

confirmed
THE HEALTH PROFESSIONS COUNCIL

Chief Executive and Registrar: Mr Marc Seale

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MINUTES of the forty-eighth meeting of the Health Professions Council held at **10.30 am on Thursday 11 September 2008** at Park House, 184 Kennington Park Road, London, SE11 4BU.

Present: Dr A van der Gaag (President)
Mr P Acres
Mrs M Clark-Glass
Mr R Clegg
Ms H Davis
Mr P Douglas
Mrs S Drayton
Ms E Ellis
Ms C Farrell
Professor J Harper
Professor T Hazell
Professor C Lloyd
Mr W Munro
Mrs J Pearce
Mr K Ross
Ms P Sabine
Mr J Seneviratne
Professor G Smith
Mrs B Stuart
Professor D Waller
Mr N Willis
Mr S Wordsworth

In attendance:

Miss L Foster, Director of Human Resources
Mr G Gaskins, Director of IT
Mr M Guthrie, Head of Policy and Standards
Ms K Johnson, Director of Fitness to Practise
Mr S Leicester, Director of Finance

Professor M Pittilo, Principal and Vice-Chancellor, Robert Gordon University
Miss N O'Sullivan, Secretary to Council
Mr S Rayner, Secretary to Committees
Mr G Ross-Sampson, Director of Operations
Mr M Seale, Chief Executive and Registrar

Item 1.08/142 Election of the President

- 1.1 The Council received a paper from the Chief Executive.
- 1.2 The Council noted that at the May 2008 Council meeting, Council had agreed that the election of the President would be held at 11 September 2008 Council meeting according to the process agreed by Council in May 2006 (revised March 2007).
- 1.3 The process for seeking nominations for the office of President was completed on 26 August 2008. One nomination was received. That nomination was for Dr Anna van der Gaag.
- 1.4 The Council passed a resolution that Dr Anna van der Gaag be elected as President of the Health Professions Council.

Item 2.08/143 President's welcome and introduction

- 2.1 The President thanked members for their vote of confidence in re-electing her as President.
- 2.2 The President welcomed all members to the meeting and extended a particular welcome to Mr Wordsworth and Mr Seneviratne who were attending their first meeting of the Council following their election in July 2008. The President also welcomed all members of the public to the meeting.
- 2.3 The President noted that Mr Michael Pittilo, Chair of the Department of Health Steering Group on the Statutory Regulation of Practitioners of Acupuncture, Herbal Medicine, Traditional Chinese Medicine and Other Traditional Medicine Systems practised in the UK, would be joining the meeting later.
- 2.4 The President noted that Mrs Ros Mead was had moved departments at the Department of Health. The Council requested that a note of thanks to Mrs Mead for all her work on behalf of the Council should be minuted.

Item 3.08/144 Apologies for absence

- 3.1 Apologies for absence were received from the following Council members; Mr J Donaghy, Professor J Lucas, Miss M MacKellar (and alternate Miss G Pearson), Professor A Turner (alternate Professor C Lloyd attending)

Item 4.08/145 Approval of agenda

- 4.1 The Council approved the agenda.

Item 5.08/146 Minutes of the 3 July 2008 Council meeting

- 5.1 It was agreed that the minutes of the forty-seventh meeting of the Health Professions Council be confirmed as a true record and signed by the President subject to the amendment of the date of the meeting in March 2009 to Thursday 26 March 2009.

Item 6.08/147 Matters arising

- 6.1 The Council received a paper from the Executive setting out the matters arising from the previous meeting.
- 6.2 The Council noted the actions list as agreed at the last meeting.

Item 7.08/148 President's report

- 7.1 The Council received a paper from the President.
- 7.2 The President noted that the British Psychological Society had published a positive report of the meeting held on 9 July 2008 with the HPC on its website.
- 7.3 The President noted that the Department of Health Working Group on Revalidation had held its final meeting. The Group had agreed a number of high-level principles regarding revalidation. The agreed principles were in line with those agreed by the HPC Continuing Fitness to Practise PLG.
- 7.4 The President noted that the Council for Regulatory Healthcare Excellence (CHRE) was holding a series meetings for the health regulators to discuss issues of common interest and that this was a positive development.

Item 8.08/149 Chief Executive's report

- 8.1 The Council received a paper from the Chief Executive.
- 8.2 The Chief Executive reported that the Section 60 Order would be tabled in the Scottish Parliament in November 2009.
- 8.3 The publication of the Constitution Order would trigger the process for the appointment of the restructured Council. An update regarding the timetable for this would be provided to the Council at the October 2008 Council meeting.
- 8.4 The Chief Executive reported that members of the Executive Management Team met with officials from the Department of Health on a quarterly basis. The purpose of the meetings was to facilitate HPC's work with the Department of Health.
- 8.5 The Chief Executive noted that he had been attending meetings of many of the professional bodies and that these meetings were very useful.
- 8.6 The Chief Executive noted that the Department of Health working groups which had been established following the recommendations of the Foster Review were now being wound up. The Department of Health's future strategy appeared to be that it had a limited role in regulation and that the independent regulators should continue with their function of regulating the health professions.
- 8.7 The Chief Executive noted that the HPC would be represented at a number of the party conferences.
- 8.8 The Chief Executive noted that representatives of the HPC would be available to give advice to the Scottish Select Committee on Health.
- 8.9 The Council noted that it was HPC policy to seek to recover costs from litigants who brought a case against HPC in the High Court and lost the case. It was not possible to seek costs against those who received legal aid to bring the case.

- 8.10 The Council noted that the number and complexity of Fitness to Practise cases was increasing and that this was an issue for Council to keep under review.

Strategy and Policy

Item 9.08/150 Modernising scientific careers

- 9.1 The Council received a paper from the Executive for discussion/approval.
- 9.2 The Council noted that Professor Sue Hill had been leading a Department of Health project on modernising scientific careers.
- 9.3 The Council noted that the paper under discussion aimed to set out from the perspective of the Health Professions Council (HPC) the key issues that needed to be taken into consideration so that recommendations that would arise from the Department of Health project could be implemented in a timely and economic fashion.
- 9.4 The Council agreed that it supported the principles set out in the paper. The Council noted that this document would be sent to a number of organisations who had contacted HPC to establish what the HPC position was with regard to the project.
- 9.5 The Council agreed that the Chief Executive would write to Mr Gavin Lerner at the Department of Health stating that the regulation of healthcare scientists should be a high priority for the Department of Health and indicating the HPC position as set out in the paper.

Action: MJS – October 2008

Item 10.08/151 Regulation of Medical Herbalists, Acupuncturists and Traditional Chinese Medicine Practitioners

- 10.1 The Council received a paper from the Executive for discussion/approval
- 10.2 The Council welcomed Professor Michael Pittilo who had been invited to the meeting to address the Council on this matter.

- 10.3 The Council noted that in May 2008 the Department of Health Steering Group on the Statutory Regulation of Practitioners of Acupuncture, Herbal Medicine, Traditional Chinese Medicine and Other Traditional Systems Practised in the United Kingdom, had published its report.
- 10.4 The Council noted that the report recommended that in the interests of public protection acupuncturists, medical herbalists and traditional Chinese medicine practitioners should be regulated and that the Health Professions Council was the appropriate regulator for these professions. In response to the report the Secretary of State for Health announced that a consultation would be held on the report's recommendations. It was anticipated that this would commence in autumn 2008.
- 10.5 The Council noted that the document was not in the standard format of an application for regulation by the Health Professions Council. The Council was invited to discuss the report and consider making a recommendation to the Secretary of State under Article 17 (a) of the Health Professions Order 2001.
- 10.6 The Council discussed a number of issues. First the Council noted that the lack of accepted evidence of efficacy for these professions should not be a barrier to the regulation of these professions. The Health Professions Council should be proactive in supporting the regulation of these professions in order to protect the public.
- 10.7 The Council noted examples of existing taught provision for the professions set out in appendix 5. The Council noted that there were moves towards the development of honours degree courses but the provision of education was very complex.
- 10.8 The Council noted that the labelling of alternative medicines was covered by the Medicines Act and therefore had not come within the remit of the working group. The Council recognised that this was an important issue in terms of patient safety.
- 10.9 The Council noted the importance of educating the public about the different models of acupuncture and the differences between medical and traditional practitioners.

- 10.10 The Council agreed that the Chief Executive and Registrar should make a clear and unequivocal recommendation to the Secretary of State for Health that Medical Herbalists, Acupuncturists and Traditional Chinese Medicine Practitioners should be regulated under Article 17 (a) of the Health Professions Order 2001.

Action: MJS – September 2008

- 10.11 The Council noted its thanks to Professor Pittilo.

Item 11.011/152 Committee membership

- 11.1 The Council received a paper from the Executive for discussion/approval
- 11.2 The Council agreed the appointment of Mr Stephen Wordsworth to the Communications Committee and Mr Jeff Seneviratne to the Education and Training Committee.

Item 12.08/153 Minutes of the Finance and Resources meeting held on 19 June 2008

- 12.1 The Council received the minutes of the Finance and Resources Committee meeting held on 19 June 2008.

Item 13.08/154 Minutes of the Finance and Resources meeting held on 31 July 2008

- 13.1 The Council received the minutes of the Finance and Resources Committee meeting held on 31 July 2008.

Item 14.08/155 Unconfirmed minutes of the Audit Committee held on 26 June 2008

- 14.1 The Council received the unconfirmed minutes of the Audit Committee meeting held on 26 June 2008.
- 14.2 The Council noted that the Privy Council had written to the Chief Executive confirming that the Privy Council Office would take responsibility for negotiation with HM-Treasury over any novel or contentious matters arising from the HPC Accounts.

Item 15.08/156 Unconfirmed minutes of the board of directors of 22/26 Stannary Street

- 15.1 The Council received the unconfirmed minutes of the board of directors of 22/26 Stannary Street held on 8 July 2008.

The Council noted the following:

Item 16.08/157 Performance review of health professions regulators

- 16.1 The Council noted that the format of the CHRE annual report was in the process of evolution and was likely to change. The Council also noted that CHRE had powers to conduct a more in-depth review if this was felt to be necessary.
- 16.2 The Council noted that CHRE had proposed that members of the restructured CHRE Council should take part the induction for members of the restructured Councils of the nine health regulators.
- 16.3 The Council noted that the Executive would be meeting with CHRE to discuss the annual review process for the next financial year.
- 16.4 The Council noted that a paper regarding the areas for development indicated in the report would be considered at the December meeting of the Council.

MJS – 11 December 2008

Item 17.08/158 Return of election expenditure

Item 18.08/159 Confirmed minutes of Education and Training Committee meeting held on 10 June 2008

Item 19.08/160 Reports from council representatives at external meetings

Item 20.08/161 Unconfirmed notes of a meeting of the Chairs' Liaison Group held on 3 July 2008

Item 21.08/162 Any other business

- 21.1 There was no other business.**

Item 21.08/163 Date & time of next meeting

Wednesday 1 October 2008 - Council meeting and away day
(start time noon)

Thursday 2 October 2008 - Council away day (not open to the
public)

Subsequent meetings at 10:30am on the following dates;

Thursday 11 December 2008

Tuesday 10 February 2009 - Council strategy meeting

Thursday 26 March 2009

Wednesday 20 May 2009

Monday 6 July 2009

President:

Date:

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