

Council

Public minutes of the 52nd meeting of the Health Professions Council held as follows:-

Date: Thursday 26 March 2009

Time: 10:30am

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

Present:

Dr A van der Gaag (President)
Professor K Bryan
Mr R Clegg
Ms H Davis
Mr J Donaghy
Mr P Douglas
Mrs S Drayton
Ms C Farrell
Professor C Lloyd
Professor Jeff Lucas

Miss M MacKellar
Mr W Munro
Mr K Ross
Miss P Sabine
Mr J Seneviratne
Mrs B Stuart
Miss E Thornton
Professor D Waller
Mr N Willis
Mr S Wordsworth

In attendance:

Ms N Blunck, Public Affairs Manager
Mr J Bracken, Bircham Dyson Bell
Mr G Gaskins, Director of Information Technology
Mrs A Gorringe, Director of Education
Mr M Guthrie, Acting Director of Policy and Standards
Ms L Hart, Secretary to Council
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
Ms C Milner, Financial Controller
Mr S Rayner, Secretary to Committees
Mr G Ross-Sampson, Director of Operations
Mr M J Seale, Chief Executive and Registrar
Ms C Urwin, Policy Officer

Item 1.09/14 President's welcome and introduction

- 1.1 The President welcomed all members and members of the public to the meeting.
- 1.2 In view of her recent appointment, the Chair thanked Members for the best wishes and congratulations that she had received and stated that she was delighted to continue working with HPC.

Item 2.09/15 Apologies for absence

- 2.1 Apologies for absence were received from the following Council Members: Mr P Acres, Mrs M Clark-Glass, Professor J Harper, Professor G Smith (alternate Miss E Thornton attending) and Professor A Turner (alternate Professor C Lloyd attending).

Item 3.09/16 Approval of agenda

- 3.1 The Council approved the agenda.

Item 4.09/17 Declaration of Members' Interest

- 4.1 There were no interests declared.

Item 5.09/18 Minutes of the Council meeting of 11 December 2008 (report ref:- HPC07/09)

- 5.1 It was agreed that the minutes of the 50th meeting of the Health Professions Council be confirmed as a correct record and signed by the President. These minutes were presented to Council for approval, as the 10 February meeting had been a strategy meeting plus exceptional business, and therefore no minutes were approved

Item 6.09.19 Minutes of the Council meeting of 10 February 2009 report ref:- HPC08/09)

- 6.1 It was agreed that the minutes of the 51st meeting of the Health Professions Council be confirmed as a correct record and signed by the President.

Item 7.09/20 Matters arising report ref:- HPC09/09)

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

- 7.2 The Council noted with regard to minute 6.08/198 (President's Report), that whilst not detailed in the schedule, the Chief Executive had written to the apparent editor of the website regarding the disparaging comments.

Item 8.09/21 President's report (report ref:- HPC10/09)

- 8.1 The Council received a paper from the President.
- 8.2 The President reported that she had attended a meeting of the Joint Regulators Public Patient Involvement (PPI) group and she would submit a report to the May Council meeting once it had been considered by the Communications Committee.

Item 9.09/22 Chief Executive's report (report ref:- HPC11/09)

- 9.1 The Council received a paper from the Chief Executive.
- 9.2 The Chief Executive reported that the Section 60 Legislation was being reviewed in the House of Commons on Tuesday 31 March and by the Health Committee of the Scottish Parliament on 1 April. The Chief Executive undertook to inform Members when the debate would be held in the House of Lords in case they wished to attend.
- 9.3 The Chief Executive reported that there had been two reports published recently, the first was a report of the Healthcare Commission's investigation at Mid Staffordshire NHS Foundation Trust and the second entitled Six Lives: the provision of public services to people with learning disabilities. He informed the Council that as soon as these had been reviewed, a report would be submitted to Council outlining the implications for HPC and whether any lessons could be learnt.
- 9.4 The Chief Executive reported that the organisation was in a sound financial position.

Strategy and Policy

Item 10.09/23 Strategic Intent 2009/10-2014/15 (report ref:- HPC12/09)

- 10.1 The Council received a paper for discussion/approval from the President.
- 10.2 During the course of discussion, various minor amendments were suggested. It was agreed that, with regard to page 4 of the document, under "values," the words "are a set of principles which" would be removed so that the sentence read "Our values reflect both the social...." It was also agreed that the reference to "Home Countries" on

page 6 would be removed. Finally, it was agreed to include some examples of how success would be measured on page 7 of the document.

- 10.3 The Council agreed the revised Strategic Intent 2009/10-2014/15, subject to the amendments detailed above.

Item 11.09/24 2009/10 Annual Budget (report ref:- HPC13/09)

- 11.1 The Council received a paper for discussion/approval from the Executive.
- 11.2 The Council noted the key assumptions detailed on page 1 of the report and in addition, that there was no in-built contingency in the proposed budget.
- 11.3 The Council asked questions relating to the income based on the registrant numbers and the Chief Executive responded that a registration forecasting model was in place.
- 11.4 The Council agreed the budget for 2009/10.

Item 12.09/25 Revised Standards of Education and Training (SET) – Consultation Responses (report ref:- HPC14/09)

- 12.1 The Council received a paper for discussion/approval from the Executive. Further information highlighting the new SETS was circulated, together with Appendix 3 of a report considered and agreed by the Education and Training Committee on 25 March 2009, which detailed further amendments to SETs guidance, also to be incorporated into the consultation.
- 12.2 The Council approved:
- (i) the text of the standards of education and training consultation response, subject to ensuring where possible that the terminology contained within the response remains as generic as possible;
 - (ii) the text of the standards of education and training (subject to legal scrutiny);
 - (iii) the text of the standards of education and training guidance (subject to plain English editing and legal scrutiny);
 - (iv) that practitioner psychologists be added to SET 1 and appropriate reference documents (subject to practitioner psychologists being regulated by the HPC); and

- (v) the revised SETS be effective from September 2009.

Item 13.09/26 Professional Indemnity Insurance (report ref:- HPC15/09)

- 13.1 The Council received a paper for discussion/approval from the Executive.
- 13.2 The Council noted that most professionals had professional indemnity insurance either through their professional body or through their employer. There was considerable discussion on the issue and concerns were raised about the implications of introducing compulsory indemnity cover. Council Members were not clear how indemnification would assist in the protection of the public.
- 13.3 The Council noted that this was more of an issue for those working independently than those employed.
- 13.4 A suggestion was made to look further at a requirement whereby if a registrant was not indemnified, then they had to inform their patient before treatment began. However, other Council members felt that this would not be an appropriate start to the treatment of a patient.
- 13.5 The Council were in agreement that professional indemnity insurance should not be incorporated into HPC's role at the current time.

Item 14.09/27 Psychologists Standards of Proficiency – Consultation Responses (report ref:- HPC16/09)

- 14.1 The Council received a paper for discussion/approval from the Executive.
- 14.2 The Council noted that the Education and Training Committee, at their meeting on 25 March, had agreed on the language level element of the paper. However, they had deferred a decision on the Standards of Proficiency so that further work could be carried out.
- 14.3 The Council agreed to consider the final draft of the Standards of Proficiency at their meeting in May, after consideration by the Education and Training Committee.
- 14.4 The Council agreed with the recommendation of the Education and Training Committee that Practitioner Psychologists should be required to achieve an overall score in the academic test of the International Language Testing System (IELTS) of at least 7.0, with no element below 6.5.

Action: CU (by 20 May)

Item 15.09/28 Updated Risk Register (report ref:- HPC17/09)

- 15.1 The Council received a paper for discussion/approval from the Executive.
- 15.2 The Council noted that in the event of a power cut, the two HPC buildings were linked to the same grid and there was no generator. However, comprehensive business continuity plans were in place and would be triggered in such an event.
- 15.3 The Council noted the arrangements in place to cover the costs of expensive fitness to practise cases.
- 15.4 The Council approved the Updated Risk Register.

Item 16.09/29 Review of the Health Professions (HPC) Admission Forms (report ref:- HPC18/09)

- 16.1 The Council received a paper for discussion/approval from the Executive.
- 16.2 The Council noted that this paper was considered at the Education and Training Committee (ETC) held on 25 March 2009, and that they recommended that under Section 1, the reference to “other” under the clinical scientist category be removed.
- 16.3 The Council approved the changes to the admission forms, together with the recommendation of the ETC to remove the reference to “other” under the clinical scientist category.

Item 17.09/30 Health Professions Council (Constitution) Order 2009 (report ref:- HPC19/09)

- 17.1 The Council received a paper for discussion/approval from the Executive.
- 17.2 After consideration, the Council agreed the consultation response for submission to the Department of Health.

ACTION: MG

Item 18.09/31 Practitioner Psychologists – Threshold Level of Qualification for entry to the Register (report ref:-HPC20/09)

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

- 18.2 The Council noted that the Education and Training Committee (ETC) had deferred a decision on the threshold levels since it would not be possible to agree this standard of education and training without having first agreed the Standards of Proficiency for Practitioner Psychologists.
- 18.3 The Council concurred with this course of action and deferred decision on the report until it had first been considered by ETC in May.

ACTION: MG (by 20 May)

Item 19.09/32 Consultations on the Registration Cycle and Grandparenting criteria for Practitioner Psychologists (report ref:- HPC21/09)

- 19.1 The Council received a paper for discussion/approval from the Executive.
- 19.2 The Council noted that these consultations had been agreed without amendment by the Education and Training Committee held on 25 March 2009.
- 19.3 The Council agreed:-
- (a) to consult on setting the registration cycle and grandparenting criteria for practitioner psychologists; and
 - (b) the text of the consultation documents and draft grandparenting criteria (subject to minor editing amendments).

ACTION: MG (ongoing)

Item 20.09/33 Response to the Department of Health “principles of revalidation – report of the Working Group for non-medical revalidation” (report ref:-HPC22/09)

- 20.1 The Council received a paper to note outlining the HPC’s response to the Department of Health’s “principles of revalidation – report of the Working Group for non-medical revalidation.”
- 20.2 The Council noted that there continued to be widespread ambiguity over definitions of revalidation as opposed to continuing professional development (CPD). One interpretation was to view CPD as part of the “revalidation toolkit.”
- 20.3 The Council noted the HPC’s response to the report.

Item 21.09/34 Policy and Standards Workplan 2009 (report ref:- HPC23/09)

- 21.1 The Council received a paper for discussion/approval from the Executive.
- 21.2 The Council noted that the majority of the policy work for the ensuing year would be around new professions and new generic standards.
- 21.3 The Council agreed the Department Work Plan and the Standards Workplan.

Corporate governance

Item 22.09/35 Fitness to Practise Committees (report ref:-HPC24/09)

- 22.1 The Council received a paper for discussion/approval from the Executive.
- 22.2 The Council noted the four options with regard to the Fitness to Practise Committees. Council agreed with the recommendation of the Executive to establish one non-statutory Fitness to Practise Committee.
- 22.3 The Council also gave some detailed consideration to the proposal to hold the Council and the Fitness to Practise Committee meetings on consecutive days. Concern was raised both in terms of the practicalities of pursuing this and in terms of Council Members being able to contribute in full to both meetings. After discussion, it was agreed not to juxtapose meetings in this way.
- 22.4 The Council agreed:-
 - (a) to establish a single non-statutory Fitness to Practise Committee;
 - (b) the non-statutory Committee would meet after the Section 60 has been enacted;
 - (c) that the Fitness to Practise Committee should meet a minimum of three times per annum; and
 - (d) not to pursue the proposal to juxtapose Council and the Fitness to Practise Committee meetings.

Item 23.09/36 Consultation on Proposed Education and Training Committee Rules (report ref:-HPC25/09)

- 23.1 The Council received a paper for discussion/approval from the Executive.
- 23.2 The Council noted the two responses to the consultation received.
- 23.3 The Council approved the Education and Training Committee Rules.

Item 24.09/37 Health Committee Chair (report ref:-HPC26/09)

- 24.1 The Council received a paper for discussion/approval from the Executive.
- 24.2 The Council ratified the nomination of Sheila Drayton as Chair of the Health Committee.

Item 25.09/38 Public Minutes of the Finance and Resources Committee held on 17 November 2008 (report ref:-HPC27/09)

- 25.1 The Council considered the Public Minutes of the Finance and Resources Committee held on 17 November 2008 and approved the recommendations therein.

Item 26.09/39 Public Minutes of the Finance and Resources Committee held on 4 February 2009 (report ref:-HPC28/09)

- 26.1 The Council considered the Public Minutes of the Finance and Resources Committee held on 4 February 2009 and approved the recommendations therein.

Item 27.09/40 Public Minutes of the Audit Committee held 10 December 2008 (report ref:-HPC29/09)

- 27.1 The Council considered the Public Minutes of the Audit Committee held on 10 December 2008 and approved the recommendations therein.

Item 28.09/41 CPD Sample Sizes (report ref:-HPC30/09)

- 28.1 The Council received a paper to note from the Executive.
- 28.2 During the course of discussion, the following points were made:-

- that a 2.5% sample size could be perceived as very small by the public;
- that CPD audits were not about re-validation but instead, a check that registrants are undertaking CPD and HPC's standards on CPD were being adhered to ;
- that currently, there was no evidence of particular risks associated with particular professions or indeed any variables within the professions that would indicate a need to alter the percentages being sampled. It was however recognised that once all the professions had been sampled, the audit results would assist with this analysis. Further changes to the sampling process might be made as a result of this. .

28.3 The Council noted that the Education and Training Committee would be monitoring the CPD audits.

28.4 The Council noted the report.

Item 29.09/42 Review of Home Country Engagement (report ref:- HPC31/09)

29.1 The Council received a paper to note from the Executive.

29.2 The Council agreed that this information should form part of a new Council Members induction.

29.3 The Council noted the report.

The Council noted the following papers:

Item 30.09/43 Psychotherapists and Counsellors Professional Liaison Group (PLG) – Update (report ref:-HPC32/09)

Item 31.09/44 Reports from council representatives at external meetings (report ref:-HPC33/09)

Item 32.09/45 Public Minutes of the Education and Training Committee held on 2 December 2008 (report ref:-HPC34/09)

Item 33.09/46 Minutes of the Communication Committee held on 21 January 2009 (report ref:-HPC35/09)

Item 34.09/46 Minutes of the Health Committee held on 5 February 2009 (report ref:-HPC36/09)

Item 35.09/47 Minutes of the Investigating Committee held on 12 February 2009 (report ref:-HPC37/09)

Item 36.09/48 Minutes of the Conduct & Competence Committee held on 19 February 2009 (report ref:-HPC38/09)

Item 37.09/49 Any other business

37.1 There was no other business.

Item 38.09/50 Date and time of next meeting

38.1 The next meeting of the Council will be held at 11am on Tuesday 20 May 2009.

Subsequent meetings on:

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

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 President, is confidential or the public disclosure of which would prejudice the effective discharge of the Council's functions.

Summary of those matters considered whilst the public were excluded

Item 39.09/51 Minutes of the Private part of the Council meeting held on 11 December 2009 (report ref:-HPC39/09)

- 39.1 The Council considered and approved the minutes of the private part of the Council meeting held on 11 December 2009.

Item 40.09/52 Matters arising (report ref:-HPC40/09)

- 40.1 The Council noted the matters arising from the minutes of the private part of the Council meeting held on 11 December 2009.

Item 41.09/53 Private Minutes of the Finance and Resources Committee held on 17 November 2008 (report ref:-HPC41/09)

- 41.1 The Council considered the Private Minutes of the Finance and Resources Committee held on 17 November 2008 and agreed the recommendations therein.

Item 42.09/54 Private Minutes of the Finance and Resources Committee held on 4 February 2009 (report ref:-HPC42/09)

- 42.1 The Council considered the Private Minutes of the Finance and Resources Committee held on 4 February 2009 and agreed the recommendations therein.

Item 43.09/55 Private Minutes of the Audit Committee held on 10 December 2008 (report ref:-HPC43/09)

- 43.1 The Council considered the Private Minutes of the Finance and Resources Committee held on 10 December 2008 and agreed the recommendations therein.

Item 44.09/56 Private Minutes of the Remuneration Committee held on 5 March 2009 (report ref:-HPC44/09)

- 44.1 The Council considered the Private Minutes of the Remuneration Committee held on 5 March 2009 and agreed the recommendations therein.

Item 45.09/57 Private Minutes of the Education and Training Committee held on 2 December 2008 (report ref:-HPC45/09)

45.1 The Council noted the private minutes of the Education and Training Committee held on 2 December 2008.

President:

Date:

Unconfirmed