unconfirmed THE HEALTH PROFESSIONS COUNCIL

Chief Executive and Registrar: Mr Marc Seale

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MINUTES of the thirty-second meeting of the Health Professions Council held at **11.00 a.m. on Thursday 6 July 2006** at Park House, 184 Kennington Park Road, London, SE11 4BU.

PRESENT: Mr P Acres Professor N Brook (President) Mr J Camp Mrs S Chaudhry Mrs M Clark-Glass Mr R Clegg Ms H Davis Mr M Davies Mrs S Drayton Ms C Farrell Dr C H Green Professor J Harper Professor T Hazell Mrs R Levenson Professor J Lucas Miss M MacKellar Mr W Munro Mr P McFadden Mr K Ross Miss P Sabine Mrs B Stuart Mr S Taylor Mrs A Turner Dr A van der Gaag **IN ATTENDANCE:**

Mr J Bracken, HPC Solicitor and Parliamentary Agent Mr R Dunn, Director, Corporate Services Mr S Ecroyd, National Audit Office ((part) Miss L Foster, Human Resources Director Mr M Gutherie, Policy Officer Mr M Harris, Baker Tilly (part) Ms Yasmin Hussain, Partner Manager Miss K Johnson, Director, Fitness to Practise Ms C Mulenga, Acting Management Account (part) Ms V Nash, Acting Communications Director

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Ms N O'Sullivan, Secretary to Council Mr G Ross-Sampson, Director of Operations Ms R Tripp, Acting Director of Policy and Standards Mr M Seale, Chief Executive and Registrar

Item 1.06/91 INTRODUCTION AND WELCOME

- 1.1 The President welcomed all members and non-members to the meeting.
- 1.2 Professor Brook noted that this was the last meeting of the 2005/2006 session of Council. Mrs Levenson had decided to stand down from the Council at the end of her current term on 8 July and therefore this was her last meeting. The Council noted its thanks to Mrs Levenson and also to Mrs G Darwent and Dr Robert Jones who would also be standing down on 8 July and who were not attending this meeting.

Item 2.06/92 APOLOGIES FOR ABSENCE

2.1 Apologies for absence were received from the following Council members; Mrs G Darwent, Dr R Jones (and alternate Miss E Thornton) and Professor Diane Waller.

Item 3.06/93 APPROVAL OF AGENDA

3.1 The Council approved the agenda and, at the suggestion of the President agreed that in future there should be a standing item regarding feedback from Council members from external meetings they had attended on behalf of the Council.

Item 4.06/94 MINUTES

- 4.1 It was agreed that the minutes of the thirty-first meeting of the Health Professions Council be confirmed as a true record and signed by the President subject to the following amendment:
- 4.2 7.6 A member noted that the section in the UK Registration report entitled 'what's new and improved' was a very useful addition to the report and that consideration should be given to the addition of a section 'what needs improving'.

Item 5.06/95MATERS ARISING

- 5.1 <u>Item 17.3 Fees General Policies and Scrutiny Fees</u>
 - The Council noted that it was unlikely that the increase in the international scrutiny fee would be effective from 1 January 2007. The likelihood was that the consultation on the scrutiny fee increase and the consultation on the general fee increase would take place at the same time and that any increase would come into effect in July 2007.

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Item 6.06/96 PRESIDENT'S REPORT

- 6.1 The President noted that she had been busy undertaking Council Member Performance Review meetings. This had been both an interesting and a useful experience. She had also attended the British Dietetic Association Awards Ceremony and had enjoyed the experience.
- 6.2 The President invited the Vice-President to report on events he had attended on her behalf. Mr Camp noted that he had attended a meeting organised by the Council for Healthcare Regulatory Excellence on 21 June 2006. He had also attended the College of Occupational Therapists Gala Dinner.

Item 7.06/97 CHIEF EXECUTIVE'S REPORT

- 7.1 The Council received a paper from the Chief Executive.
- 7.2 The Chief Executive reported that there had been no indication when the Foster and the Donaldson report would be published. The Executive would inform the Council as soon as the report was published.
- 7.3 The number of Fitness to Practise allegations being received by HPC appeared to be stabilising.
- 7.4 There had been a fall in the number of registrants who were late in renewing their registration.
- 7.5 The financial figures included in the report covered the period to the end of May and to date the HPC was in surplus for this financial year.
- 7.6 The Council noted that reports had been received that a high percentage of this year's University graduates in the professions regulated by HPC were failing to get employment. Predictions of fees to be collected in future years would be extremely conservative to cover any possible fall in registration fees which resulted from this.
- 7.7 The Council noted that the number of regulated healthcare professionals who were employed in the private sector as independent practitioners was growing and that this should be taken into consideration when the Council undertook a future review of the Standards of Proficiency.

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Item 8.06/98 HEALTH PROFESSIONS COUNCIL ELECTIONS 2006

- 8.1 The Council received a paper from the Executive for discussion/approval.
- 8.2 The Council noted that following the conclusion of the 2006 elections for a Physiotherapy, Occupational Therapy and Radiography member to the Health Professions Council, the Returning Officer was informed that a number of duplicate ballot papers were sent to electors and that as a result of this Electoral Reform Services, ERS, (the Independent Scrutineer) could not guarantee that the results of the election for the radiography and physiotherapy part of the register were safe. The Council noted that there was no suggestion that the duplicate ballot papers had been cast.
- 8.3 The Returning Officer had written to all the candidates in the radiography and physiotherapy elections informing them that they had a right to protest against the outcome of the election.
- 8.4 The Returning Officer had received a protest against the outcome of the 2006 Health Professions Council election for the Physiotherapy part of the register.
- 8.5 The Council noted that the election had been a secret ballot and that unless forced to do so by the Courts the ERS could not open the ballot boxes and track votes back to the individuals who had cast them.
- 8.6 The Council noted that the Executive were in discussions with the ERS regarding the agreement of procedures for future elections to avoid similar problems.
- 8.7 The Council noted that HPC was a public organisation and any damage to its reputation as an open and transparent body must be avoided.
- 8.8 The Council agreed to declare the results of the election for the physiotherapy part of the register invalid. The Council also agreed that the returning officer should re-run the elections for the physiotherapy part of the register.
- 8.9 The Council agreed that the Chief Executive should write to the professional bodies of the three professions for which elections had taken place. The letter should explain what had occurred, that the result of the elections to the physiotherapy part of the register had been declared invalid but that the results for the occupational therapy and radiography part of the register would stand. Information should also be made available on the HPC website.

Action: MJS – 12 July 2006

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Item 9.06/99 REVIEW OF STANDARDS OF PROFICIENCY

- 9.1 The Council received a paper from the Executive for discussion/approval.
- 9.2 The Council noted that in March 2005 it had agreed to establish a Professional Liaison Group to review the standards of proficiency for 12 of the professions regulated by HPC.
- 9.3 The Council noted that the Professional Liaison Group (PLG) on the Review of the Standards of Proficiency had produced a very impressive piece of work.
- 9.4 The Council agreed the recommendations as set out in the paper and also agreed that it would consult on the proposed new standards.

Action: MG – September 2006

Item 10.06/100 REVIEW OF THE STANDARDS OF CONDUCT, PERFORMANCE AND ETHICS

- 10.1 The Council received a paper from the Executive for discussion/approval.
- 10.2 The Council noted that the workplan for the proposed timetable of activities to review the existing standards of conduct, performance and ethics had been agreed by the Conduct and Competence Committee.
- 10.3 The Council noted that cognisance should be taken of the importance of the emerging debate on Public, Patient Involvement in the review of the Standards.
- 10.4 The Council agreed the workplan for the review of the Standards of Conduct, Performance and Ethics.

Action: MG – 2006/2007

Item 11.06/101 KEY DECISIONS FROM THE CONSULTATION ON HEALTH, DISABILITY AND REGISTRATION

- 11.1 The Council received a paper from the Executive for discussion/approval.
- 11.2 The Council noted that a consultation had been held in autumn 2005 during which feedback had been sought on 2 draft documents.Following the consultation a document had been produced which

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summarised the responses and also two amended documents had been produced.

- 11.3 The Council noted that this was an excellent document however some members were concerned that the title could be misleading and suggested changing the title to 'Disabled Persons Guide to Becoming a Health Professional Regulated by the Health Professions Council'. The Council noted that members who wished to discuss detailed changes to the layout of the document should contact the Policy and Standards Department outside the meeting
- 11.4 The Council agreed to publish the consultation responses online.
- 11.5 The Council also agreed to publish the amended documents online and in hard copy (pending any final minor amendments agreed with the Plain English Campaign).

Action: MG – August 2006

Item 12.06/102 EXTERNAL EXAMINERS PROPOSED CHANGES TO STANDARDS OF EDUCATION AND TRAINING

- 12.1 The Council received a paper from the Executive for discussion/approval.
- 12.2 The Council noted that Standard of Education and Training (SET) 6.7.5 had generated some feedback from approved programmes through annual monitoring and some debate around the approval of supplementary prescribing programmes.
- 12.3 The Council noted that although a full review of the SETs was not due to take place this year, it was nevertheless suggested that the Council should consult on a change to the wording of this Standard, which would bring it in line with the requirements of the other SETs, and would assist education providers in appointing external examiners with appropriate qualifications.
- 12.4 The Council agreed the following;

(i) that the consultation should be undertaken,(ii) the wording of the consultation letter as set out in the paper,(iii) that the Executive should run the consultation, analyse the results and bring these back to the Education and Training committee.

Action: RT – August 2006

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Item 13.06/103 CONTINUING PROFESSIONAL DEVELOPMENT

- 13.1 The Council received a paper from the Executive for discussion/approval.
- 13.2 The Council noted that it had established a Professional Liaison Group to draft further information for registrants regarding continuing professional development.
- 13.3 The PLG had recommended two draft documents to the Education and Training Committee in March 2006, a short document for all registrants and a longer document for registrants with a more detailed interest in CPD. The short document had been approved by Council.
- 13.4 The Council noted that the sample profiles would be available on-line.
- 13.5 The Council agreed to the text of longer document (pending any final minor amendments by the Plain English Campaign).
- 13.6 The Council also agreed to publish the document on-line and in hard copy.

Action: RT – August 2006

Item 14.06/104 DRAFT HEALTH PROFESSIONS COUNCIL ANNUAL REPORT 2004/5

- 14.1 The Council received a paper from the Executive for discussion/approval.
- 14.2 The Council noted that Mr Harris from Baker Tilly and Mr Ecroyd from the National Audit Office were in attendance for this item.
- 14.3 The Council approved the Health Professions Council Annual Report 2004/5.

Item 15.06/105 DRAFT HEALTH PROFESSIONS COUNCIL ANNUAL REPORT 2005/6

- 15.1 The Council received a paper from the Executive for discussion/approval.
- 15.2 The Council noted that Mr Harris from Baker Tilly and Mr Ecroyd from the National Audit Office were in attendance for this item.
- 15.3 The Council approved the Health Professions Council Annual Report 2005/6.

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Item 16.06/106 AMENDMENT TO COUNCIL STANDING ORDERS

- 16.1 The Council received a paper from the Executive for discussion/approval.
- 16.2 The Council noted that at the Council meeting held on 11 May 2006, Council agreed in principle to the process for the election of the President and Vice-President of Council, subject to the inclusion of a provision for postal voting.
- 16.3 The Council noted that the Council Standing Orders had been amended to reflect the provision for postal voting.
- 16.4 The Council agreed the revised standing orders.

Item 17.06/107 AMENDMENT TO FINANCE AND RESOURCES COMMITTEE STANDING ORDERS

- 17.1 The Council received a paper from the Executive for discussion/approval.
- 17.2 The Council noted that at a meeting held on 22 June the Finance and Resources Committee had agreed to amend its standing orders.
- 17.3 The Council agreed the revised standing orders.

Item 18.06/108 COUNCIL MEMBERS' PERFORMANCE AND DEVELOPMENT REVIEW SYSTEM

- 18.1 The Council received a paper from the Executive for discussion/approval. The Council agreed that this item should be considered in the public part of the Council meeting.
- 18.2 The Council noted that the annual review of Council members' performance had come to an end. All but two Council members had undertaken the annual review. One member had been unavailable for attend the review for personal reasons, the other member felt that he should be not be required to undertake the review.
- 1.8.3 The Council noted that paragraph 13 (1) (c) of Schedule 1 provided that the Council shall make standing orders to provide for 'establishing standards for the education, training, attendance and performance of members'.

In order to comply with that obligation, the Council's Standing Orders provided;

34. The Council shall establish standards of attendance and performance for members, including a system of annual performance appraisal.

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- 35. Members shall comply with the standards established by the Council under Standing Order 34 and shall not, without reasonable excuse, refuse to participate in the training and appraisal processes.
- 18.4 The Council noted that the review of members' performance formed a very important part of the governance of any public organisation. The agreed Code of Conduct for members stated that all Council members must participate in the annual performance review system. The agreed process placed an emphasis on development as well as review. The Council voted by a show of hands to uphold the principle of performance review. There was one vote against.
- 18.5 The Council agreed that the specific case of the Council member who refused to undertake the annual review should be included in the agenda for the private part of the Council meeting in September.

Action: NO'S – 12 September 2006

Item 19.06/109 COMMUNICATIONS STRATEGY AND WORKPLAN

- 19.1 The Council received a paper from the Executive for discussion/approval.
- 19.2 The Council noted that a new Communications Director had been appointed and would be in post in September 2006.
- 19.3 The Council agreed the interim communications workplan and strategy and noted that an amended document would be brought to Council in March 2007.

Action: Communications Director March 2007

Item 20.06/110 MINUTES OF THE COMMUNICATIONS COMMITTEE HELD ON 27 FEBRUARY 2006

20.1 The Council received the minutes of the Communications Committee received on 27 February 2006.

Item 21.06/111 MINUTES OF THE FINANCE AND RESOURCES COMMITTEE HELD ON 27 APRIL 2006

- 21.1 The Council received the minutes of the Finance and Resources Committee held on 27 April 2006.
- 21.2 The Council ratified the recommendation set out at minute 11.4 as follows;

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(i) that the attendance fee for Council and Committee members should be raised from £260 to £300 per day (VAT inclusive) backdated to attendances commencing on 1 April 2006;

(ii) that the increase in fees in 2006-7 for Council and Committee members should be funded from budget cost savings made elsewhere, i.e. be "bottom line neutral";

(iii) that changing other types of allowance fees such as Partner and PLG member fees should be reviewed in early 2007 when the Council reviewed the annual Budget for 2007-8; and

(iv) that Council and Committee members' attendance fees should be reviewed periodically and that these reviews should take place every three years.

Action: SL (ongoing)

Item 22.06/112 EDUCATION AND TRAINING COMMITTEE STRATEGY DOCUMENT

22.1 The Council received a paper for note from the Executive.

Item 23.06/113 RE-APPOINTMENT OF LAY MEMBERS

- 23.1 The Council received a paper for note from the Executive.
- 23.2 The Council noted that Ms Christine Farrell and Professor Jeff Lucas had been re-appointed to the Council as of 9 July 2006 for a period of four years. The appointments were subject to any statutory changes which might take place in the future composition of the Council. Ms Ros Levenson had not sought re-appointment as a lay member.

Item 24.06/114 PARTNER RE-APPOINTMENTS PROCESS UPDATE

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

Item 25.06/115 ANNUAL REVIEW OF ACTIONS TAKEN FROM JULY 2005 TO JULY 2006

25.1 The Council received a paper for note from the Executive.

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Item 26.06/116 RESOLUTIONS AGREED SINCE THE LAST COUNCIL MEETING

26.1 The Council received a paper for note from the Executive.

Item 27.06/117 SOCIETY OF SPORTS THERAPISTS

27.1 The Council received a paper for note from the Executive.

Item 28.06/118 UNCONFIRMED MINUTES OF THE COMMUNICATIONS COMMITTEE HELD ON 24 MAY 2006

28.1 The Council noted the minutes of the Communications Committee held on 24 May 2006.

Item 29.06/119 MINUTES OF THE EDUCATION AND TRAINING COMMITTEE HELD ON 29 MARCH 2006

29.1 The Council noted the minutes of the Education and Training Committee held on 29 March 2006.

Item 30.06/120 UNCONFIRMED MINUTES OF THE EDUCATION AND TRAINING COMMITTEE HELD ON 13 JUNE 2006

30.1 The Council noted the unconfirmed minutes of the Education and Training Committee held on 13 June 2006.

Item 31.06/121 AGENDA FOR ANNUAL MEETING ON 7 JULY 2006

31.1 The Council received the agenda of the annual meeting on 7 July 2006 for information.

Item 32.06/122 ANY OTHER BUSINESS

- 32.1 The Council noted that there was one item of additional business and that a paper entitled 'The Health Professions (Parts of and Entries in the Register) (Amendment) Order of Council 2006 which related to this item had been tabled.
- 32.2 The Council noted that a draft amendment order for supplementary prescribing entries to the register had been prepared by the Department of Health for approval by the Privy Council.
- 32.3 The Council agreed to approve the Health Professions (Parts and Entries in the Register) (Amendment) Order of Council 2006.

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Item 33.06/123 DATE AND TIME OF NEXT MEETING

- 33.1 The next meeting of the Council would be at 10.30 a.m. on Thursday 11 July 2006
- 33.2 Further meetings would be held on the following dates;

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

Tuesday 12 September 2006

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

Thursday 14 December 2006

Thursday 29 March 2007

Thursday 31 May 2007

Thursday 5 July 2007 – Council meeting

PRESIDENT:

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