a presentation. That meeting had been cancelled and therefore the IMPT had been invited to today's meeting to present.
- 10.3 The Council received a presentation from Mr Cutler and Mr Page on behalf of the Institute of Maxillofacial Prosthetists and Technologists.
- 10.4 The Council noted this was a small profession and that approximately 90% of the profession were registered with the IMPT. The IMPT encouraged its members to pursue continuing professional development by organising lectures and conferences and publishing an annual journal.
- 10.5 The Council noted that the documentation being issued by the IMPT should make it clear that the BSc Dental Technology Qualification was a prerequisite for entry to the University Diploma in Maxillofacial Prosthetics (Manchester Metropolitan University).
- 10.6 The Council noted that it did not appear that the Diploma programme at Manchester Metropolitan University was being externally audited.
- 10.7 The Council also noted that overseas students trained as Maxillofacial Prosthetists and Technologists in the United Kingdom but that there was little training for this profession overseas.
- 10.8 The Council noted that the IMPT had no objection to being regulated as part of a larger group. The Council noted that it was important that the IMPT should engage in discussions with the group with which it wished to be regulated.

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- 10.9 The Council noted that the General Dental Council had not felt it appropriate to regulate this profession under its umbrella and approximately 70% of the work carried out by Maxillofacial Prosthetists and Technologists was non dental.
- 10.10 The Council noted that the Department of Health intended to hold a public consultation on the regulation of Clinical Perfusionists, Clinical Technologists, Clinical Physiologists and Maxillofacial Prosthetists and Technologists early in 2006.
- 10.11 The Council noted that the Health Professions Order Part 11 Article 3(17) stated that: (17) the Council may (a) make recommendations to the Secretary of State concerning any profession which in its opinion should be regulated pursuant to section 60(1)(b) on the Health Act 1999.
- 10.12. The Council agreed that Maxillofacial Prosthetists and Technologists should be regulated subject to the following conditions;
- (i) that the IMPT clarify the education routes to registration and also the nature of the profession's continuing professional development.
 - (ii) that they engage in discussions with one of the professions already regulated by the HPC with a view to being regulated under their umbrella.

Action: MJS

- 10.13 The Chief Executive confirmed that Orbital Prosthetists and Orthotists were legally entitled to use that title as long as they did so with no intention to deceive. There had been no approach from this group for regulation by the HPC.

Item 11.05/358 ANNUAL MEETING

- 11.1 The Council received a paper from the Executive for discussion/approval.
- 11.2 The Chief Executive reported that the annual meeting of Council scheduled for 8th July 2005 had been cancelled due to the terrorist attacks that had taken place the previous day. This was both because it was highly inappropriate to hold the annual meeting after such an event and the venue at which the meeting was to take place called to cancel as they feared that their staff would not turn up for work due to the closure of the underground system.
- 11.3 The Council noted that the annual meeting had now been rescheduled to proceed after its meeting on 6th December 2005. The proposal was to invite all current and previous Council members. Former Chairmen of the committees of Council would be presenting the review of their committees work and would also provide the opportunity for former Council members to

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say goodbye to each other as they hadn't been able to do so on the 7th or 8th July 2005.

11.4 The Council ratified the re-scheduling of the Annual Meeting.

Item 12.05/359 RESTRUCTURING OF THE HEALTH PROFESSIONS COUNCIL

- 12.1 The Council received a paper from the Executive for discussion/approval.
- 12.2 The Chief Executive reported that Council had been in discussion over the last two and a half years over how it was to be re-structured. This had transpired as an increasingly urgent matter for review as every time a new profession was regulated by the Health Professions Council, membership of Council would consequently increase by two; one registrant and one alternate member. This would result in an ever expanding Council through which good corporate governance could not be effectively operated. Following a series of debates, a public consultation, analysis and HPC's response (the papers for which are available on the HPC website for members information) a recommendation was submitted to the Privy Council. HPC proposed to develop an annual conference model whereby membership would be constituted by participation and inclusion of a uniform number of members 2-3 from each regulated profession. At the conference registrant members would be elected to Council by the wider body of which one third would change on an annual basis.
- 12.3 The Council noted that the Department of Health had now responded to HPC's recommendations and had rejected options 3 and 4 which were the annual conference and geographical elections as not meeting the government's principles for restructuring. The preference given was for options 1 and 2 which were the single big election and the grouped professional elections which were to be offered for public consultation within the draft Healthcare Scientist Section 60 Order. It was likely that this consultation would take place in spring 2006 at which point Council could respond with its viewpoint.
- 12.4 The Council noted that there was merit in the discussion to abandon the use of alternate members. Any problems securing quoracy at Council meetings could be overcome with the election of several registrant members from each profession. The Council noted the model chosen should assist in maintaining links with the professional bodies. The Council noted that the Department of Health had rejected options 3 and 4 and requested further clarification as to the basis for that decision. The Council expressed concern that continuity would not be achieved if all elected members would be up for re-election each year. The Council noted that a professional group would come off each year on a cyclical basis and therefore continuity would not be jeopardized. It was established that home country representation was still an integral feature of the new model proposed.
- 12.5 Council noted that further clarification was required on the definition of words utilized, such as what was meant by 'no automatic link between professions'

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and what was the minimum representation from all four home countries that must be guaranteed.

- 12.6 The Council recommended that by way of obtaining a more thorough understanding of the mechanisms by which the Department of Health reached their conclusions, their representative Ms Mead, Project Manager: New Regulation Projects and legal advisor was invited to the next Council meeting in Northern Ireland 5th October 2005 to discuss the matter in greater detail. The Chief Executive in the first instance would contact Ms Mead in a formal capacity on behalf of Council.

Action: MJS

Item 13.05/360 ANTHROPOSOPHICAL HEALTH PROFESSIONS COUNCIL

- 13.1 The Council received a paper from the Executive for discussion/approval.
- 13.2 The Chief Executive reported that it had come to his attention that an organization with a very similar name to HPC was in existence; The Anthroposophical Health Professions Council (AHPC). A meeting was therefore held on 22nd June with Mr Fielding and colleagues from the AHPC. Mr Bracken from Bircham Dyson Bell also attended the meeting. Subsequent to this the Chairman of AHPC had written to confirm that their Council would meet on the 18th October 2005 to consider a name change of their organization so to avoid any confusion between the two organisations.
- 13.3 The Chief Executive reported that Companies House was very specific as to which sorts or organizations were permitted to use the term ‘Council’ to describe themselves and that the AHPC appeared to be in contravention of Companies House guidance. The Chief Executive reported that it was important to bring such matters back to Council as registrants did get very concerned over other organizations using such similar titles to their own.
- 13.4 The Council noted that the AHPC had sought clarification as to whether the following use of three titles would be acceptable to the HPC:
- Anthroposophic Practitioner – (Therapeutic Speech)
 Anthroposophic Practitioner – (Visual Arts)
 Anthroposophic Health Practitioner – (Therapeutic Speech)
- 13.5 The Council discussed its concern about the titles in brackets which were identified to relate to specific aspects of the work as undertaken by Speech and Language Therapists and Arts Therapists regulated by HPC. The Council noted that HPC had already carefully scrutinized the visual arts category under AHPC and found that it did not relate in any way to the definition of the protected title Arts Therapists. The Council noted that this would only serve to confuse the public and not inform them on any level. Council noted that the only differentiating factor was the anthroposophic part of the title which did identify these professions as unique from those regulated by HPC.

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Item 16.05/363 MINUTES OF THE FINANCE AND RESOURCES COMMITTEE HELD ON 29th JULY 2005

- 16.1 The Council received the minutes of the Finance and Resources Committee held on 29th July 2005 for discussion/approval from the Vice-Chairman, Mrs Stuart.
- 16.2 The Council noted that an amendment was required to be made to the minutes; to list those additional Council members that attended the Finance and Resources Committee meeting on 29th July 2005 as ‘in attendance’ as opposed to being ‘present’. This was because they did not constitute the actual committee membership and it was important to distinguish one from the other.

Action: CB

- 16.3 The Council noted that Mr Bendall had been appointed as the Secretary to the Finance and Resources Committee and Audit Committee. This function was previously carried out by the Director of Finance and Resources, the responsibility for which now fell to the Secretariat department.
- 16.4 The Council noted that Mr Leicester had been formally ratified by the Finance and Resources Committee as the interim Finance Manager and following a successful interview on the 23rd August 2005 was appointed as Finance Manager on a permanent basis.
- 16.5 The Council noted that the minutes had not been approved by the Finance and Resources Committee and that any issues relating to the accuracy of the minutes would be discussed at that meeting.

Item 17.05/364 COUNCIL MEMBERSHIP

- 17.1 The Council received a paper from the Executive to note.
- 17.2 The President reported that subject to Schedule 1 6 of the Health Professions Order as she was the Registrant Physiotherapist member an additional equivalent registrant member was required to fulfil Councils membership criteria. The Council recommended to the Privy Council that the appointment of the Physiotherapist should be the next largest vote received in the Physiotherapist part of the register. Dr Jones was therefore appointed as the Physiotherapist Registrant Member on Council as of 18th August 2005. His appointment was welcomed by all.
- 17.3 The additional appointment to Council was noted.

Item 18.05/365 ANY OTHER BUSINESS

- 18.1 There was no other business.

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Item 19.05/366 DATE AND TIME OF NEXT MEETING

19.1 Council members noted an amendment to the time of the next meeting which would be held at 12:00pm and not 11:00am on Wednesday 5th October 2005 in Northern Ireland.

PRESIDENT

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