

UNCONFIRMED
THE HEALTH PROFESSIONS COUNCIL

Chief Executive and Registrar: Mr Marc Seale

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MINUTES of the thirty-eighth meeting of the Health Professions Council held at **10.30 a.m. on Thursday 31 May 2007** at Park House, 184 Kennington Park Road, London, SE11 4BU

PRESENT: Dr A van der Gaag (President)
 Mr P Acres
 Professor K Bryan
 Mrs M Clark-Glass
 Mr R Clegg
 Ms H Davis
 Mr M Davies
 Mr P Douglas
 Ms C Farrell
 Miss D Haggerty
 Professor J Harper
 Professor T Hazell (from agenda item 7)
 Professor J Lucas
 Miss M MacKellar
 Mr P McFadden
 Mr A Mount
 Mr W Munro
 Mr K Ross
 Mrs J Sheridan
 Professor G Smith
 Mrs B Stuart
 Professor A Turner
 Professor D Waller

IN ATTENDANCE:

Miss N Blunck – Public Affairs Manager
 Mr J Bracken, HPC Parliamentary Agent and Solicitor (part)
 Mr R Dunn, Director of Information
 Miss L Foster, Director of Human Resources
 Mr Thomas Heiser, Events Manager
 Miss K Johnson, Director of Fitness to Practise
 Mrs J Ladds, Director of Communications
 Mr S Leicester, Director of Finance
 Mr S Mars, Policy Officer
 Ms N O’Sullivan, Secretary to Council
 Miss S Pydiah, Team Lead – UK Registrations

Date	Ver.	Dept	Ums	Doc	Type	Info	2007-06-11	hpc	CNL	MIN	Council	May	2007	public	Final	
RD:	None	Public														

RD: None1

Miss A Roberts, Team Administrator - Secretariat
 Mr G Ross-Sampson, Director of Operations
 Mr M Seale, Chief Executive and Registrar
 Ms R Tripp, Director of Policy and Standards

Item 1.07/50 INTRODUCTION AND WELCOME

- 1.1 The President welcomed all members to the meeting, in particular Professor Bryan who had recently joined the Council. She also welcomed all non-members in particular Miss S Ryan and Miss C Kelly from the Department of Health and Children, Ireland, Miss A Ahluwalia, Department of Health Steering Group on the Regulation of Acupuncture Herbal Medicine and Traditional Chinese Medicine and Mr G Nieman from the British Academy of Western Medical Acupuncture. The President also welcomed Miss Blunck, Mr Heiser and Miss Pydiah who had recently joined the executive at HPC.
- 1.2 The President noted that there was a substantial amount of business on the agenda, the culmination of an impressive amount of work by all departments within HPC. The President reiterated the importance of following the agreed ground rules in the conduct of meetings. The President noted that it was important that the Council was clear about the decision being taken so that this could be minuted clearly by the Secretariat. Once a decision had been reached that item of business was closed and would not be discussed further. The President reminded the Council that on occasion papers had been discussed extensively by committees and therefore Council was being asked to ratify decisions taken rather than discuss issues further.

Item 2.07/51 APOLOGIES FOR ABSENCE

- 2.1 Apologies for absence were received from the following Council members; Mr O Altay, Miss E Ellis, Mrs S Drayton, Miss P Sabine (Mrs Sheridan attending).

Item 3.07/52 APPROVAL OF AGENDA

- 3.1 The Council approved the agenda.
- 3.2 The Council noted that there were two tabled papers. These related to agenda item 14 and agenda item 18.

Item 4.07/53 MINUTES

- 4.1 It was agreed that the minutes of the thirty-seventh meeting of the Health Professions Council be confirmed as a true record and signed by the President.

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Item 5.07/54 MATTERS ARISING5.1 Item 13.4 – Consultation on the Standards of Conduct, Performance and Ethics

The Council noted that a consultation on the revised standards of conduct, performance and ethics would commence shortly.

5.2 Item 14.3 - Consultation on Confidentiality Guidance for Registrants

The Council noted that a consultation on confidentiality guidance for registrants would commence shortly.

Item 6.07/55 PRESIDENT'S REPORT

6.1 The President noted that she had attended a number of meetings with the Department of Health in relation to the White Paper.

6.2 The President also noted that she had met with Baroness Ashton to discuss human rights principles and how they impacted on regulation. Baroness Ashton had agreed to attend a session of the Council's Equality and Diversity Training on 9 July 2007.

6.3 The President noted that the Council for Regulatory Healthcare Excellence (CHRE) were in the process of recruiting a Chief Executive and would be recruiting a Chairman shortly. She updated the Council on CHRE's new working group on regulatory bodies performance review and noted the importance of the relationship between HPC and CHRE.

Item 7.07/56 CHIEF EXECUTIVE'S REPORT

7.1 The Council received a paper from the Chief Executive.

7.2 The Council noted that the Chief Executive and the President would be attending a Department of Health Stakeholder Conference for the Professional Regulation Reforms, London on 5 June 2007. The purpose of the meeting was to set out the timetable for the implementation of the legislation in relation to the proposals set out in the White Paper. They would also be meeting with Lord Hunt, Minister of State at the Department of Health on the same day.

7.3 The Department of Health had written to the President informing her that it was their intention to designate the Health Professions Council as the UK Competent Authority for Clinical Psychology under EU directive 89/48. Further information on the implications for HPC would be made available at a future meeting.

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- 7.4 The Registrations Department period was preparing for the beginning of the renewals cycle later in the year. The Council noted its thanks to the Registrations Department for the high standard of customer service it was providing for registrants.
- 7.5 The number of outstanding grandparenting applications had fallen and there was currently only one application outstanding.
- 7.6 It appeared that the number of allegations being received by the Fitness to Practise Department was levelling off.
- 7.7 Finally the Chief Executive noted that the HPC had achieved a modest surplus of £150,000 in the 2006/7 financial year.

Strategy and Policy

Item 8.07/57 KEY DECISIONS FROM THE STANDARDS OF PROFICIENCY CONSULTATION

- 8.1 The Council received a paper from the Executive for discussion/approval.
- 8.2 The Council noted that the HPC had completed a three month consultation on revised standards of proficiency for all professions regulated by the HPC excluding Operating Department Practitioners (ODPs) for which a separate consultation would be held in June 2007. The responses to the consultation had been analysed and the standards had been updated.
- 8.3 The Council noted that it would be useful to include a rationale in the document as to why a number of the suggestions had not been included in the revised standards. The Council agreed that members should contact the Department outside the meeting if they wished to feed back specific comments.
- 8.4 The Council noted that it was important to raise awareness of the standards amongst for example prospective registrants, registrants and employers and also to clarify how they differed from standards set by other bodies. The Council agreed that the Education and Training Committee should consider how this might be addressed.
- 8.5 The Council agreed the following;
- to approve the text of the consultation responses document for publication on the HPC website;
 - to approve the text of the revised introduction and revised standards for publication;
 - to agree that the generic standards should apply to the standards of operating department practitioners (once revised) and any subsequent profession which is regulated; and

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- to agree that the revised standards should be effective from 1st November 2007

8.6 The Council noted its thanks to the Policy and Standards Department for its work on this project.

Action: MG – June 2007

Item 9.07/58 APPROVAL OF PROGRAMMES LEADING TO ENTITLEMENTS UNDER THE PRESCRIPTION ONLY MEDICINES (HUMAN USE) ORDER 1997

- 9.1 The Council received a paper from the Executive for discussion/approval.
- 9.2 The Council noted that at its meeting on 29th March 2007 the Education and Training Committee considered a paper from the Executive about the Approval of programmes leading to entitlements under the Prescription Only Medicines (Human Use) Order 1997. The Committee made three recommendations to Council.
- 9.3 The Council agreed the following recommendations from the Education and Training Committee;
- that modules leading to the prescription only medicines entitlement (POM) which formed part of already approved pre-registration chiropody and podiatry programmes could be separately approved for the purposes of entitlements under the Prescription Only Medicines (Human Use) Order 1997, subject to a paper-based assessment by two visitors against SET 2 of the standards of education and training; and that
 - that programmes which did not form part of approved pre-registration programmes would require a separate visit (as at present).
 - that a consultation should be held on whether the standards of proficiency for chiropodists and podiatrists which relate to LA and POM should remain optional.
- 9.4 The Council noted that the Education and Training Committee would be asked to approve a consultation letter at their meeting in September 2007.

Action: MG – September 2007

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Item 10.07/59 GRANDPARENTING REPORT

- 10.1 The Council received a paper from the Executive for discussion/approval.
- 10.2 The Council noted that the document reviewed the grandparenting process for the first 12 professions regulated.
- 10.3 The Council noted that this was a useful paper which it could usefully be shared with other bodies. The Council noted that the document would be available on the HPC website and would be sent to those on the Council's consultation list.
- 10.4 The Council agreed to approve the document for publication, subject to any minor editing necessary when the document was proofed and laid out.

Item 11.07/60 OUTCOME OF CONSULTATION ON GUIDANCE NOTES FOR OCCUPATIONS CONSIDERING APPLYING FOR REGULATION BY HPC

- 11.1 The Council received a paper from the Executive for discussion/approval.
- 11.2 The Council noted that a consultation had taken place between December 2006 and March 2007 on proposals for amendments to the guidance notes for applicant occupations seeking regulation by HPC.
- 11.3 The responses to the consultation had been analysed and the document summarised the responses received.
- 11.4 The Council agreed the following;
- to agree the text of the document and agree that it should be published online; and
 - to agree that the guidance notes for applicant occupations should be amended and re-published, in line with the decision outlined in the document.

Action: RT– June 2007

Item 12.07/61 REVIEW OF THE STANDARDS OF EDUCATION AND TRAINING PROFESSIONAL LIAISON GROUP: WORKPLAN

- 12.1 The Council received a paper from the Executive for discussion/approval.
- 12.2 The Council noted that the document set out a workplan and timetable of activities to review the existing standards of education and training.

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- 12.3 The Council agreed the workplan and also agreed the Professor C Lloyd should chair the professional liaison group (PLG).
- 12.4 The Council noted that an email would be circulated to all Council members inviting them to become members of the PLG.

Action: SM – June 2007

**Item 13.07/62 STANDARD OF EDUCATION AND TRAINING 6.7.5:
CONSULTATION RESPONSES DOCUMENT**

- 13.1 The Council received a paper from the Executive for discussion/approval.
- 13.2 The Council noted that a consultation had taken place between October 2006 and February 2007 on the Standard of Education and Training - SET 6.7.5.
- 13.3 The Council agreed the following;
- the text of the consultation responses document
 - that SET 6.7.5. should now read:
- ‘Assessment regulations must clearly specify requirements for the appointment of at least one external examiner from the relevant part of the HPC Register, unless other arrangements are agreed.’
- that the required changes will be made to the standards of education and training and the SETs guidance so they were effective from the start of the next academic year.

Action: SM – June 2007

**Item 14.07/63 DIRECTIVE 2005/36/EC (PROFESSIONAL
QUALIFICATIONS DIRECTIVE)**

- 14.1 The Council received a paper from the Executive for discussion/approval.
- 14.2 The Council noted that currently applicants to the HPC from the EEA were assessed under the General Systems Directive. This directive would be superseded by directive 2005/36/EC from 20 October 2007.
- 14.3 The Council noted that an important aspect of the directive was temporary registration i.e. the provision of services on a temporary and occasional basis by a professional who provided services on a permanent basis (established) in another member state.

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RD: None7

- 14.4 The Council noted that a consultation regarding the draft UK legislation with regard to temporary registration was being held and that the Executive was in the process of drafting a response to the consultation. The Council also noted that a provision of the draft directive was that temporary registration could have no cost to the applicant and that therefore the HPC could not charge a scrutiny fee for temporary registration. Any costs incurred by HPC would have to be met from the registration fees of current registrants.
- 14.5 The Council noted that it was important to have a definition of temporary and that currently the government was giving little guidance as to what this meant. It was possible that a definition might be decided in the courts in due course.
- 14.6 The Council noted that it was important that employers accepted their responsibility to employ healthcare professionals who were fit to practise. The HPC could not test European applicants for language skills however employers could do this. All registrants, including those with temporary registration, who were found to have failed to meet HPC's standards of conduct, performance and ethics would be dealt with using HPC's fitness to practise procedures.
- 14.7 The Council noted that it would be useful if a training session regarding European legislation which was relevant to HPC was provided.

Item 15.07/64 RATIFICATION OF THE OUTCOME OF THE HEALTH PROFESSIONS COUNCIL ELECTIONS 2007

- 15.1 The Council received a tabled paper from the Executive for discussion/approval.
- 15.2 The Council noted that Rule 11 (4) of the Health Professions Council Election Scheme Rules provided that when the Returning Officer declared the result of the Council elections he should present a certificate of the results to Council at their next meeting.
- 15.3 Rule 12(1) stated that 'the Council, upon receipt of the Returning Officer's certificate shall, where the Returning Officer certifies that the home country representation requirement would be met, appoint the persons elected as registrant members and alternate members of the Council'.
- 15.4 The Council noted the Returning Officer's certificate which listed the results of the elections. The Council also noted that there was no home country requirement to be met in these elections.
- 15.5 The Council ratified the outcome of the Health Professions Council Elections 2007.

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- 15.6 The Council noted that under the Health Professions Council (Election Scheme) Rules 2004 (rule 8(3) (c) the Returning Officer had an obligation to publish the names and addresses of the persons nominating each candidate for election with the ballot paper. This was indicated clearly on the nomination form.

Item 16.07/65 SECRETARIAT WORKPLAN

- 16.1 The Council received a paper from the Executive for discussion/approval.
- 16.2 The Council noted that the preparation of this document was the outcome of a recommendation in the internal auditors report on corporate governance and risk management.
- 16.3 The Council agreed that when this document was updated it should be included on the Council agenda as an item to note.

Item 17.07/66 POLICY AND STANDARDS WORKPLAN

- 17.1 The Council received a paper from the Executive for discussion/approval.
- 17.2 The Council noted that this was a useful document.
- 17.3 The Council agreed that departmental workplans should be discussed and monitored in the relevant committee and that all workplans should be included on the Council agenda as an item to note.

Item 18.07/67 DRAFT HEALTH PROFESSIONS COUNCIL ANNUAL REPORT

- 18.1 The Council received a paper from the Executive for discussion/approval.
- 18.2 The Council noted the text for the front section of the Health Professions Council (HPC) 2006-2007 annual report.
- 18.3 The Council approved the document in its current draft form.
- 18.4 The Council agreed that the Audit Committee and the Finance and Resources Committee should be jointly responsible for reviewing the annual report and accounts and for agreeing any amendments.

Item 19.07/68 DRAFT HEALTH PROFESSIONS COUNCIL FITNESS TO PRACTISE ANNUAL REPORT

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

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- 19.2 The Council noted that it would be useful if consideration was given to the inclusion of an executive summary highlighting the main points in the Fitness to Practise Annual report. This could be considered for inclusion in future years. The Communications Committee would give consideration to this suggestion.
- 19.3 The Council approved the 2007 Fitness to Practise Annual Report (subject to editorial amendments).
- 19.4 The Council expressed its thanks to the Fitness to Practise Director and department for their work on this document.

Item 20.07/69 FITNESS TO PRACTISE – JOINT FORUM

- 20.1 The Council received a paper from the Executive for discussion/approval.
- 20.2 The Council noted that the HPC Fitness to Practise Committees had been considering how best they could organise their meetings in order to make best use of members' time and HPC's resources.
- 20.3 At their April meetings the three Committees considered this issue and agreed to recommend the following to Council;
- i) that each committee would continue to hold four meetings a year
 - ii) that in April and September all three committees would meet on the same date. The day would start with a joint forum to discuss items of mutual interest which members of all the committees would be invited to attend. Following the completion of this forum, each committee would hold a separate committee meeting at which any recommendations from the forum could be considered and, if thought appropriate, ratified.
 - iii) that all three committees would continue to meet separately, as per the current meeting calendar twice a year (in November and January).
- 20.4 The Council ratified the decision of the Fitness to Practise Committees.

Item 21.07/70 THE USE OF COUNCIL MEMBERS AS VISITORS

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

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- 21.2 The Council noted that currently, a small number of those acting as visitors for the Council were also Council members, or Council alternates.
- 21.3 The Council noted that at its meeting on 28th March, the Education and Training Committee discussed and agreed a paper, which considered the role of Council members, and suggested that it was appropriate for the Council to separate the decision-making function of visitors from the strategic oversight function of Council members.
- 21.4 The Council agreed the following decisions made by the Education and Training committee;
- that Council members, alternates or committee members should no longer be used as Visitors from this coming academic year (September 2007);
 - that, to ensure a smooth transition, any existing arrangements made for visits should be honoured; and
 - that those Council members who acted as Visitors should be given the required three months notice in order to terminate their contract as a Visitor.
- 21.5 The Council noted that the the Education and Training Committee had asked the Executive to further consider the issue of Council members acting as Registration Assessors, and a paper on this topic would be discussed by the Committee at its meeting on 12th June 2007.

Action: YH – June 2007

Item 22.07/71 APPOINTMENTS TO STATUTORY AND NON-STATUTORY COMMITTEES POST JULY 2007

- 22.1 The Council received a paper from the Executive for discussion/approval.
- 22.2 The Council agreed that in view of the likely timetable for the implementation of the governance changes proposed in the White Paper the process for reappointment to committees would not take place at 9 July 2007 Council meeting and that therefore the membership of committees would remain unchanged.
- that Council would consider proposals from members who wished to switch to another committee and who could agree a swap with another member, providing that the outcome of the swap was in accordance with the committee's membership requirements.
 - that the current chairmen of committees should remain in place. However each committee could hold an election at its discretion.

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- 22.3 The Council noted that if it became obvious that the timetable was not proceeding as planned Council would be asked to reconsider this issue

Item 23.07/72 RATIFICATION OF RE-APPOINTMENT OF NON COUNCIL COMMITTEE MEMBER

- 23.1 The Council received a paper from the Executive for discussion/approval.
- 23.2 The Council ratified the reappointment of Dr N Callaghan to the Investigating Committee.
- 23.3 The Council noted that the Non-Council Committee Members on the Health Committee and the Conduct and Competence Committee had decided not to seek reappointment. The Council noted its thanks to these members and also noted that a decision regarding their replacement had been delayed pending further information regarding the timetable for the implementation of the governance changes in the White Paper.

Item 24.07/73 MINUTES OF THE FINANCE AND RESOURCES COMMITTEE HELD ON 21 MARCH 2007

- 24.1 The Council received the minutes of the Finance and Resources Committee held on 21 March 2007.

Item 25.07/74 MINUTES OF THE FINANCE AND RESOURCES COMMITTEE HELD ON 26 APRIL 2007

- 25.1 The Council received the minutes of the Finance and Resources Committee held on 26 April 2007.

Item 26.07/75 MINUTES OF THE AUDIT COMMITTEE HELD ON 27 MARCH 2007

- 26.1 The Council received the minutes of the Audit Committee held 27 March 2007.

Items to Note

The Council noted the following items;

- (i) Departmental Work Plans
- (ii) Refresh of HPC's Visual Identity
- (iii) Subject Information Statement
- (iv) Re-appointment of Lay Members
- (v) Committee Membership
- (vi) Engagement Letter – Baker Tilly LLP

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- (vii) Reports from Council Representatives at External Meetings
- (viii) Minutes of the Education and Training Committee held on 28 March 2007
- (ix) Minutes of the Health Committee held on 12 April 2007
- (x) Minutes of the Investigating Committee held on 19 April 2007
- (xi) Minutes of the Conduct and Competence Committee held on 23 April 2007

Item 27.07/76 DATE AND TIME OF NEXT MEETING

Thursday 5 July 2007

Monday 9 July 2007

Tuesday 11 September 2007 (and annual meeting)

Wednesday 3 October and Thursday 4 October 2007 Council meeting and 'away day'

Thursday 13 December 2007

Thursday 27 March 2008

Thursday 29 May 2008

Thursday 3 July 2008

PRESIDENT:

DATE:

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