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<b>Council</b>
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**Public minutes of the 69<sup>th</sup> meeting of the Health Professions Council held as follows:-**

**Date:** Thursday 7 July 2011

**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)  
Pradeep Agrawal  
John Donaghy  
Julia Drown  
John Harper  
Richard Kennett  
Jeff Lucas  
Morag MacKellar  
Penelope Renwick  
Keith Ross  
Deep Sagar  
Annie Turner  
Joy Tweed

**In attendance**

Sonia Alexander-Victor, Case Manager  
Gary Butler, Director of Finance  
Siobhan Carson, Case manager  
Ruth Cooper, PA to the Director of Operations  
Guy Gaskins, Director of IT  
Abigail Gorringe, Director of Education  
Michael Guthrie, Director of Policy and Standards  
Louise Hart, Secretary to Council  
Teresa Haskins, Director of HR  
Kelly Johnson, Director of Fitness to Practise  
Jacqueline Ladds, Director of Communications  
Paula Lescott, Education Manager

James Malcolm, Compliance Officer  
Steve Rayner, Secretary to Committees  
Greg Ross-Sampson, Director of Operations  
Marc Seale, Chief Executive and Registrar  
Charlotte Urwin, Policy Manager

#### **Item 1.11/98 Chair's welcome and introduction**

- 1.1 The Chair welcomed all members to the meeting and gave particular welcome to the members of the General Social Care Council in the public gallery.
- 1.2 Members noted that the Appointments Commission, on behalf of the Privy Council, had appointed two new registrant members of Council, namely Pradeep Agrawal, a biomedical scientist and Jennifer Beaumont an occupational therapist. Unfortunately, owing to the short notice, it was not possible for Jennifer to attend Council. The Chair welcomed Pradeep to his first meeting.
- 1.3 Following the discussion on appointments, Annie Turner took the opportunity to inform colleagues that she would not be seeking reappointment when her term of office came to an end in June of next year.

#### **Item 2.11/99 Apologies for absence**

- 2.1 Apologies for absence were received from Malcolm Cross and Diane Waller.

#### **Item 3.11/100 Approval of agenda**

- 3.1 The Council approved the agenda subject to the inclusion of a tabled paper under item 21 entitled "Draft HPC report and Annual Accounts."

#### **Item 4.11/101 Declaration of Members' Interests**

- 4.1 Keith Ross declared an interest under item 10 as his wife is a Council member of CHRE.

#### **Item 5.11/102 Minutes of the Council meeting of 12 May 2011 (report ref:- HPC71/11)**

- 5.1 The Council considered the minutes of the 68<sup>th</sup> meeting of the Health Professions Council as circulated.

- 5.2 With regards to minute 8.11/77, paragraph 8.2, bullet five relating to the Chief Executive's report, a query was raised as to the figure of 11% provided for average staff turnover since some members were not aware of this figure having been provided during the course of the meeting.
- 5.3 In response, Council noted that this figure had emerged when the figures had been investigated after the meeting and so the suggestion was made that the minute should be amended to read "However, it was noted that there was an error in the in the formula and the Executive would look into this further." The Council concurred with the suggestion.
- 5.4 It was agreed that the minutes of the 68th meeting of the Health Professions Council be confirmed as a correct record and signed by the Chair, subject to the amendment detailed above.

**Item 6.11/103 Matters arising (report ref:-HPC72/11)**

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

**Item 7.11/104 Chair's report (report ref:-HPC73/11)**

- 7.1 The Council received a paper from the Chair.
- 7.2 During the course of discussion, the following points were made:-
- The Council noted that the HPC event held on 26 May on alternative mechanisms for resolving disputes had been well attended and positive feedback had been given on the event. It was noted that the discussion arising from the workshop groups would feed into the ongoing work in this area;
  - The Council noted that the Chair, together with some members of Council and some members of the Executive had attended impact assessment training. The Chair emphasised the importance of understanding the methodology of the impact assessment process and its application particularly in terms of HPC's ongoing work;
  - In response to a question, the Council noted that it was not the intention to train all Council members on the methodology of carrying out impact assessments. However, the learning would be shared during the course of meetings and workshops and, in particular, when worked examples were being scrutinised at meetings;

- The Council noted that the Chair and Chief Executive had met with two social workers in practise based in London. The meeting had provided new understanding and insights into social work practise, and further meetings of this kind were planned for the future;
- The Council noted that the Scottish Government Health Department had invited the Chair of Council to join a policy group looking at ways to enhance professionalism across the health and social care workforce in Scotland. The group was mid-way through their programme of work and, once concluded, a paper would be submitted to the health directorate of Scottish Government and subsequently to Council for information;
- In response to a question on the relationship between the Regulators Chairs' meeting and the CHRE Regulators Forum, the Council noted that the Regulators Chairs meeting had now been formalised and this was an opportunity to link these discussions with those of the CHRE Regulators Forum. This was perceived as a positive step in establishing further collaboration between the regulators;
- The Council noted that the subject of redundancies and lack of jobs for new graduates was an issue being raised more frequently at "Meet the HPC" events.

7.3 The Council noted the paper.

**Item 8.11/105 Chief Executive's report (report ref:-HPC74/11)**

8.1 The Council received a paper from the Chief Executive.

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

- The Fitness to Practise case management system had entered the test environment;
- The lease on 33 Stannary Street had now been signed and we were due to take possession on Monday 18 July 2011;
- That turnout at HPC events remained high and CPD continued to be a key issue for registrants;
- In response to a question relating to the criteria for AMHP training which would be inherited from the GSCC, Council noted that this was not a set of standards of proficiency (SOPS) nor education and training (SETS). Instead, criteria which would cover both SETS and SOPS would need to be developed and agreed by the Education and Training Committee;

- Members noted that, with regards to the project on the regulation of herbal medicine practitioners, a government consultation on the draft legislation was due to be issued but the date of publication was not known. It was further noted that there were two ongoing issues and these centred around the type of legislation required to bring about the regulation of this group and, secondly, the definition of “unlicensed herbal medicine practitioners.” The Council noted that the Executive continued to carry out preliminary meetings with interested parties;
- A suggestion was made that the management information pack should be made “more digestible” in order to add greater value. Whilst it was noted that many organisations were moving towards the “minimum data set,” it was important that the Council as the governing body was provided with this level of detail. Furthermore, the information enabled members to draw comparisons on historical information. There was concern that it would be difficult to produce an adequate summary which, in any case, would mean time taken at meetings with members trying to elicit information not presented. It was suggested and agreed that any significant statistics be drawn out in the commentary;
- In response to a question regarding the non-renewal of four partner contracts, the Council noted that partners were sent a letter explaining that their reappointment was dependent upon their self-assessment, in accordance with the process agreed by Council. However, some people decided not to engage with the process and so their contracts had not been renewed;
- The Council noted that elections had recently been held in Wales and, as a result, there had been a change in ministerial appointments. The Executive would be meeting with the new Ministers in Wales, Scotland and Northern Ireland once the Ministers were in post.

8.3 The Council noted the report.

## Strategy and Policy

### **Item 9.11/106 Establishing voluntary registers and making recommendations for statutory regulation (report ref:-HPC75/11)**

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

9.2 The Council noted that the paper set out HPC's approach to establishing voluntary registers and to making recommendations for statutory regulation under Article 3 (17) (a) of the Health Professions Order 2011, in light of the Health and Social Care Bill 2011. The paper also included draft principles for establishing voluntary registers.

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

- This paper brought together the points made in previous discussions;
- Discussions with CHRE were ongoing in order that there was a mutual understanding about how each organisation would approach the issue of voluntary registration;
- That the ability to set up voluntary registers did not take away the Council's power to recommend statutory regulation;
- It was noted that the decisions outlined in section seven of the paper could be divided into three sections, the first three bullet points relating to process, the fourth relating to principles and the final bullet relating to prioritisation;
- Some members of Council expressed concern at the proposal to set up voluntary registers and the following views were put forward:-
  - If a profession required regulation, it should be done with statutory regulation;
  - That voluntary registration may not deliver public protection;
  - That HPC had built up a strong reputation as a statutory regulator and were an issue to arise in connection with a voluntary register, this could have a negative impact on the reputation of HPC;
  - That some members were yet to be convinced that voluntary registers could deliver public protection;
  - That the system may not work for those where the employer is not a large organisation;
  - That there could be a perception that voluntary registration is "second class" in comparison with statutory registration;
  - That the key question for members of the public is "am I safe?" and so any additional form of regulation operated by the HPC may cause confusion;
- Some members of Council felt that there may not be a political appetite for statutory regulation at the current time and so regulation by means of a voluntary register may be a necessary "stepping stone" in order to progress to statutory regulation;

- That some work needed to be carried out to identify those risks that would be mitigated by voluntary registration compared with those risks that would be mitigated by statutory regulation;
- Concern was expressed that the “higher level” principles such as “how would the existing registrants feel were HPC to progress with voluntary registration” had not been explored in more detail in advance of looking at how voluntary registers would be established;
- With regards to annex A, the Council noted that those steps outlined in step one “prioritisation” were always carried out in the past. The difference was now that the regulator would be asked to conduct this process. In relation to step two of the process, Council noted that the outcome could still be a recommendation for statutory regulation. Finally, it was noted that a system of “statutory voluntary registration” did work under the CPSM;
- That it was important to set out in annex c the risks associated with establishing voluntary registers so that they could be read in conjunction with the benefits;
- That annex A should be retitled to reflect the fact that the process determines regulatory need rather than just relating to the establishment of voluntary registers. In response, it was clarified that the outline process for further development attempted to incorporate the HPC’s future powers to establish voluntary registers and its separate powers to make recommendations for statutory regulation. Legal advice was being sought in this area which would assist in clarifying the interaction of these powers and in developing the outline process further.

9.4 The Council were asked to consider the decisions outlined on page 16 of the paper. The Council agreed:-

- The outline process in Annex A, subject to further development in light of legal advice;
- The work identified in section four;
- The timetable for the work as shown in annex d;
- It was agreed the Executive should be tasked with re-drafting the principles outlined in section five in the light of discussions and that these should not be written in absolute terms but as “guiding” principles;
- That the risks should be added to annex c;

- That further consideration at a future meeting be given to section six of the paper relating to prioritisation, costs, capacity and the external environment and models of regulation/registration.

**Item 10.11/107 CHRE Fitness to Practise Audit Report: Audit of health professional regulatory bodies' initial decisions (report ref:- HPC76/11)**

- 10.1 The Council received a paper for discussion/approval from the Executive.
- 10.2 The Council noted that CHRE had published its report on its second audit of the initial stages of the nine regulatory bodies' fitness to practise processes. The Executive had undertaken a review of that report and its recommendations to identify both whether there is any learning for the HPC from the CHRE's recommendations on the work of the other regulators and whether any action was required as a result of CHRE's recommendations about the HPC.
- 10.3 The Council noted that the CHRE had now altered the frequency of HPC's audit and moved away from annual audits. It was likely that the next audit would take place in either 2012 or 2013;
- 10.4 The Council instructed the Executive to proceed with the recommendations outlined on page 15 of the paper.

**Item 11.11/108 Ownership of the outline curriculum framework for independent and supplementary prescribing (report ref:- HPC77/11)**

- 11.1 The Council received a paper for discussion/approval from the Executive.
- 11.2 The Council noted that the Education and Training Committee had considered this paper at their meetings in March and June of this year and had agreed that HPC should not own the outline curriculum framework for independent and supplementary prescribing.
- 11.3 The Council noted that the decision arising from this paper did not mean that the HPC would not develop its own mechanisms to ensure safe and effective prescribing.
- 11.4 The Council agreed:-
  - (i) the recommendation made by the Education and Training Committee that the HPC should not own the outline curriculum framework; and



- (ii) to instruct the Executive to write to the Department of Health with the Council's response.

**Item 12.11/109 Consultation on draft standards of proficiency for social workers in England (report ref:- HPC78/11)**

- 12.1 The Council received a paper for discussion/approval from the Executive.
- 12.2 The Council noted that the Professional Liaison Group (PLG) had met four times to prepare the draft standards of proficiency.
- 12.3 The Chair wished to place on record her thanks to the members of the PLG for their help in drafting the standards of proficiency. The Council noted that feedback from the social work community had been positive.
- 12.4 The Council agreed the text of the consultation paper, subject to minor editing amendments.

**Item 13.11/110 Consultation on threshold level of qualification for entry to the Register for social workers in England (report ref:- HPC79/11)**

- 13.1 The Council received a paper for discussion/approval from the Executive.
- 13.2 The Council noted that the proposal was to amend the standards of education and training to set the level for social workers in England as a bachelor degree with honours.
- 13.3 The Council agreed the text of the consultation paper, subject to minor editing amendments.

**Item 14.11/111 Fitness to Practise Annual Report 2010-11 (report ref:- HPC80/11)**

- 14.1 The Council received a paper for discussion/approval from the Executive.
- 14.2 The Council noted that the Fitness to Practise Committee, at their meeting in May, agreed the report subject to minor editing amendments.
- 14.3 A suggestion was made that the penultimate paragraph (relating to the low number of FtP cases proportionate to the overall number of registrants) of the Executive Summary be put towards the beginning of the Executive Summary to highlight the importance of the statement. It

was agreed that this should be conflated with paragraph three of the Executive Summary.

- 14.4 The Council approved the 2010-2011 Fitness to Practise Annual report, subject to editorial amendments.

**Item 15.11/112 Practise Note: Article 30(2) (report ref:- HPC81/11)**

- 15.1 The Council received a paper for discussion/approval from the Executive.
- 15.2 The Council noted that the Executive had reviewed the provision under Article 30(2) and, following feedback from those who appear at and sit on HPC tribunals, it was felt that further guidance on the applicability of the paragraph was required.
- 15.3 The Council agreed the Practise Note: Article 30(2).

**Item 16.11/113 Practise Note: Standard of Acceptance for allegations (report ref:- HPC82/11)**

- 16.1 The Council received a paper for discussion/approval from the Executive.
- 16.2 The Council noted that this practise note required updating to ensure it remained consistent with the Council's health and character policy.
- 16.3 The Council agreed the Practise Note: Standard of Acceptance for Allegations.

**Item 17.11/114 Indicative Sanctions Policy (report ref:- HPC83/11)**

- 17.1 The Council received a paper for discussion/approval from the Executive.
- 17.2 The Council noted that it was necessary to update this case note as a result of the case law arising from the Stephen Brennan case heard by the HPC.
- 17.3 The Council agreed the updated Indicative Sanctions Policy.

**Item 18.11/115 Partner Complaints Procedure (report ref:- HPC84/11)**

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

- 18.2 The Council noted that the revised policy, which had been recommended to Council by the Finance and Resources Committee, was based on the original policy document to some extent, but significantly restructured to emphasise simplicity and informality.
- 18.3 A suggestion was made that the reference within the Partners' Code of Conduct to "partners must not unlawfully discriminate against anyone..." should be redrafted when a review of the Code of Conduct is carried out to reflect the fact that any discrimination, lawful or unlawful is unacceptable.
- 18.4 The Council agreed the revised Partner Complaints Procedure.

**Item 19.11/116 Expenses Policies (report ref:- HPC85/11)**

- 19.1 The Council received a paper for discussion/approval from the Executive.
- 19.2 The Council noted that the expenses policies were reviewed on an annual basis and amendments to the policies had been made to reflect changes brought in by HM Revenue and Customs.
- 19.3 The Council noted four aspects which had been updated and these related to the mileage rate for the use of a car, the policy for using late night taxis, the addition of a narrative guide for when meals may be claimed and finally, the removal of £30 overnight allowance when staying with friends and family.
- 19.4 The Council approved the amended expenses policies for introduction on 1 September 2011.

**Item 20.11/117 Transfer of regulatory functions from General Social Care Council to HPC (report ref:- HPC86/11)**

- 20.1 The Council received a paper for discussion/approval from the Executive.
- 20.2 In accordance with the decision of Council to be kept informed of ongoing work relating to the transfer of regulatory functions from the GSCC to the HPC, a verbal update was provided.
- 20.3 The Council noted that the Chief Executive had had a constructive meeting with the Chief Executive of the GSCC earlier that week and the project was progressing well.
- 20.4 The Council noted the update.

## Corporate Governance

### **Item 21.11/118 2010-2011 Draft HPC annual report and accounts (report ref:- HPC87/11)**

- 21.1 The Council received a paper for discussion/approval from the Executive. The Council received an additional tabled paper for consideration that day. Members were afforded five minutes in which to read the tabled paper.
- 21.2 The Council noted that the Auditors (National Audit Office) could not sign off the annual accounts until such time as the differences in the deferred income figure had been reconciled. Therefore any decision on the annual report would need to be deferred.
- 21.3 The Council noted that this difference had occurred as a result of two financial reports capturing different information.
- 21.4 The Council agreed:-
- (i) to defer a decision on the approval of the 2010-2011 annual report and accounts until such time as the National Audit Office have reached an unqualified conclusion on the issue of deferred income; and
  - (ii) consideration be given to the final version of the annual report at the Finance and Resources Committee meeting on 7 September, at a special meeting of the Audit Committee on 8 September and at Council on 22 September 2011, subject to the NAO reaching an unqualified decision.

### **Item 22.11/119 Company and Business names (report ref:- HPC88/11)**

- 22.1 The Council received a paper for discussion/approval from the Executive.
- 22.2 The Council noted that Section 53 of the Companies Act 2006 prohibits the registration of a company by a name which, in the opinion of the Secretary of State, would constitute an offence. Consequently, Companies House will not permit a person to register a company (or limited liability partnership) name or use a business name which contains any reference to a title which is protected under the Health Professions Order 2001 (or a cognate expression) unless the applicant has first obtained a 'letter of non-objection' from the HPC.
- 22.3 In response to a question, the Council noted that the HPC could only issue letters of non-objection to newly-formed companies and had no power to act in a situation whereby a company was sold.
- 22.4 The Council approved:-

- (i) the draft Policy entitled "Company and Business Names" appended to this paper; and
- (ii) that the decision to issue letters of non-objection be delegated to the Secretary to Council or in the absence of the Secretary to Council, a Director nominated for that purpose by the Secretary to Council.

**Item 23.11/120 Committee appointments (report ref:-HPC89/11)**

- 23.1 The Council received a paper for discussion/approval from the Executive.
- 23.2 The Council noted that the decision to defer the review of existing committee appointments was based largely on the delay in recruiting the Council's two new registrant members.
- 23.3 The Council agreed:-
  - (i) that the Committee appointments agreed in July 2009, together with the ad hoc appointments made since July 2009, remain the same until 22 September 2011 when a paper will be submitted to Council for discussion/approval; and
  - (ii) That the terms of the Committee Chairs be extended to cover this intervening period thus the election of Chairs for each Committee to take place at the first meetings following the September meeting of Council.

**Item 24.11/121 Minutes of the Fitness to Practise Committee held on 26 May 2011 (report ref:- HPC90/11)**

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

**Item 25.11/122 Minutes of the Communications Committee held on 22 June 2011 (report ref:- HPC91/11)**

- 25.1 The Council received a paper for discussion/approval from the Executive.
- 25.2 The Council noted the high level of registrant engagement at HPC events? which had been positively received.
- 25.2 The Council approved the recommendations therein.

The Council noted the following papers:

**Item 26.11/123 Council members' performance and development review 2010-2011 (report ref:- HPC92/11)**

- 26.1 The Council noted the report on Council members' performance and development review.
- 26.2 The Council were in agreement that any face to face feedback mechanisms between Chairs of Committees and members of Committees should continue to be done on an informal basis.
- 26.3 The Council noted the report.

**Item 27.11/124 Revalidation update (report ref:- HPC93/11)**

**Item 28.11/125 Outcomes of the consultation on our proposals for post registration qualifications (report ref:- HPC 94/11)**

**Item 29.11/126 National Audit Office external audit completion report**

**Item 30.11/127 Annual review of actions taken in 2010-11: Public meetings (report ref:- HPC 95/11)**

**Item 31.11/128 Reports from Council representatives at external meetings (report ref:- HPC 96/11)**

**Item 32.11/129 Minutes of the Education and Training Committee held on 9 June 2011 (report ref:- HPC 97/11)**

**Item 33.11/130 Any other business**

- 33.1 There was no other business.

**Item 34.11/131 Date and time of next meeting**

- 34.1 The next meeting of the Council would be held at 10:30am on Thursday 22 September 2011 (followed by HPC Annual meeting).

**Item 35.11/132 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
36	iii, iv
37	-
38	iv
39	ii

**Summary of those matters considered whilst the public were excluded**

**Item 36.11/133 Minutes of the Private part of the Council meeting held on 12 May 2011 (report ref:- HPC98/11)**

36.1 The Council considered and approved the minutes of the private part of the Council meeting held on 12 May 2011.

**Item 37.11/134 Matters arising**

37.1 The Council noted that there were no matters arising from the private part of the Council minutes of 12 May 2011.

**Item 38.11/135 Transfer of regulatory functions from General Social Care Council to HPC (report ref:- HPC99/11)**

38.1 The Council received a verbal update from the Chief Executive relating to the transfer of the regulatory functions from the General Social Care Council to HPC.

**Item 39.11/136 CPSM Pension Scheme (report ref:-HPC100/11)**

39.1 The Council agreed that its seal should be affixed to a deed of amendment in relation to the CPSM pension scheme.

**Item 40.11/137 Any other business for consideration in private**

40.1 There were no items for consideration in private.

Chair: .....

Date: .....