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THE HEALTH PROFESSIONS COUNCIL

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MINUTES of the thirtieth meeting of the Health Professions Council held at **11.00 a.m. on Wednesday 1 March 2006** at Park House, 184 Kennington Park Road, London, SE11 4BU.

Professor N Brook (President)
Mr J Camp
Mrs S Chaudhry
Mr R Clegg
Ms G Darwent
Ms H Davis
Mr M C Davies
Ms C Farrell
Dr C H Green
Professor T Hazell
Dr R Jones
Mrs R Levenson
Professor J Lucas
Miss M MacKellar
Mr P McFadden
Mr W Munro
Ms H Patey (alternate for Professor D Waller)
Mr K Ross
Miss P Sabine
Mr S Taylor
Mrs A Turner
Dr A van der Gaag

IN ATTENDANCE:
Mr T Berrie, Information Services Manager
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
Mr C Middleton, Director of Communications
Ms V Nash, Communications Manager
Ms N O'Sullivan, Secretary to Council

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Mr G Ross-Sampson, Director of Operations
Ms C Savage, Manager Aspirant Groups and CPD
Mr M Seale, Chief Executive and Registrar
Ms R Tripp, Policy Manager

Item 1.06/01 INTRODUCTION AND WELCOME

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

Item 2.06/02 APOLOGIES FOR ABSENCE

2.1 Apologies for absence were received from the following Council members; Mr P Acres, Mrs S Drayton, Professor J Harper, Mrs B Stuart, Professor D Waller (Ms H Patey attending).

Item 3.06/03 APPROVAL OF AGENDA

3.1 The Council approved the agenda.

Item 4.06/04 MINUTES

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

4.2 27.2 The Council noted that the draft HPC Strategy document incorporated changes made at the Council 'Away Day' in October 2005 and was intended to eventually replace HPC's *current* Strategic Intent document.

Item 5.06/05 MATTERS ARISING

5.1 Item 5.1 – Matters Arising – Chief Executive's Report
The Council noted that the Council meeting was not the forum for further discussion of the issue of the delay in the agreement of model contract for programme providers.

5.2 Item 7.2 - Chief Executive's Report
The Council noted that publication of the review of non-medical professional regulation – the Foster Review was still awaited.

5.3 Item 10 – Standards of Education and Training Guidance for Education Providers
The Council noted that the consultation on the Standards of Education and Training Guidance for Education Providers had commenced on 15 February 2006.

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5.4 Item 11 – Partners' Complaint System
The Council noted that the partners' complaint system had been revised following comments made at the last meeting. The revised document was included on the agenda for the current meeting.

5.5 Item 15 - Resignation of Alternate Council Member
The Council noted that the 2006 election process was underway. Nomination forms had been sent to all registrants, in the three professions for which elections were being held, in the first week of February.

5.6 Item 17 - Attendance at the Private Part of Council Meetings
The Council noted that a paper on the attendance of alternate members at meetings was included on the agenda for the current meeting.

5.7 Item 18 - Process for the Appointment of Members to the Audit Committee
The Council noted that ratification of the membership of the Audit Committee was included on the agenda for the current meeting.

5.8 Item 25 – Dates of Committee Meetings 2006/7
The Council noted that the 2006 annual meeting would be held on Friday 7 July 2006, the day following the final meeting of Council for the current Council calendar. The 2007 annual meeting would be held on the same day as the final Council meeting for the 2007 calendar.

5.9 Item 27 – Strategic Intent
The Council noted that the draft strategic intent had been amended to incorporate the discussions which had occurred at the Council workshop on 7 February 2006 and also comments received from statutory and non-statutory committees. The revised document was included on the agenda for the current meeting.

5.10 Item 30 – Survey of Attitudes to the Health Professions Council
The Council noted that this document had been considered at a meeting of the Communications Committee on 27 February 2006. The Committee had approved the document and had agreed that this work could be revisited in the future.

Item 6.06/06 PRESIDENT'S REPORT

6.1 The President noted that Mr Middleton, HPC's Director of Communications had resigned from his post and was attending his final meeting of Council. The Council expressed its thanks to Mr Middleton for all his work on behalf of HPC and wished him well for the future.

6.2 The President noted that the main focus of her activities since the last Council meeting had been the review of the partnership framework

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which was being undertaken by Skills for Health. The President noted that the opinions of all parties were being considered in the review and welcomed this.

6.3 The President noted that she and the Chief Executive had been meeting with the professional bodies of the professions regulated by the HPC. These meetings took place on an annual basis. The Council noted that the registrant Council member for the relevant profession should also be invited to attend these meetings.

Action: MJS - ongoing

6.4 The President noted that she had been attending meetings of HPC statutory and non-statutory committees. This had helped her to gain an overview of the issues currently being discussed.

Item 7.05/07 CHIEF EXECUTIVE'S REPORT

7.1 The Council received a paper from the Executive.

7.2 The Chief Executive reported that the report of the review of non-medical professional regulation – 'the Foster Review' had been delayed. It was expected that the report would be published in April or May of this year.

7.3 The processing of renewal applications for Physiotherapists was currently underway.

7.4 The Chief Executive and the President had met with the Council for Healthcare Regulatory Excellence (CHRE) for an annual performance review. The CHRE was considering ways to share best practice among regulators.

7.5 The Chief Executive reported that the number of Fitness to Practise allegations appeared to be levelling out at approximately 30 allegations a month. An IT system which would allow the Fitness to Practice Department to track the decisions taken by Fitness to Practise panels was nearing completion. The cost and length of cases, particularly competence cases, was increasing. The Fitness to Practice department was endeavouring to ensure value for money by undertaking as many functions, which did not require specialised legal knowledge, as possible in-house. This cost of cases and its impact on fees was an issue for discussion by the Fitness to Practise panels.

7.6 The HPC was currently in a period of expansion with regard to employee recruitment. The Chief Executive would shortly be meeting with a 'head-hunter' agency with a view to using their services to recruit to the vacant Education Policy Manager position.

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7.7 The Chief Executive noted that the flexibility which the HPC had built into its infrastructure would provide it with the potential to grow if this was required in the post-Foster era.

7.8 The Council noted that following the implementation of protection of title in July 2005 the HPC had written to individuals who were advertising using a protected title but who did not appear to be on the HPC register. To date there had been a near 100% compliance with the instruction to cease using the title.

Item 8.06/08 REGULATION OF NEW PROFESSIONS BY THE HPC
(Application from the Society of Sports Therapists)

8.1 The Council received an application from the Society of Sports Therapists.

8.2 The Council noted that Professor G Smith and Ms R Nottingham from the Society of Sports Therapists were in attendance at the meeting. Any questions or clarifications regarding the application would be fed back to the Society in writing and could be addressed at the May meeting of Council as part of the Society's presentation or in the discussion which followed.

8.3 The Council noted that the regulation of a new profession by the HPC was a two part process. The application was considered by the HPC and a recommendation was made to the Secretary of State for Health. The Department of Health undertook a consultation regarding the application. The HPC would have an opportunity to respond to that consultation. The final decision was made by the Secretary of State for Health. The timescale for the process was between 18 months and 2 years.

8.4 The Council noted that further clarification regarding the distinct scope of practice of this profession was necessary as there appeared to be substantive overlap between the work undertaken by Sports Therapists and the work undertaken by professions regulated by the HPC.

8.5 The Council noted that clarification was required as to whether the possibility of a joint application with other professional bodies such as the British Sports Rehabilitators & Trainers (BASRaT) had been considered.

8.6 The Council noted that it was unclear how many practitioners were using the title of Sports Therapist. The Council noted that consideration needed to be given to the question of how the HPC would communicate with individuals who were not on the voluntary register regarding grandparenting and the use of protected titles.

8.7 The Council noted that further information was needed regarding the content of the academic qualifications leading to entry to the

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profession and the process by which academic programmes were approved.

8.8 The Council noted that information was needed regarding the number of individuals who have been removed from the voluntary register.

8.9 The Council noted that the titles protected by the HPC related to the title of the professionals involved in the professions i.e. physiotherapists, rather than the title of the profession. Consideration needed to be given to the title to be protected.

8.10 The Council noted that further clarification was required regarding the requirements for Continuing Professional Development (CPD) before the current requirements were put in place in 1996.

8.11 The Council noted that the issues raised at the meeting would be fed back to the Society in writing. There would be a presentation from the Society of Sports Therapists at the May Council meeting. This would allow an opportunity for further discussion following which a decision regarding regulation would be made.

Action: CS – 7 March 2006

Item 9.06/09 DRAFT HPC STRATEGY

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

9.2 The Council noted that the draft strategic intent had been amended to incorporate the discussions which had occurred at the Council workshop on 7 February 2006 and also comments received from statutory and non-statutory committees. The strategy set out in the document would be used by the Executive when setting department workplans and also the goals and objectives of employees.

9.3 The Council noted that a number of important issues had been included in the document in outline. These would require further discussion in the future.

9.4 The Council noted that the importance of establishing a dialogue with stakeholders should be reflected in the document.

9.5 The Council agreed to approve the strategy.

9.6 The Council also agreed to review the strategy following the publication of the Foster and Donaldson reviews.

Action: MJS – following publication of Foster Review

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Item 10.06/10 RACE RELATIONS AMENDMENT ACT 2000 - RESPONSE

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

10.2 The Council noted that a proposal for a Scheme for HPC's response to the Race Relations (Amendment) Act had been presented to the Finance and Resources Committee in February 2006.

10.3 The Council noted that the Executive Management Team (EMT) was currently in the process of developing strategies and timetables to address its obligations under the Act. Following an initial risk assessment by the EMT three areas within the organisation were identified as those in need of the most immediate attention. They were the Fitness to Practise Department, the International Registrations Department and the Communications Department.

10.4 The Council noted that the HPC was not bound by the Race Relations Act. This allowed it a degree of freedom when drawing up an equality and diversity scheme. As a public body it was good practice to have such a scheme in place.

10.5 The Council noted the importance of data, particularly in relation to fitness to practice, when considering whether the HPC was behaving fairly and promoting equality. It was also important to agree on an impact assessment for the scheme. There was a need to generate partnerships with ethnic minorities and to create a culture of ownership. The importance of providing training with regard to diversity and equality for both Council members and employees of HPC was noted.

10.6 The Council noted that the statements under Objectives on page 2 of the document needed rewording. The term social exclusion/inclusion mentioned in the objectives was a value judgement and it would be difficult to measure how the HPC performed against this and the other objectives set out in the paper.

10.7 The Council agreed that:

(i) the comments made at the meeting should be incorporated in the paper and that the revised paper should be included on the agenda for the May Council meeting.

(ii) a draft timetable for the implementation of the Scheme should be prepared by the Executive and included in the paper for discussion at the May Council meeting.

Action: MJS – 11 May 2006

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Item 11.06/11 POLICY AND STANDARDS WORKPLAN 2006/7

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

11.2 The Council noted that the paper set out the workplan for the Policy and Standards department for the 2006/7 financial year.

11.3 The Council welcomed the document. The Council noted that important developments were happening with regard to healthcare in Scotland. The HPC was a party to discussions regarding these developments however the issue of an HPC presence in Scotland was a matter for consideration as a priority. The Council noted the role of Council members in meeting with the Scottish Executive and agreed that the Executive would seek a calendar of these meetings from the Scottish Executive.

Action: NO'S – April 2006

11.4 The Council agreed that references to healthcare workers on page 9 of the document should read assistant practitioners or other groups.

Action: RT – when?

11.5 The Council noted that the recruitment of additional employees to the Policy and Standards department was essential to the implementation of the workplan.

11.6 The Council noted that updates on progress regarding the implementation of the workplan would be included in the Chief Executive's report for each Council meeting. Members could also contact the Policy Manager for updates.

11.7 The Council agreed the priorities as set out in the document and agreed to keep progress under review.

Item 12.06/12 KEY DECISIONS FROM HPC CONSULTATION ON RETURNERS TO PRACTICE

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

12.2 The Council noted that a consultation on proposals for a new returners to practice process had been undertaken between 1 July and 9 September 2005. Responses received during that consultation had been analysed and a draft decisions document had been prepared for consideration by Council.

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12.3 The draft document had been considered by the Education and Training Committee who had agreed it with minor changes. The Education and Training Committee had recommended it to Council for ratification.

12.4 The Council agreed the following;

(i) the text of the responses and decisions document;

(ii) to publish the document on the HPC website;

(iii) to implement the recommendations in July 2006.

Action: RT- April 2006

Item 13.06/13 KEY DECISIONS FROM HPC CONSULTATION ON FITNESS TO PRACTISE

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

13.2 The Council noted that a consultation on 'proposals for managing fitness to practise: a guide for registrants and employers' had been undertaken between 1 July and 9 September 2005. The consultation was a result of work undertaken on health and disability and registration.

13.3 Responses received during the consultation had been analysed and a draft decisions document had been prepared for consideration by Council.

13.4 The Council agreed the following;

(i) to publish online the consultation responses as summarised in the document;

(ii) to publish the decisions document online and in hard-copy (pending any final minor amendments by the Plain English Campaign).

Action: MG – April 2006

Item 14.06/14 APPLICATIONS FOR REGISTRATION BY REFUGEES

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

14.2 The Council noted that the paper provided background information about applications for registration from those who had refugee status or leave to remain.

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14.3 The Council agreed to waive the scrutiny fee for applicants in the following categories;

(i) those with refugee status;

(ii) those with exceptional leave to remain (granted before April 2003)

(iii) those with humanitarian leave to remain (granted on or after 1 April 2003)

(iv) those with discretionary leave to remain (granted on or after 1 April 2003)

14.4 The Council noted that there would be a requirement that the applicant would produce a Home Office letter confirming their refugee status or leave to remain.

Action: GRS and SL from 1 March 2006

Item 15.06/15 REVISION OF THE PROCESS FOR ELECTING THE PRESIDENT AND THE VICE-PRESIDENT

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

15.2 The Council noted that the agreed process for the election of President and Vice-President had been used for the first time in the election of the President and Vice-President on 12 July 2005.

15.3 At the Council meeting on 13 September 2005 it was agreed that the process should be amended to allow the Secretary to Council to seek nominations for the position of President and Vice-President in advance of the meeting at which the election was to be held.

15.4 The Council noted that in the proposed process the election of President and Vice-President would take place over two Council meetings. The reason for this was to allow newly elected members of Council an opportunity to meet the candidates before taking a decision.

15.5 The Council agreed that a further proposal on this matter should be brought to the May meeting of Council for consideration. The proposal should include provision for seeking nominations by email in good time. The process should also include the circulation of statements from candidates to members before the meeting at which the election would take place.

Action: NO'S – 11 May 2006

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15.6 The Council noted that the position of Vice-President was not mentioned in the Health Professions Order 2001. The existence and extent of this role was a Council decision. Other bodies took a different approach, for example allowing the President to call on the Chairmen of Committees to deputise as appropriate when the President was unavailable. The Council agreed that this item could be considered at a future meeting of Council if members wished to discuss it further.

Item 16.06/16 ALTERNATE MEMBERS – COUNCIL MEETINGS

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

16.2 The Council noted that it had been agreed at the December 2005 meeting of Council that a paper on the attendance of Council members at all Council meetings should be considered by the Council.

16.3 The Council agreed that alternate members in their first year of office could attend, and be paid attendance allowance and expenses for, the Council meeting and annual away day event and one other meeting of Council during that year. Thereafter alternate members could attend the Council meeting and annual away day event. Alternate members wishing to attend more than the agreed number of meetings would not be paid attendance allowance and/or expenses.

Action: NO'S – March 2006

Item 17.06/17 RATIFICATION OF NEW MEMBERS OF THE AUDIT COMMITTEE

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

17.2 The Council ratified the appointment of Mr P Acres, Professor T Hazell, Professor C Lloyd, Mr D Proctor and Mr R Kennett (Accountant Member) to the Audit Committee.

17.3 The Council agreed that the standing orders of the Audit Committee should remain as agreed by Council in October 2005.

Item 18.06/18 NOMINATION OF THE CHAIRMAN AND VICE-CHAIRMAN OF THE AUDIT COMMITTEE

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

18.2 The Council noted that at the first meeting of the Audit Committee held on 18 January 2006 the Committee nominated Mr P Acres as

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Chairman. The Committee also agreed that Professor T Hazell should act as Vice-Chairman for the time being.

18.3 The Council ratified the decision of the Audit Committee.

Item 19.06/19 PUBLICATION OF VISITORS' REPORTS

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

19.2 The Council noted at that at a meeting of the Education and Training Committee held on 15 December 2005, the Committee agreed to accept the advice of Mr J Bracken, Solicitor and Parliamentary Agent, on the publication of visitors' reports.

19.3 The Council agreed to adopt the advice outlined in the letter.

Item 20.06/20 REVISED DATES OF AUDIT COMMITTEE MEETINGS

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

20.2 The Council agreed to the revised dates of the Audit Committee meetings as set out in the paper.

Item 21.06/21 HPC PERFORMANCE APPRAISAL SYSTEM FOR PARTNERS

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

21.2 The Council noted that the documents had been considered by the Education and Training Committee, the Registration Committee and the Fitness to Practise Committees. The documents had been revised to incorporate comments made by these Committees.

21.3 The revised drafts had been approved by the HPC's Director of Fitness to Practise and Director of Operations, in addition to Kingsley Napley (HPC's Human Resources Lawyers) and Bircham Dyson Bell (HPC's Public Affairs Lawyer).

21.4 It was anticipated that the first round of appraisals would take place in April 2006.

21.5 The Council approved the performance appraisal system for all partner roles.

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21.6 The Council noted the proposal contained in the document that a presentation be made to Council in six months time to provide feedback on the progress of this system.

Action: LMcK- September 2006

Item 22.06/21 PARTNERS' COMPLAINT SYSTEM

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

22.2 The Council noted that the document had been considered at the Council meeting on 6 December 2005. The document had been revised to incorporate amendments made at that meeting and received from members by email.

22.3 The Council approved the Partner Complaints and Appeals System.

Item 23.06/22 RESOLUTIONS AGREED SINCE THE LAST MEETING

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

Item 24.06/23 OUTCOME OF THE APPEAL BY DAVID RYELL TO THE HIGH COURT

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

Item 25/06/24 UNCONFIRMED MINUTES OF THE FINANCE AND RESOURCES COMMITTEE HELD ON 8 FEBRUARY 2006

25.1 The Council noted the unconfirmed minutes of the Finance and Resources Committee held on 8 February 2006.

Item 26.06/25 UNCONFIRMEDMINUTES OF THE HEALTH COMMITTEE HELD ON 16 JANUARY 2006

26.1 The Council noted the unconfirmed minutes of the Health Committee held on 16 January 2006.

Item 27.06/26 UNCONFIRMED MINUTES OF THE INVESTIGATING COMMITTEE HELD 6 DECEMBER 2005

27.1 The Council noted the unconfirmed minutes of the Investigating Committee held on 6 December 2005

Item 28.06/27 UNCONFIRMED MINUTES OF THE INVESTIGATING COMMITTEE HELD 23 JANUARY 2006

28.1 The Council noted the unconfirmed minutes of the Investigating Committee held on 23 January 2006.

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Item 29.06/28 UNCONFIRMED MINUTES OF THE CONDUCT AND COMPETENCE COMMITTEE HELD ON 25 JANUARY 2006

29.1 The Council noted the unconfirmed minutes of the Conduct and Competence Committee held on 25 January 2006.

Item 30.06/29 UNCONFIRMED MINUTES OF THE EDUCATION AND TRAINING COMMITTEE HELD ON 15 DECEMBER 2005

30.1 The Council noted the minutes of the Education and Training Committee held on 29 September 2005

Item 31.06/30 ANY OTHER BUSINESS

31.1 There was no other business.

Item 32.06/31 DATE AND TIME OF NEXT MEETING

32.1 The next meeting of the Council would be at 11a.m. on Thursday 11 May 2006

32.2 Further meetings would be held on the following dates;

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)

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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PRESIDENT:

DATE:

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