

Unconfirmed

THE HEALTH PROFESSIONS COUNCIL

Chief Executive and Registrar: Mr Marc Seale

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MINUTES of the 50th meeting of the Health Professions Council held at **10.30 am on Thursday 11 December 2008** 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 J Donaghy

Ms C Farrell

Mrs D Haggerty

Professor J Harper

Professor T Hazell

Professor C Lloyd

Miss M MacKellar

Mr W Munro

Mr K Ross

Miss P Sabine

Professor G Smith

Mrs B Stuart

Professor D Waller

Mr N Willis

Mr S Wordsworth

In attendance:

Ms A Abodarham, Hearing Manager

Mr C Bendall, Acting Secretary to Council

Ms A Creighton, Director of Education

Mr G Gaskins, Director of Information Technology

Mr M Guthrie, Head of Policy and Standards

Ms K Johnson, Director of Fitness to Practise

Mrs J Ladds, Director of Communications

Mr S Leicester, Director of Finance

Mr S Mars, Policy Officer

Mr S Rayner, Secretary to Committees

Mr G Ross-Sampson, Director of Operations

Mr M J Seale, Chief Executive and Registrar

Ms E Seall, Head of Case Management

Mrs T Samuel-Smith, Education Manager

Ms C Urwin, Policy Officer

Item 1.08/193 President's welcome and introduction

- 1.1 The President welcomed all members and members of the public to the meeting.
- 1.2 The President noted that it was the 50th meeting of the Council and thanked members for their work and attendance at meetings during 2008, which had been a good year for the HPC.
- 1.3 The President paid tribute to Ms Helen Patey, the alternative arts therapist member of the Council, who had died on 11 October 2008. The Council expressed its sorrow at her death.
- 1.4 The President noted that Ms Elizabeth Ellis had decided to step down as the registrant radiographer member of the Council with effect from 26 November 2008, due to work commitments. The Council recorded its thanks to Elizabeth for her contribution to its work.
- 1.5 The President noted that this was the final meeting for Professor Tony Hazell, who was stepping down from the Council with effect from 31 December 2008. The President looked forward to continuing to work with him in his new role as Chair of the Nursing and Midwifery Council and thanked him for his contribution to the Council.

Item 2.08/194 Apologies for absence

- 2.1 Apologies for absence were received from the following Council Members: Mr P Douglas, Mrs S Drayton, Professor J Lucas, Mr J Seneviratne (alternate Mrs D Haggerty attending) and Professor A Turner (alternate Professor C Lloyd attending).

Item 3.08/195 Approval of agenda

- 3.1 The Council approved the agenda, subject to receiving a tabled paper on a proposed consultation about the standards of continuing professional development as item 8.

Item 4.08/196 Minutes of the Council meeting of 1 October 2008

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

Item 5.08/197 Matters arising

- 5.1 The Council received a paper from the Executive setting out the matters arising from the previous meeting.

5.2 The Council noted the actions list as agreed at the last meeting.

Item 6.08/198 President's report

- 6.1 The Council received a paper from the President.
- 6.2 The President reported that she had been invited by the Council for Healthcare Regulatory Excellence (CHRE) to contribute as a panel member to an inquiry by the Equality and Human Rights Commission into how public bodies are responding to the Human Rights Act. The inquiry would report next year.
- 6.3 The President reported that she had been involved in a seminar on regulation and older people, as part of the Joint Regulators Patient and Public Involvement Group and HPC's communication campaign on raising awareness amongst older people. The seminar had been held at Park House, with a video link to Cardiff, and had included representatives of all but one of the healthcare regulators as well as representatives from user groups. Feedback on the event had been very positive. The Council noted that examples of HPC's new publicity material for the campaign were also available for members. The Council noted that progress of the campaign would be reported to the Communications Committee and the Council in due course.
- 6.4 The President reported that she had attended the first meeting of the Professional Liaison Group on the regulation of psychotherapists and counsellors, chaired by Professor Waller. The Council noted that there had been distasteful criticism of the HPC (including members of the Group and the Executive) on a website and the Executive was considering an appropriate response to this.
- 6.5 The President reported that she had attended a HPC seminar for education providers and commended the work of the Education and Training Department with education stakeholders.
- 6.6 The President reported that the CHRE Council had been restructured so that the presidents of the healthcare regulators were no longer members of CHRE. The President expressed confidence that CHRE would maintain its links with the healthcare regulators through meetings between the respective chairs and chief executives and interaction through other meetings with the Executive.

Item 7.08/199 Chief Executive's report

- 7.1 The Council noted that a corrected version of the pages of the report relating to the Fitness to Practise Department had been tabled. In addition, graphs were tabled comparing budgeted and actual income and expenditure in 2007-8 and 2008-9.

- 7.2 The Chief Executive thanked the Council and its committees for their support during 2008.
- 7.3 The Chief Executive reported that he had been invited onto the Department of Health's Legislative Programme Board and that he had attended a meeting of the Board on 1 December 2008. The Department of Health was due to implement 16 orders relating to healthcare regulation by 2011. The Council noted that HPC was the only healthcare regulator represented on meetings of the Board.
- 7.4 The Council noted that it was now expected that the draft legislation providing for restructuring of the Council and statutory regulation of practitioner psychologists would be tabled in the Westminster and Scottish Parliaments in January 2009. It was intended that the Council elections due to be held in 2009 would not take place, subject to progress of the legislation and agreement by the Council. This was because it was likely that any elected members would only hold office for a short time before the Council was restructured.
- 7.5 The Council noted that the HPC would aim to achieve a modest surplus at the end of each financial year.

Strategy and Policy

Item 8.08/200 Continuing Professional Development: Proposed consultation

- 8.1 The Council received a tabled paper for discussion/approval from the Executive.
- 8.2 The Council noted that the Education and Training Committee held on 2 December 2008 received a paper from the Executive on a small number of continuing professional development (CPD) profiles submitted by individual chiropodists/podiatrists.
- 8.3 The Council noted that the profiles had contained substantial sections of text which were identical or very similar. Following legal advice, each of the registrants had been asked to confirm that the profile was a true reflection of the CPD activities they had undertaken and to explain how the profile had been prepared. A CPD training provider had subsequently contacted HPC to explain that they had compiled the profiles on behalf of the registrants. The Executive had obtained legal advice that the guidance for CPD should be revised to take account of this development so as to prevent it from re-occurring at any point in future.
- 8.4 The Council noted that the Education and Training Committee had agreed to recommend to the Council that a consultation should be held on amending the standards of continuing professional development, to require that CPD profiles should be prepared by the individual registrant.

- 8.5 The Council agreed that a consultation should be held and that the proposed amendment to the standards of continuing professional development should require registrants to confirm that CPD profiles were their own work. The Council noted that the consultation would be held in early 2009, with the outcome of the consultation due to be considered by the Council on 20 May 2009.
- Action: Policy and Standards Department (ongoing to June 2009)**

Item 9.08/201 Regulation of assistants and expanding professional regulation

- 9.1 The Council received a paper for discussion/approval from the Executive.
- 9.2 The Council noted that the paper was intended to describe HPC's position on extending professional regulation and the regulation of other groups of healthcare workers. The Council would be asked to discuss the matter further at its strategy meeting on 10 February 2009.
- 9.3 The Council noted that the paper covered the statutory regulation of professionals; the challenges involved in professional statutory regulation; statutory regulation of assistants; licensing healthcare practitioners; the licensing business model and post-registration regulation.
- 9.4 The Council noted that the Department of Health's working group on extending professional regulation was expected to publish its report in early 2009, with a response from the government later in 2009.
- 9.5 The Council agreed that the paper was of a very high standard and expressed general support for the approach. Further work on the detail would be required.
- 9.6 In discussion, the Council identified the following points for further discussion at the strategy meeting on 10 February 2009:
- further clarity on what licencing actually meant;
 - the practical arrangements for training and assessing licensed practitioners;
 - the practical arrangements for quality assuring the assessment processes
 - approaches to ensuring that training for licensed healthcare practitioners was robust; and
 - possible approaches to dealing with fitness to practise issues.

Action: MJS (by 10 February 2009)

Item 10.08/202 Standards of proficiency and threshold level of qualification for entry for hearing aid dispensers

- 10.1 The Council received a paper for discussion/approval from the Executive.
- 10.2 The Council noted that the Hearing Aid Council (HAC) and HPC had consulted jointly on the standards of proficiency and threshold level of qualification for entry to the Register for Hearing Aid Dispensers. The consultation had run between 15 July 2008 and 15 October 2008. The responses had been analysed by the HAC and had been considered at a recent meeting of the HAC's working group, STEP:UP. A member of the Executive attended meetings of the group. The Committee noted that the standards of proficiency and the threshold level of qualification for entry to the Register had been approved by a meeting of the Hearing Aid Council on 10 November 2008.
- 10.3 The Council noted that the HPC's Education and Training Committee had considered the paper at its meeting on 2 December 2008 and had recommended the proposals to the Council.
- 10.4 The Council noted that the standards of proficiency had been amended by STEP:UP but were broadly similar to the standards of proficiency for other professions regulated by the HPC.
- 10.5 The Council agreed:
- (1) the text of the attached consultation responses document;
 - (2) the text of the standards of proficiency in annex two;
 - (3) that the threshold level of qualification for entry to the hearing aid dispensers part of the register in the standards of education and training should be set at a foundation degree and read:

'Foundation degree for hearing aid dispensers'.

Action: MG (ongoing to March 2010)

Item 11.08/203 Guidance on conduct and ethics for students

- 11.1 The Council received a paper for discussion/approval from the Executive.
- 11.2 The Council noted that the paper contained a draft consultation document on guidance on ethics and conduct for students. The draft document had been considered by the Education and Training Committee at its meetings in September and December 2008. The Committee had agreed to recommend the draft consultation document to the Council, subject to minor amendments. The Council noted that

the consultation would take place alongside the consultation agreed at item 12.

11.3 The Council noted that the guidance was based on the wording of the standards of conduct, performance and ethics.

11.4 The Council agreed the text of the document for consultation.

Action: CU (Ongoing to July 2009)

Item 12.08/204 Health and character guidance

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

12.2 The Council noted that the paper contained a draft consultation document on the health and character process for applicants, education and training providers and registrants. The draft document had been considered by the Education and Training Committee at its meetings in September and December 2008. The Committee had agreed to recommend the draft consultation document to the Council, subject to minor amendments. The Council noted that the consultation would take place alongside the consultation agreed at item 11.

12.3 The Council agreed the text of the document for consultation.

Action: CU (Ongoing to July 2009)

Item 13.08/205 Review of sanctions

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

13.2 The Council noted that the Executive undertook an annual review of the sanctions policy, to ensure that it continued to reflect current practice and any changes in regulatory case law and legislation.

13.3 The Council agreed to the insertion of an additional paragraph relating to specimen allegations in the section 'The purpose of sanctions', to read as follows:

'However, that limitation does not apply to the evidence provided by the registrant, which the panel is entitled to take into account, for example, if the registrant gave evidence relating to an incident which indicated a wider and repeated pattern of behaviour.'

13.4 The Council agreed that the first paragraph in the section 'Review of orders' should read: 'Conditions of practice orders and suspension orders must be reviewed by a Panel (but not necessarily the one that

made them) before they expire and caution orders may, but need not be, similarly reviewed...'

- 13.5 Subject to the amendments above, the Council approved the policy.

Action: KJ (by March 2009)

Corporate governance

Item 14.08/206 Council Elections 2009

- 14.1 The Council received a paper for discussion/approval from the Executive.
- 14.2 The Council noted that the section 60 Order to bring about the restructured Council was expected to be published shortly. If the Order was enacted by 8 July 2009 there would be no further elections and thereafter all new Council members would be appointed. However, if the legislation was not enacted by July 2009, elections would be held. The Council noted that a decision would be made on whether to include for the cost of the elections in the 2009-10 budget.
- 14.3 The Council agreed the following:
(1) that the Chief Executive and Registrar should be appointed as the Returning Officer as of 8 January 2009 until the close of the 2009 election process and would run the election if required; and
(2) that all statements of expenditure by candidates should be published on the HPC website.

Action: MJS (ongoing to July 2009)

Item 15.08/207 Council for Healthcare Regulatory Excellence (CHRE) review of health professions regulators

- 15.1 The Council received a paper for discussion/approval from the Executive.
- 15.2 The Council noted that, at its meeting on 3 July 2008, it had agreed that the CHRE report on the performance of the Nursing and Midwifery Council should be considered at the next meeting of all HPC's committees and each committee should consider what actions should be taken forward. The Council had also agreed that a list of the actions would be brought back to the Council to agree how they should be prioritised.
- 15.3 The Council noted that the Finance and Resources Committee on 18 September 2008 had agreed that its role should be to monitor the financial implications of any actions which were agreed by the Council.

- 15.4 The Council noted that the Audit Committee on 26 September 2008 had agreed that its role was to ensure that HPC's processes were robust and to audit them in due course and it was not appropriate for it to make any recommendations for further action at this stage.
- 15.5 The Council noted that the Fitness to Practise Forum on 17 September 2008 had agreed that the Executive should take forward two recommendations from the CHRE report (systems for assessment, appraisal and reappointment of panel members; updating the register so that conditions of practice were attached to individual registrants' entries). The Fitness to Practise Forum had also agreed that the Executive should continue to gather and evaluate data on timescales of cases and present the data periodically to the Fitness to Practise committees.

Item 16.08/208 Five year plan update

- 16.1 The Council received a paper for discussion/approval from the Executive.
- 16.2 The Council noted that the Five Year Plan had been approved by the Finance and Resources Committee at its meeting on 17 November 2008. The Council noted the assumptions used in the plan. The Council noted that the dates given in the plan for regulation of additional professions were subject to change, as they were dependent on the progress of legislation.
- 16.3 The Council noted that the plan forecast that, in 2009/10, HPC would have a deficit of £30,000. The Council noted that it was expected that the budget for 2009/10 would include a modest surplus.
- 16.4 The Council noted that the cost per registrant was forecast to increase over the next five years. The Committee noted that the Executive believed this was due to the cost of grandparenting. However, further discussion would take place at the next Finance and Resources Committee.
- 16.5 The Council approved the Five Year Plan.

Item 17.08/209 Reappointment of external auditor

- 17.1 The Council received a paper for discussion/approval from the Executive.
- 17.2 The Council noted that the Audit Committee had recommended that Council reappoint Baker Tilly as the HPC's external auditors for another year.

- 17.3 The Council approved the reappointment of Baker Tilly, HPC's existing external auditors, for the financial year ending 2008-9.

Item 18.08/210 Reappointment of internal auditor

- 18.1 The Council received a paper for discussion/approval from the Executive.
- 18.2 The Council noted that the Audit Committee had recommended that Council reappoint PKF as the HPC's internal auditors for another year.
- 18.3 The Council approved the reappointment of PKF, HPC's existing internal auditors, for the financial year 2009-10.

Item 19.08/211 Update on the Health Professions Council (Registration and Fees) (Amendment) Rules 2009

- 19.1 The Council received a paper for discussion/approval from the Executive.
- 19.2 The Council noted that a paper on the proposed fee rules had been approved by the Council on 1 October 2008. The proposed rules had since been revised, in the light of comments by the Department of Health.
- 19.3 The Council agreed the Health Professions Council (Registration and Fees) (Amendment) Rules 2009.

Action: SR (December 2008)

Item 20.08/212 Annual report and accounts 2009

- 20.1 The Council received a paper for discussion/approval from the Executive.
- 20.2 The Council noted that the exact content of the HPC's annual report was not specified in the Health Professions Order 2001. However, the Privy Council, the National Audit Office and Baker Tilly had advised that the minimum requirements in the Government Financial Reporting Manual would be sufficient to meet HPC's obligations under the Order.

- 20.3 The Council agreed that:

(1) the annual report should be prepared as a word document which would meet the minimum reporting requirements set out in the Government Financial Reporting Manual;

Action: Finance/Secretariat/Communications (ongoing to July 2009)

- (2) that an additional document should be produced, which would describe the activities of HPC in terms which would be more accessible to a broad range of stakeholders (including registrants, Parliamentarians, employers and the public).

Action: Communications (ongoing)

Item 21.08/213 Risk register update

- 21.1 The Council received a paper for discussion/approval from the Executive.
- 21.2 The Council noted that the Audit Committee on 10 December 2008 had agreed that the risk register should be amended to show the significance and probability of risks both before and after mitigation. The Committee had also agreed that the risk associated with restructuring of the Council should be articulated in the risk register.
- 21.3 The Council noted that some members felt that recommendations from committees should be presented by the chairman of the relevant committee. The Council agreed that this should be considered at a future meeting.
- 21.4 The Council approved the risk register.

Item 22.08/214 Audit Committee appointment process

- 22.1 The Council received a paper for discussion/approval from the Executive.
- 22.2 The Committee noted that, at its meeting on 6 December 2005, the Council had agreed the process for appointment of members to the Audit Committee. On 26 September 2008, the Audit Committee had conducted the annual review of its effectiveness, using the self-assessment checklist for audit committees prepared by the National Audit Office. The checklist suggest requirements should be set down for areas of collective understanding among the members of the Committee, including accounting, risk management, audit, technical or specialist issues pertinent to the organisation's business, experience of managing similar sized organisations, understanding of the wider environments in which the organisation operated and detailed understanding of the government environment and accountability structures. The Committee had agreed that it should not be necessary for all members to have knowledge of all of these areas.
- 22.3 The Council noted that the process stated that the Audit Committee would comprise Council members, but did not state the number of

members on the committee. The Council noted that this was set out in the standing orders and would be added to the process.

- 22.4 Subject to the amendment at paragraph 22.3, the Council agreed that the process for appointment of members to the Audit Committee should be amended, to require Council members to state their knowledge of the subjects mentioned at paragraph 22.2. The Council also agreed that the process should apply to any appointments to the Audit Committee made after 1 January 2009.

Action: President (ongoing from 1 January 2009)

Item 23.08/215 Declaration of interests policy

- 23.1 The Council received a paper for discussion/approval from the Executive.
- 23.2 The Council noted that the paper recommended that, in order to ensure best practice in governance, it was proposed from 1 January 2009 that all committee and Council agendas would include an item for members to declare their interests (pecuniary or otherwise) in any item under discussion at that meeting.
- 23.3 The Council:
- (1) agreed that, from 1 January 2009, all committee and Council agendas would include a standard item on declaration of interests;
 - (2) approved the changes to the Council's standing orders as set out in the paper;
 - (3) approved the changes to the Council Member Code of Conduct as set out in the paper.

Action: All Council and committee members (ongoing from 1 January 2009)

Item 24.08/216 Council representatives on external bodies

- 24.1 The Council received a paper for discussion/approval from the Executive.
- 24.2 The Council agreed that Mr Alan Mount should be HPC's representative on the Advisory Board of Higher Education Academy Learning and Teaching in Health (HEALTH).

Action: Mr Mount (ongoing)

Item 25.08/217 Council membership

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

- 25.2 The Council noted that three vacancies on the Council had arisen due to the death of Ms Patey and the resignations of Miss Ellis and Professor Hazell, which had been discussed at item 1.
- 25.3 The Council noted that it was expected that Council and committee meetings would still be quorate notwithstanding the vacancies on the Council.
- 25.4 The Council agreed that, given the uncertainty regarding the timetable for implementation of the restructured Council, the vacancies on the Council should be carried for the time being. The situation would be reconsidered in spring 2009 if there had been no progress regarding the proposed governance changes and the timetable was still uncertain.

Action: Secretary to Council (ongoing)

Item 26.08/218 Committee membership

- 26.1 The Council received a paper for discussion/approval from the Executive.
- 26.2 The Council agreed to make the following appointments:
 (1) Mrs Barbara Stuart – appointed to the Investigating Committee
 (2) Mr Jeff Seneviratne – appointed to the Audit Committee

Action: Secretariat (by 31 December 2008)

Item 27.08/219 Nomination of Vice-Chairman of Audit Committee

- 27.1 The Council received a paper for discussion/approval from the Executive.
- 27.2 The Council noted that, at its meeting on 10 December 2008, the Audit Committee had agreed to nominate Professor Graham Smith as its Vice-Chairman.
- 27.3 The Council agreed that Professor Smith should be appointed as Vice-Chairman of the Audit Committee.

Item 28.08/220 Dates of Council meetings 2009-10

- 28.1 The Council received a paper for discussion/approval from the Executive.
- 28.2 The Council approved the dates for Council meetings in 2009-10. The dates are listed at item 42.

Item 29.08/221 Process for cancelling meetings

- 29.1 The Council received a paper for discussion/approval from the Executive.
- 29.2 The Council approved the process for the cancellation of Council and committee meetings.

Item 30.08/222 Minutes of the Finance and Resources Committee held on 18 September 2008

- 30.1 The Council received the minutes of the Finance and Resources Committee meeting held on 18 September 2008.

Item 31.08/223 Minutes of the Audit Committee held on 26 September 2008

- 31.1 The Council received the minutes of the Audit Committee meeting held on 26 September 2008.

The Council noted the following papers:

Item 32.08/224 Regulation of new professions by HPC (application from the Society and College of Radiographers for the regulation of sonographers)

Item 33.08/225 Corporate social responsibility paper

Item 34.08/226 Directive on the application of patients' rights in cross-border healthcare

Item 35.08/227 Reports from council representatives at external meetings

Item 36.08/228 Dates of Chairs' Liaison Group meetings 2009/10

Item 37.08/229 Dates of committee meetings 2009/10

Item 38.08/230 Minutes of the Fitness to Practise Forum held on 17 September 2008

Item 39.08/231 Minutes of the Education and Training Committee held on 25 September 2008

Item 40.08/232 Minutes of the Communication Committee held on 16 October 2008

Item 41.08/233 Any other business

- 41.1 There was no other business.

Item 42.08/234 Date and time of next meeting

42.1 The next meeting of the Council will be held at 10.30am on Tuesday 10 February 2009 (Council strategy meeting).

Subsequent meetings at 10:30am on:

Thursday 26 March 2009

Wednesday 20 May 2009

Monday 6 July 2009

Tuesday 10 September 2009

Wednesday 7 October 2009

Thursday 8 October 2009

Thursday 10 December 2009

Tuesday 11 February 2010

Thursday 25 March 2010

Thursday 20 May 2010

Wednesday 7 July 2010

President:

Date:

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