

Council

Public minutes of the 61st meeting of the Health Professions Council held as follows:-

Date: Thursday 20 May 2010

Time: 10:30am

Venue: The Council Chamber, Health Professions Council, Park House, 184 Kennington Park Road, London SE11 4BU

Present:

Anna van der Gaag (Chair)

Malcolm Cross

Sheila Drayton

Julia Drown

John Harper

Richard Kennett

Jeff Lucas

Morag Mackellar

Arun Midha

Penelope Renwick

Keith Ross

Deep Sagar

Eileen Thornton

Annie Turner

Joy Tweed

Neil Willis

Mr G Butler, Director of Finance

Mr J Dillon, Lead Hearings Officer

Ms A Dittmer, Policy Officer

Mr G Gaskins, Director of Information Technology

Mr M Guthrie, Director of Policy and Standards

Ms L Hart, Secretary to Council

Ms T Haskins, Director of HR

Ms Johnson, Director of Fitness to Practise

Mr J Jones, Publications Manager

Ms J Ladds, Director of Communications

Ms K Neuschafer, Partner Manager

Mr D Risman, (Acting) Project Portfolio Manager

Mr G Ross-Sampson, Director of Operations
Mr M J Seale, Chief Executive and Registrar
Mr K Siddiqui, Hearings Officer

Item 1.10/68 Chair's welcome and introduction

- 1.1 The Chair welcomed all members and members of the public to the meeting.

Item 2.10/69 Apologies for absence

- 2.1 Apologies for absence were received from Patricia Blackburn, Mary Clark-Glass, John Donaghy, John Harper and Diane Waller.

Item 3.10/70 Approval of agenda

- 3.1 The Council approved the agenda.

Item 4.10/71 Declaration of Members' Interest

- 4.1 Keith Ross declared an interest under item 9 as his wife is a Council member of CHRE.

Item 5.10/72 Minutes of the Council meeting of 25 March 2010 (report ref:-HPC52/10)

- 5.1 It was agreed that the minutes of the 60th meeting of the Health Professions Council be confirmed as a correct record and signed by the Chair.

Item 6.10/73 Matters arising (report ref:-HPC53/10)

- 6.1 The Council noted the action list as agreed at the last meeting.

Item 7.10/74 Chair's report (report ref:-HPC54/10)

- 7.1 The Council received a paper from the Chair.
- 7.2 The Chair informed Council that on 1 April 2010, the HPC had successfully opened up the Register to Hearing Aid Dispensers and she wished to place on record her thanks to the project team for the success of this project. It was noted that there had been a reasonable level of interest from the media.

- 7.3 The Council noted that the Chair had attended a meeting of Regulatory Body Chairs which was also attended by Anne Watts of the Appointments Commission. One of the areas for discussion was a review on the recent appointments process and it was noted that the HPC felt that the process had been well executed and the Executive and Chair had worked well with the Appointments Commission resulting in a successful project.
- 7.4 The Council noted some further areas of discussion, particularly around the appropriateness of individuals holding multiple appointments on healthcare regulatory body Councils. It was noted that HPC were clear that this was not something that as an organisation it would be comfortable with or would wish to accommodate in relation to future appointments. Issues around non-attendance at meetings and diary conflicts as a result of Council members being involved in fitness to practise work for other regulatory bodies was also raised. Council noted that there was a strong commitment expressed to increasing diversity amongst the individuals involved in the governance of regulatory bodies.
- 7.5 The Council further noted that the Chair and the Executive were continuing to work constructively with the professional bodies of psychotherapists and counsellors. There had been a useful meeting with the Psychological Professions Alliance Group and this ongoing dialogue would continue to feed into the work of the PLG.
- 7.6 Finally, Council noted that the PPI meeting held on 4 May had been convened to discuss the future strategy of the group and the summary report of the discussions held would be brought to a future meeting of Council.
- 7.7 The Council noted the report.

Item 8.10/75 Chief Executive's report (report ref:-HPC55/10)

- 8.1 The Council received a paper from the Chief Executive.
- 8.2 The Chief Executive informed Council that whilst Andrew Lansley had been appointed as Secretary of State for Public Health, the regulation portfolio had not yet been allocated. As soon as this information was made available, the Chair and Chief Executive would meet with the civil servants and, if appropriate, the new Minister.
- 8.3 The Council noted that direction was required in terms of the new government's position on psychotherapists and counsellors, regulation of assistants, the vetting and barring scheme and the office of the health professions adjudicator.

- 8.4 The Council noted that there had been some minor glitches with regards to the renewals process for dietitians, although the online renewals system continued to grow in usage terms, with 89% of the Hearing Aid Dispensers renewing online. The impact of this increased usage was that the Registrations department were now reallocating resources which would have previously been used to deal with the post and telephone calls associated with the renewal process.
- 8.5 The Council were informed that the Executive would be involved in a disaster recovery exercise the following day, a regular event to ensure that the current protocols continued to be fit for purpose.
- 8.6 Finally, Council noted that the contracts to progress the work on the case management system for the fitness to practise function had now been signed and the Fitness to Practise Committee would be kept up to date with the progress of the project.
- 8.7 In response to a question, Council noted a surplus was showing under the Council and Committee income and expenditure schedule. This was because an allocation had been made over previous years to cover the cost of an expected revenue and customs bill relating to the tax status of Council members. The income in March 2010 represented the favourable difference between the amount accrued and the amount required.
- 8.8 Council noted the difference between Fitness to Practise enquiries and allegations, with enquiries not having reached the standard of acceptance to become allegations.
- 8.9 In response to a question, Council noted that the archive contract had now been awarded to Deepstore Ltd and work was underway to move the archived material. Only essential material was retained in accordance with the organisation's document retention policy and the majority of hard copy archived material was original application forms of registrants.
- 8.10 The Council noted the report.

Strategy and Policy

Item 9.10/76 CHRE – Health Professional Regulators' Register (report ref:- HPC56/10)

- 9.1 The Council received a paper for discussion/approval from the Executive.
- 9.2 The Council noted that in a report published by the CHRE, variations between the regulators in terms of the information provided by the

online registers were identified. Council noted that currently, HPC did not provide details of suspended or struck off registrants. However, for those registrants subject to a caution order, a direct link was provided between the Register and the panel's decision.

During discussion, the following points were raised:-

- That the GMC's Register included details of deceased registrants and those that have voluntarily removed themselves. In order to obtain information on the status of an individual registrant, the whole profile needed to be accessed
- A suggestion was made that rather than direct resource to provide more information on the Register, this would be more appropriately spent on a communications campaign to increase awareness of the Register;
- Many members were in agreement that the Register should only contain the names of those registrants who were able to practise and to include information about practise histories would not be appropriate here;
- A query was raised as to whether employers had an obligation to alert former patients if a registrant was struck off or suspended and the Executive undertook to look into this issue. Council further noted that under Article 39 of the Order, an employer had an obligation to inform the HPC if they were aware that someone was practising using a protected title although they were not registered;
- A suggestion was made that, in the interests of public protection, the Register should appear in two forms:- the public facing Register to include details of suspended and struck off registrants and the Register which should contain only those registrants who are able to practise;
- Some members of Council felt that to include 'struck off' and 'suspended' registrants on the Register with an annotation would cause confusion since their name would still appear on the Register although they were not able to practise. Other members however, felt that these details were an important part of delivering public protection;
- The Chair noted that there appeared to be a consensus that increasing awareness was essential and members were in agreement that the "sounds like" functionality as outlined in recommendation 4 of the paper should be explored further. However it was agreed that practise histories should not be included on the Register. The outstanding issue was whether information on suspension and striking off should be included.

9.3 There was some further discussion about the status of a suspended Registrant in terms of renewal and it was agreed that a further paper should be brought back to Council on the issue of including details of struck off and suspended registrants on the Register together with some additional information on the implications of the Data Protection Act on this work.

9.4 The Council agreed that:-

- (i) in principle, details of practise histories should not be included on the Register;
- (ii) the “sounds like” function should be explored further; and
- (iii) a paper to include further details on the inclusion of suspended and struck off registrants and the implications of the Data Protection Act be brought to a future meeting of Council.

Item 10.10/77 Building the National Care Service (report ref:- HPC57/10)

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

10.2 The Council noted that the this White Paper, which had been published at the end of March under the previous administration, included proposals for the licensing of social care workers and healthcare support workers by the HPC.

10.3 Council were in agreement that the proposal to regulate these groups would be beneficial in terms of public protection. However, until such time as a clear direction is given by the new government, no resource would be put into the proposals outlined in the paper.

Item 11.10/78 Whistleblowing Policy (report ref:- HPC58/10)

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

11.2 The Council noted that at the Council meeting on 20 May 2009, the Council considered whether the HPC should provide specific advice to its registrants on whistleblowing in the workplace and it was agreed at that time that further research needed to be carried out.

11.3 During the course of discussion, the following points were made:-

- Some members were not comfortable with the term “whistleblowing”;

- That the HPC should not be overly prescriptive and more formal guidance on this issue should be forthcoming from the employer;
 - That since HPC is a multi-professional regulator, it would be more appropriate to provide guidance through the website and articles in the HPC's newsletter rather than providing formal guidance; and
 - There needs to be a distinction between raising concerns and "whistleblowing", since "whistleblowing" refers to incidents where an organisation is covering up or ignoring a serious issue and raising concerns should be normal behaviour for a registrant in practise.
- 11.4 The Council agreed that the HPC should provide advice on whistleblowing through a variety of means rather than producing further formal guidance. This could include, for example, information on the HPC's website and articles in the HPC's newsletter. However, the language used in the advice needed to be looked into further.

Item 12.10/79 Appointment of Registrant Assessors (report ref:- HPC59/10)

- 12.1 The Council received a paper for discussion/approval from the Executive.
- 12.2 The Council noted that there was a provision in the Health Professions Order to appoint registrant assessors and this was now required since the complexity of cases being considered was increasing.
- 12.3 The Council noted that this was a different role to a registration assessor although it could be carried out by the same person in their role as "partner."
- 12.4 The Council noted that this would not increase the length of time for a case to be heard and that full guidance would be given to registrant assessors in terms of the paperwork required.
- 12.5 The Council agreed the policy for the appointment of registrant assessors.

Item 13.10/80 Partner Code of Conduct (report ref:- HPC60/10)

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

13.2 The Council noted that the partner code of conduct had been revised as part of the work on a new suite of contracts for Partners. This would mean that compliance of the Code of Conduct would become a contractual obligation.

13.3 The Council agreed the revised Partner Code of Conduct.

Item 14.10/81 Changes to the “absence and sickness policy” and other HR policies (report ref:- HPC61/10)

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

14.2 The Council noted that the changes to the “absence and sickness policy” were focussed on the production of medical certificates and the treatment of sickness during annual leave.

14.3 The Council:-

- (i) approved the changes to the “absence and sickness policy” in Appendix 1; and
- (ii) approved the minor changes to the other HR policies set out in Appendix 2.

Item 15.10/82 HR Policies (report ref:- HPC62/10)

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

15.2 The Council noted that currently, any changes to the employee handbook required Committee and Council approval which seemed to be disproportionate for minor operational changes.

15.3 The Council agreed that any minor changes to HR policies or operational guidelines which have minimal impact on the overall running of the business and which are dictated by changes in legislation, statutory entitlements, or by operational requirements, be made by the Executive, with an annual report outlining changes made to be submitted to the Finance and Resources Committee for information.

Corporate Governance

Item 16.10/83 Draft Health Professions Council Annual Report (Report ref:-HPC63/10)

- 16.1 The Council received a paper for discussion/approval from the Executive.
- 16.2 The Council noted the full and final version of the annual report would be submitted to the July meeting of Council.
- 16.3 During the course of discussion, the following points were made:-
- That in terms of publishing the report, only the minimum number required by The Stationery Office were ordered and it was made available online; and
 - That some of the information such as attendance at meetings and biographies of former council members was not necessary.
- 16.4 The Council noted that in the previous year, there was discussion about removing the attendance tables although it was finally agreed that they should remain. Given that the front part of the annual report was near completion, it was agreed that the format remain for this year but a review be carried out in advance of the production of the 2010-2011 HPC Annual report.
- 16.5 The Council approved the front section of the Health Professions Council 2009-2010 Annual report.

Item 17.10/84 Public Minutes of the Finance and Resources Committee held on 17 March 2010 (report ref:-HPC64/10)

- 17.1 The Council received a paper for discussion/approval from the Executive.
- 17.2 The Council approved the recommendations therein.

Item 18.10/85 Public Minutes of the Finance and Resources Committee held on 29 April (report ref:-HPC65/10)

- 18.1 The Council received a paper for discussion/approval from the Executive.
- 18.2 The Council approved the recommendations therein.

The Council noted the following papers:

Item 19.10/86 Revalidation Update (report ref:-HPC66/10)

Item 20.10/87 Health of Health Professional report (report ref:-HPC67/10)

Item 21.10/88 Annual Departmental Work plans (report ref:- HPC68/10)

**Item 22.10/89 Policy and Standards Department Update (report ref:-
HPC69/10)**

**Item 23.10/90 Reports from Council representatives at external meetings
(report ref:-HPC69/10)**

**Item 24.10/91 Public Minutes of the Education and Training Committee
held on 10 March 2010 (report ref:-HPC71/10)**

Item 25.10/92 Any other business

25.1 There were no additional items for consideration this day.

Item 26.10/93 Date and time of next meeting

26.1 Wednesday 7 July 2010 at 10:30am (preceded by dinner on 6 July at
7:30pm)

Item 27.10/94 Resolution

The Council agreed to adopt the following resolution:-

“The Council hereby resolves that the remainder of the meeting shall be held in private, because the matters being discussed relate to the following;

- (i) information relating to a registrant, former registrant or application for registration;
- (ii) information relating to an employee or office holder, former employee or applicant for any post or office;
- (iii) the terms of, or expenditure under, a tender or contract for the purchase or supply of goods or services or the acquisition or disposal of property;
- (iv) negotiations or consultation concerning labour relations between the Council and its employees;
- (v) any issue relating to legal proceedings which are being contemplated or instituted by or against the Council;
- (vi) action being taken to prevent or detect crime to prosecute offenders;
- (vii) the source of information given to the Council in confidence; or

- (viii) any other matter which, in the opinion of the Chair, is confidential or the public disclosure of which would prejudice the effective discharge of the Council's functions.

Item	Reason for Exclusion
28	v
29	-
30	v
31	vii
32	ii
33	iii, iv
34	iii, iv
35	vii
36	-

Summary of those matters considered whilst the public were excluded

Item 28.10/95 Minutes of the Private part of the Council meeting held on 25 March 2010 (report ref:-HPC72/10)

- 28.1 The Council considered and approved the minutes of the private part of the Council meeting held on 25 March 2010.

Item 29.10/96 Matters arising

- 29.1 The Council noted that there were no matters arising from the private part of the Council minutes of 25 March 2010.

Item 30.10/97 Judicial Review (report ref:-HPC73/10)

- 30.1 The Council noted a report relating to a judicial review.

Item 31.10/98 Licensing of Healthcare Support Workers (report ref:-HPC74/10)

- 31.1 The Council agreed that further discussion on the issue of licensing healthcare support workers should be held once the intentions of the new government were known.

Item 32.10/99 New Appointment to the Education and Training Committee (report ref:-HPC75/10)

- 32.1 The Council agreed to the recommendation of the panel to appoint Professor Gerald Armstrong-Bednall to the Education and Training Committee.

Item 33.10/100 Minutes of the private part of the Finance and Resources Committee held on 17 March 2010 (report ref:-HPC76/10)

33.1 The Council considered the private minutes of the Finance and Resources Committee held on 17 March 2010 and agreed the recommendations therein.

Item 34.10/101 Minutes of the private part of the Finance and Resources Committee held on 29 April 2010 (report ref:-HPC77/10)

34.1 The Council considered the private minutes of the Finance and Resources Committee held on 29 April 2010 and agreed the recommendations therein.

Item 35.10/102 Minutes of the private part of the Education and Training Committee held on 10 March 2010 (report ref:-HPC78/10)

35.1 The Council noted the minutes of the private part of the Education and Training Committee held on 10 March 2010.

Item 36.10/103 Any other business for consideration in private

36.1 There were no items for consideration in private.

Chair:

Date: