

**CONFIRMED**

**The Health Professions Council**

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MINUTES of the twenty fifth Conduct and Competence committee held at **11.00am on Tuesday 19 February 2008** in the Council chamber at Park House, 184 Kennington Park Road, London, SE11 4BU

**Present**

Mr K Ross (Chairman)  
Mrs M Clark-Glass  
Ms H Davis

Professor C Lloyd  
Mr D Proctor  
Ms P Sabine

**In attendance:**

Dr A van der Gaag, President  
Mr M Seale, Chief Executive  
Ms K Johnson, Director of Fitness to Practise (FtP)  
Ms C Urwin, Policy Officer  
Ms N O'Sullivan, Secretary to Council

Mr S Rayner, Secretary to the Committee  
Ms E Seall, Hearings Manager  
Mrs A Abodarham, Hearings Manager  
Ms Z Maguire, Lead Case Manager  
Mr R Brown, Lead Case Manager

**Item 1.08/01 Apologies for absence**

- 1.1 Apologies for absence were received from Mr J Donaghy and Ms H Patey.
- 1.2 The Chairman welcomed Mrs A Abodarham and Mr R Brown to their posts within the Fitness to Practise Department (FtP) and Mr S Rayner to the post of Secretary to the Conduct and Competence Committee

**Item 2.08/02 Approval of agenda**

- 2.1 The Committee approved the agenda and agreed to take agenda item seven before agenda item six.

### **Item 3.08/03 Minutes of the Committee of Thursday 12 September 2007**

- 3.1 It was agreed that the minutes of the twenty fourth Committee should be confirmed as a true record and signed by the Chairman subject to the replacement of 12.1 with the following text:

“The Committee noted feedback from the FtP Forum (the Forum). The Committee agreed that items should not go to the Forum for discussion until they have been discussed and concluded by the relevant FtP Committee.”

- 3.2 There were no matters arising that had not been included in future agendas or the work plan 2008-9.

### **Item 4.08/04 Chairman’s report**

- 4.1 The Chairman reported that the President would be reporting on the work of the Continuing Fitness to Practise Professional Liaison Group (PLG).
- 4.2 The Chairman reminded the Committee that funding underpinning the FtP work plan had been discussed and cleared at the Finance and Resources Committee on Wednesday 6 February.

### **Item 5.08/05 Director of Fitness to Practise Report**

- 5.1 The Committee received the Director of FtP Report, noting that a projected 180 cases were likely to have taken place by the end of the year.
- 5.2 The Committee noted that case managers were now presenting Article 30 review hearings and FtP conviction cases. The Committee welcomed this development.
- 5.3 The Committee noted that work was underway to quantify the success of the move towards case managers acting in the role of presenting officer.
- 5.4 The Committee noted that the High Court appeal in respect of Christina Rayburn had been referred back to the Panel to consider whether a suspension order was appropriate in this case. The Court had not stated which sanction should be imposed so the full range of sanctions was still available to the Panel. The appeal in respect of Samuel Muscat was currently outstanding.

- 5.5 FtP was dealing with an information notice from the Information Commissioner that had implications for the disclosure process. HPC would be represented at the tribunal by Robin Tam QC.
- 5.6 The Director of FtP updated the Committee on significant work planned and undertaken since the last meeting:
- The Director of FtP would be presenting to the Health for Health Professionals Forum
  - Legal assessor and Panel Chair reviews had taken place
  - New Panel member training would take place on 17 and 18 March 2008. Committee members were invited to attend if they wished.
  - Employer events were underway in Belfast, Edinburgh and Cardiff and had been well attended.
  - Staff training included a graduate diploma in Law and a BTEC in investigative practice.
- 5.7 The Director of FtP welcomed input from the Committee to the FtP Annual Report over the subsequent two weeks. There had not been substantive feedback on last year's annual report.
- 5.8 The Committee noted that an external review of complaints literature and processes was underway, and would report to the April FtP Forum. The Committee agreed that if the review uncovered issues that fell under the remit of individual Practise Committees they should be disseminated to those committees for discussion before returning to the Forum.
- 5.9 The Committee noted that the picture of current FtP work was very good.

#### **Item 6.08/07 Update on Fitness to Practise work plan 2007-2008**

- 6.1 The Committee received a paper from the Executive for discussion.
- 6.2 The Committee noted that work on the Equal Treatment Practice note had been delayed until the approval of the equality and diversity scheme. The Committee noted that the delay, along with the delay of FtP Brochures, did not constitute a significant risk.
- 6.3 The Committee noted that registrants now received bundles 42 days before their hearing in accordance with case directions.
- 6.3 The Committee noted that half of the partners were undergoing refresher training this year.

## **Item 7.08/07 Fitness to Practise work plan 2008-2009**

- 7.1 The Committee received a paper from the Executive for discussion/approval.
- 7.2 The Committee noted that the main theme for the coming year would be to refine and improve structures and processes.
- 7.3 The Committee noted that significant pieces of work that would be undertaken included ensuring compliance with the Safeguarding Vulnerable Groups Act 2006 and the FtP LISA statuses project.
- 7.4 The Committee noted that the title "Practitioner Psychologist" should now be used instead of "Applied Psychologist" to describe those Psychologists to be regulated. This would become the protected title when Psychologists join the register.
- 7.5 The Committee requested that the statistical work to forecast fitness to practise cases be added to the work plan. The Committee noted that this would also be presented to the Finance and Resources Committee at its next meeting

### **Action KJ: by 10 April**

- 7.6 The Committee noted that the Health Committee had discussed the display of completion dates on the work plan.
- 7.7 The Committee noted that an initial assessment had been carried out on the intake of Practitioner Psychologist cases and that, while the cases are likely to take more time individually, the referral percentage is likely to be lower than the current HPC rate.
- 7.8 The Committee agreed the priorities, principles and projects outlined in the work plan, agreed to keep the document under review and requested the Executive to amend the work plan accordingly.

## **Item 8.08/08 Committee self evaluation**

- 8.1 The Committee received a paper from the Executive for discussion.
- 8.2 The Committee noted the document and agreed to submit any suggestions for the exercise to the Secretariat.

## **Item 9.08/09 Standards of Conduct, Performance and Ethics**

- 9.1 The Committee received a paper from the Executive for discussion and approval

- 9.2 The Committee noted that between 1 June 2007 and 7 September 2007 the Council had consulted on revised standards of conduct, performance and ethics. The responses to the consultation had been analysed and the standards updated.
- 9.3 It was proposed that the new standards should become effective from 1 July 2008. The standards would be publicised by:
- A letter to all registrants
  - A mail out of the new standards to professional bodies and any other relevant stakeholders
  - A press release and news item on the HPC website
  - Articles in the HPC newsletter
- 9.4 The Committee approved the removal of the requirement for a health declaration in standard four in line with the Disability Discrimination Act 2005.
- 9.5 The Committee noted the Health Committee's concern that standard eight does not clearly define the relationship between delegation and responsibility but decided that the wording should not be changed.
- 9.5 The Committee noted the Health Committee's concerns that the rationale for informed consent (standard nine) was not clear, either in the document or in the public forum. The Committee agreed that there should be no change to the wording of the standard.
- 9.6 The Committee noted the Investigating Committee's request to reconsider the wording of Standard 11 on the grounds that there should be one level of confidentiality. The Committee agreed that the current wording reflects the existence of different levels of confidentiality in certain circumstances and should remain the same.
- 9.7 The Committee agreed the following;
- To recommend to Council the text of the consultation responses document with no further changes
  - To approve the text of the revised standards pending editing necessary to achieve the Plain English Campaign Crystal Mark
  - That the revised standards should be effective from 1 July 2008

## Action CU: July 2008

## **Item 10.08/10 Confidentiality Guidance**

- 10.1 The Committee received a paper from the Executive for discussion and approval. The Committee noted that the paper had not been considered by the Health or Investigating Committees
- 10.2 The Committee noted that the Council consulted on Confidentiality Guidance for Registrants from 4 June 2007 to 7 September 2007. The responses to the consultation have been analysed and the guidance amended.
- 10.3 The Committee asked that the guidance be published alongside online references, including to relevant legislation.
- 10.4 It was proposed that the guidance should become effective from 1 July 2008 (this would allow sufficient time for publication and for stakeholders to be informed about the guidance). The guidance would undergo extensive proofing prior to release, and would be publicised by:
- A press release and news item on the HPC website
  - Articles in the HPC newsletter
- 10.5 The Committee noted that the section on “Disclosures required by law” makes reference to English, Welsh and Scottish courts. Reference to Northern Irish courts should be added for completeness.
- 10.6 The Committee agreed, subject to the addition of the above reference:
- To recommend to council the text of the consultation responses document
  - To approve the text of the revised guidance pending editing necessary to achieve the Plain English Campaign Crystal Mark
  - That the revised guidance should be effective from 1 July 2008

## **Item 11.08/11 Continuing Fitness to Practise Professional Liaison Group update**

- 11.1 The President updated the Committee on the work of the Continuing Fitness to Practise Professional Liaison Group
- 11.2 The Group held a very productive open meeting at which a variety of organisations were forthcoming with views on the concept of revalidation. The meeting led to the development of a strong work plan.
- 11.3 The second meeting of the Group looked at International models of revalidation. Since then, work had been done to study European revalidation systems, and subsequent meetings would look at the approaches of the

General Medical Council, The General Dental Council and the work of the Department of Health working group on revalidation. The Group would then develop recommendations.

11.4 The Group had been supported by high quality papers and support from Mr M Guthrie in Policy. FtP input had also been very useful.

11.5 The Group was developing a good understanding of the links and differences between approaches to revalidation. Another example of the direction of the work was that it was unpacking the conceptual difference, and therefore the relationship between, quality control and quality improvement as motivating factors for the development of policies for revalidation.

**Item 12.08/12 Date and time of upcoming Conduct and Competence Committees:**

12.1 Upcoming Committees will be held at:

**Wednesday 23 April 2008** (1030-1300 Forum, 1330 Committee)

Wednesday 17 September 2008 (1030-1300 Forum, 1330 Committee)

Friday 21 November 2008 (1100)

Thursday 19 February 2009 (1100)

Friday 24 April 2009 (1030-1300 Forum, 1330 Committee)

**Chair:**

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**Date:**

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