

THE HEALTH PROFESSIONS COUNCIL

Chief Executive and Registrar: Mr Marc Seale

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MINUTES of the inaugural meeting of the Health Professions Council held at **12.00 noon on Tuesday 2 April 2002** at Park House, Kennington Park Road, London, SE11 4BU

PRESENT: Professor N Brook (President)
Dr G Beastall
Mrs S Chaudhry
Mr R Clegg
Mrs M Crawford
Ms H Davis
Ms C Farrell
Ms A Foster
Professor J Harper (items 1 – 20)
Professor A Hazell
Dr R Jones
Mr C Lea
Professor J Lilleyman
Professor J Lucas
Miss M MacKellar
Ms J Manning
Mr W Munro
Mrs J Pearce
Mr K Ross
Miss P Sabine
Mrs J Stark
Mrs B Stuart (items 1 – 20)
Professor D Waller
Mr N Willis
Mr S Yule

IN ATTENDANCE:

Mr P Baker
Dr P Burley
Ms G Malcolm
Mr C Middleton, Communications Manager
Ms N O'Sullivan, Secretary to Council
Mr G Milch
Ms L Pilgrim
Mr M Seale, Chief Executive and Registrar
Mr G Ross-Sampson, Project Manager
Ms J Tuxford
Mr Michael Caplan, QC Kingsley Napley
Mr Jonathan Bracken Bircham Dyson Bell

Item 1.02/01 WELCOME

- 1.1 Professor Brook welcomed Council members to the inaugural meeting and formally introduced all members of staff who were in attendance at the meeting.

Item 2.02/02 APOLOGIES FOR ABSENCE

- 2.1 Apologies for absence were received from Dr J Old and Mrs C McGartland.
- 2.2 Apologies for absence were also received from Ms R Mead.

Item 3.02/03 APPROVAL OF AGENDA

The Council agreed the agenda and noted that Mr Lea would speak to agenda item 15 and agenda item 19 as one item.

Item 4.02/04 MINUTES

- 4.1 It was agreed that the minutes of the tenth and last meeting of the Shadow Health Professions Council be confirmed as a true record and signed by the President subject to the following amendments:
- 4.2 Minute 7.5 should read 'The documents would be translated into Braille and would be available in languages other than English'.
- 4.3 Minute 10.1 should read Mr Willis, Chairman of the Investigating Committee.

Item 5.02/05 MATTERS ARISING

- 5.1 HPC Launch
 - 5.1.1 The Council noted that the invitation to the launch event was now being extended to spouses and partners of members and alternates on Council and staff at the HPC. Members who wished their spouse or partner to receive an invitation should inform the Secretariat.
 - 5.1.2 The Council also noted that late invitations could be extended to those not on the original guest lists however the Secretariat should be informed so that a formal invitation could be issued.
- 5.2.1 Change Management Group (Wales)

Professor Hazell reported that the First Minister had agreed the name of the new body as the Health Professions Wales.

- 5.3 Consultation Event on Professional Advisory Panels
- 5.3.1 Miss Sabine reported discussions were ongoing with Newchurch Healthcare regarding the production of a detailed analysis of the consultation event on 31 January 2002.
- 5.4 Exceptional Legal Expenses Insurance
- 5.4.1 The Council noted that Mrs Stark and Mr Seale would be meeting shortly to discuss this matter.
- 5.5 Dates of Council Meetings
- 5.5.1 The Council noted that the two-day meeting scheduled for 9 and 10 October 2002 would be held in the Lake District. The Secretariat would provide details of venue and transport links in due course.
- 5.5.2 In future a number of Council meetings per annum would be held outside London, in England and in the other countries of the United Kingdom.

Item 6.02/06 PRESIDENT'S REPORT

The President noted that she had recently spent two days in Northern Ireland meeting representatives of the Allied Health Professions and informing them regarding the Health Professions Council. Concerns had been expressed regarding the perceived distance of Northern Ireland from the Health Professions Council's office in London. Regular visits to Northern Ireland were planned and the Council would also meet in Northern Ireland as part of its annual programme of meetings.

Item 7.02/07 CHIEF EXECUTIVE DESIGNATE REPORT

- 7.1 The Council received a report from the Chief Executive Designate as attached. (Annex 1)
- 7.2 The Council noted that to date 236 people had accepted the invitation to the launch event on 17 April 2002.
- 7.3 The Council also noted that to date 220 former Board members and alternates had agreed to assist the HPC during the transitional periods.
- 7.4 The outcome of the information technology review would be presented to the Finance and Resources Committee.
- 7.5 The Department of Health had agreed to provide approximately £2 million to cover the transitional costs for each of the next two years.
- 7.6 It was envisaged that, in addition to the complete consultation document, a mini prospectus consisting of 10/12 pages would be available. This could be translated into a range of languages and put on

audiotape. The complete consultation document could be translated on request.

Item 8.02/08 APPOINTMENT OF CHIEF EXECUTIVE AND REGISTRAR
(Mr Seale left the room for this item)

The Council agreed unanimously the appointment of Mr Seale as Chief Executive and Registrar to the Health Professions Council.

Item 9.02/09 APPOINTMENT OF SECRETARY TO COUNCIL
(Ms O'Sullivan left the room for this item)

The Council agreed unanimously the appointment of Ms O'Sullivan as Secretary to the Health Professions Council.

Item 10.02/10 OTHER APPOINTMENTS
(Mr Lea left the room for this item)

The Council agreed unanimously the appointment of Mr Colin Lea as Vice-President of the Health Professions Council, noting the change of title.

Item 11.02/11 STANDING ORDERS FOR COUNCIL

- 11.1 The Council received the draft standing orders.
- 11.2 The Council agreed that the standing orders should be redrafted to include the role of the Vice-President and that the quorum agreed by the practice working parties should be included in the standing orders.
- 11.3 The redrafted standing orders would be presented to Council and the statutory and non-statutory committees would then adopt them and adapt them as necessary for each body.

**Item 12.02/12 MEMBERSHIP OF PRACTICE WORKING PARTIES
CONDUCT AND COMPETENCE, INVESTIGATING AND
HEALTH**

The Council agreed the membership of the Conduct and Competence, Investigating and Health Working Parties. (Annex 2)

**Item 13.02/13 MEMBERSHIP OF STATUTORY AND NON-STATUTORY
COMMITTEES**

- 13.1 The Council agreed the membership of the Education and Training Committee (ETC), the Registration Committee, the Communications Committee and the Finance and Resources Committee. (Annex 3)
- 13.2 The council authorised the President to make appointments to ETC sub-committees.

Item 14.02/14 MINUTES OF THE COMMUNICATIONS COMMITTEE HELD ON 6 MARCH 2002

- 14.1 The Council received the minutes of the Communications Committee held on 6 March 2002.
- 14.2 Ms Foster reported that the Question and Answer document was being finalised and would be sent to all Council members.
- 14.3 Professor Hazell stated for the record that with regard to item 20 the Health Professions Board (Wales) did not now include doctors.
- 14.4 The Council agreed that the final draft of the document entitled 'Your Guide to the Health Professions Council' should be emailed to Council members for comment. Members would be given 24 hours to comment.
- 14.5 It was noted that a number of Council members were on the editorial boards of journals. It would be useful if relevant copy could be provided regarding the HPC for inclusion in these publications.

Item 15.02/15 MINUTES OF THE FINANCE AND RESOURCES COMMITTEE HELD ON 19 MARCH 2002

(Item 19 HPC expenses policy was also taken under this item)

- 15.1 The Council received the minutes of the Finance and Resources Committee held on 19 March 2002.
- 15.2 Mr Lea noted the need for the HPC to put in place robust accounting systems. Criticism of the systems used by the CPSM should not be implied.
- 15.3 The issue of whether the HPC should seek charitable status was still under review.
- 15.4 The Council agreed the following as recommended by the Finance and Resources Committee:

Monthly management accounts reporting to the Finance and Resources Committee

Tendering for annual spends over £30,000

3 quotes for individual purchases over £1,000

The formulation of a preferred list of suppliers

Further work in connection with the Professions Supplementary to Medicine Charitable Trust (PSMCT)

A separate accounting system for PSMCT

A review of potential liability in CPSM's accounts for VAT on staff costs transferred to PSMCT

The production of a statement for each HPC Council member of the fees paid to them during the period to 31 March 2002 for tax purposes

P11Ds for all relevant staff and officers of CPSM for the year ended 31 March 2002

The formation of a sub-committee to act as overseers of the work to be done as a result of the auditor's report

The appointment of a Human Resources Manager

The suggested bank mandate arrangements

- 15.5 The Council noted that the proposal to establish an Audit Committee which would consider matters of finance. The remit would not include the governance of Council.
- 15.6 The Council noted that consideration should be given to the inclusion of a Council member who was not a member of the Finance and Resources Committee on the Audit Committee.
- 15.7 The Council agreed that the Finance and Resources Committee should clarify the remit and membership of the proposed Audit Committee and should present further proposals to Council regarding this matter.
- 15.8 The Council discussed the HPC expenses policy for Council members.
- 15.9 The Council agreed that the daily attendance allowance should be payable for attendance at Council statutory committee, formal non-statutory committee and other approved Council business and that the expenses policy should be amended to reflect this.
- 15.10 The Council also agreed that the document should be amended to state that vouchers were not required for items below £5 and that business class airfares would be reimbursed.
- 15.11 Concern was expressed that reimbursement for a meal included the cost of alcoholic beverages as many organisations did not reimburse this cost. After due consideration it was agreed that the cost of alcoholic beverages would be reimbursed if they came within the meal allowance.
- 15.12 The Council agreed the expenses policy for Council members subject to the above amendments.

15.13 The Council agreed that the Finance and Resources Committee should consider the issues of credit cards for Council members and reimbursement of childcare costs at its next meeting.

15.14 The Council noted that all outstanding claims against the Shadow Health Professions Council or CPSM should be submitted by 11 April 2002.

Item 16.02/16 APPOINTMENT OF AUDITORS

The Council agreed the appointment of BDO Stoy Hayward for the financial year 1 April 2002 to 31 March 2003.

Item 17.02/17 APPOINTMENT OF LAWYERS

17.1 Mr Seale informed Council that the services of three specific classes of lawyers were required. The Council would require the services of a Parliamentary Agent to assist in matters relating to the Order in Council and the consultation process, a firm of lawyers for matters relating to Judicial Processes and a firm of lawyers to deal with commercial issues such as employment and contractual matters. These two latter functions had to be kept separate and be discharged by different firms.

17.2 The Council would be operating under CPSM rules for the first year and therefore it was advisable to continue with Kingsley Napley the lawyers employed by the CPSM. The situation could be reviewed.

17.3 Consideration would be given to the employment of local lawyers in the four countries of the United Kingdom post April 2003.

17.4 The Council agreed unanimously the appointment of the following:

Bircham Dyson Bell, Parliamentary Agents

Kingsley Napley, Solicitors

Ormerods, Solicitors

17.5 The Finance and Resources Committee would review all these contracts annually.

Item 18.02/18 DECLARATION AND REGISTRATION OF PRIVATE INTERESTS

18.1 The Council received a paper entitled declaration and registration of private interests.

- 18.2 The Council agreed that employment and consultancy should be included in the declaration. It was noted that the geographical scope of each interest needed to be recorded (an interest might apply only in England and not in the rest of the UK, for example).
- 18.3 The Council agreed that the Secretary should distribute the amended form to all Council members for completion and return in time for the 14 May meeting of Council.

Item 19.02/19 INTERIM INVESTIGATION AND DISCIPLINARY ARRANGEMENTS

- 19.1 Mr Bracken noted that during the transitional period the HPC would exercise the functions of the boards under the Professions Supplementary to Medicine Act 1960. The rules for the investigating committees would be as set out in their existing standing orders. The rules of procedure for the disciplinary committees would remain as set out in the Professions Supplementary to Medicine (Disciplinary Committees) (Procedure) Rules Order 1964. The Privy Council had amended the Committee Rules so that members had to be appointed for a term of four years (consistent with existing practice) and to keep the number of members exactly as they were but removing all qualification requirements. The HPC would be able to give each committee whatever composition it saw fit, provided that the correct number of members were appointed to each and that a person was not appointed to both an investigating and disciplinary committee.
- 19.2 The Council agreed that Mr Yule, Chairman of the Conduct and Competence Committee and Mr Willis, Chairman of the Investigating Committee should work together to develop 24 panels, one investigating panel and one disciplinary panel for each profession. This task would be completed by 12 April 2002.
- 19.3 The Council resolved that each of the cases that were pending before CPSM committees on 31 March 2002 be referred to the appropriate investigating or disciplinary committee for the profession to which they relate.

Item 20.02/20 COMPOSITION OF PANELS

Mr Bracken explained that under the rules, which would come into effect on 1 April 2003, the Health Professions Order prevented members of the HPC from serving as ordinary members of a panel of a Practice Committee (i.e. the Conduct and Competence, Health and Investigating Committees) considering allegations or other proceedings relating to a practitioner's fitness to practise. A panel could be chaired by a Council member but the remaining panel members must be registrants and lay persons who are not Council members.

Item 21.02/21 DATES OF COUNCIL MEETINGS

21.1 The Council agreed that further meetings would be held on the following dates:

Tuesday 14 May 2002 (noon)

Thursday 13 June 2002 (noon)

Thursday 18 July (noon)

Wednesday 18 September (noon)

Wednesday & Thursday 9 & 10 October (start time to be agreed) (venue Low Wood Hotel on Lake Windermere)

Wednesday 13 November (noon)

Wednesday 11 December (noon)

Item 22.02/22 HEALTH PROFESSIONS COUNCIL – STRATEGIC INTENT

The Council agreed that the Health Professions Council – Strategic Intent Document should be amended following the comments submitted by the members, and published.

Item 23.02/23 COMMENCEMENT ORDER

The Council noted the Commencement of provisions of the Health Professions Order 2001.

Item 24.02/24 ORDERS OF COUNCIL

The Council noted the Orders of Council.

Item 25.02/25 MINUTES OF THE SHADOW HEALTH COMMITTEE HELD ON 1 MARCH 2002

The Council received the minutes of the Shadow Health Committee held on 1 March 2002.

Item 26.02/26 MINUTES OF THE SHADOW INVESTIGATING COMMITTEE HELD ON 8 MARCH 2002

The Council received the minutes of the Shadow Investigating Committee held on 8 March 2002.

Item 27.02/27 MINUTES OF THE SHADOW CONDUCT AND COMPETENCE COMMITTEE HELD ON 12 MARCH 2002

The Council received the minutes of the Shadow Conduct and Competence Committee held on 12 March 2002.

Item 28.02/28 MINUTES OF THE SHADOW EDUCATION AND TRAINING COMMITTEE HELD ON 15 MARCH 2002

28.1 The Council received the minutes of the Shadow Conduct and Competence Committee held on 15 March 2002.

28.2 Professor Brook noted that it would be useful if all committees could highlight in the minutes any decisions taken.

Item 29.02/29 ANY OTHER BUSINESS

There was no other business.

Item 30.02/30 DATE AND TIME OF NEXT MEETING

The next meeting of the Council would be held at 12 noon on Tuesday 14 May 2002.

The Council resolved that the remainder of the meeting should be held in private because publicity would be prejudicial to the public interest, by reason of the confidential nature of the business transacted.