

**MINUTES** of the meeting of the Conduct and Competence Implementation Working Party of the Health Professions Council held at Park House, 184 Kennington Park Road, London SE11 4BU on 7<sup>th</sup> January 2003 at 11:00

**PRESENT**

Dr. A.Yule, Chairman

Prof. N Brook,  
Mr. R Clegg,  
Miss H. Davis,  
Prof. C Lloyd,  
Ms. J. Manning,

Mr. K Ross,  
Ms. P. Sabine,  
Mrs. B Stuart,  
Mr. G Sutehall

**In Attendance:** Mr T.C. Berrie, Secretary to the Working Party  
Mr. M. Seale, Chief Executive & Registrar  
Mrs. A. Barnes, Director of Legal Services  
Mr. G. Ross-Sampson, Project Manager  
Ms. R. Bacon, Project Assistant  
Mr. S. Hill, Consultant, Newchurch

**03/01 Apologies for Absence**

An apology was received from Dr. G Beastall and Dr. R. Jones.

**03/02 Minutes**

It was **AGREED** that the Minutes of the meeting held on 28<sup>th</sup> November 2002 be confirmed as a correct record and signed by the Chairman.

**03/03 Production of Leaflets, Manuals, Guidance Notes, Job Descriptions and Processes (Ref. Minute 02/40.2)**

**1. Initial Draft of Document Setting out Procedures**

Mr. Hill had prepared a further draft of the first draft setting out the Committee's procedures which Mr. Berrie had prepared for the previous meeting. It was **AGREED** that a small working group, consisting of Dr. Yule, Prof. Brook, Miss Davis and Miss Sabine, be asked to examine the draft in detail and produce a report for the next meeting. The working group agreed to meet on 16<sup>th</sup> January at 11:00 and discuss what they had produced with appropriate officers that afternoon.

## 2 Panels of the Committee: Guidance Notes

Mr. Berrie had prepared a first draft of what would be the main guidance notes for the Committee and its panels.

### 03/04 The Committee's Advisory Role in Relation to Standards of Conduct, Performance & Ethics (Ref. Minute 02/40.3)

The Working Party considered further the likely training needs for members of the Conduct & Competence Committee, in legal and particularly in ethical matters. The Registrar, Prof. Brook and Mr. Berrie agreed to discuss this further and, as a pilot exercise, consider the proposal that a workshop on professional ethics be provided for all Council members and alternates.

### 03/05 Draft Statement of Good Character, Conduct & Health: Professional Indemnity (Ref. Minute 02/41.1)

Mr. J. Bracken had given the following advice:

“There is no express obligation on the Council to require registrants to hold PI insurance, but as it is common for many other professions to be required to hold such cover, it is a matter which the Council should consider as part of its regulatory functions having regard to its main objective of safeguarding the health and wellbeing of patients. If no such obligation to insure is imposed by the Council then there is a possibility that it may be subject to legal challenge if a victim is unable to recover damages from a negligent registrant.

“Whether a requirement to insure advances that objective must be in some doubt. Clearly the existence of an insurance policy will mean that a patient who suffers harm at the hands of a registrant has better prospects of recovering any damages awarded by a court (or of reaching a settlement with the insurers) but, unless insurers are pro-active in advancing standards of care, the existence of such insurance is unlikely to make a significant contribution to improving standards of professional conduct or reducing the likelihood of such harm.

“The Council needs to weigh all the factors, including the extent to which insurance is already provided by the NHS and other employers of registrants, the level of uninsured private practice, the scope for negligent registrants to cause harm and so on. Clearly the HPC will be regulating a much larger number of private practitioners than its predecessor but that alone does not mean that PI insurance should be a requirement to practise. Ultimately this is a decision for members to make after a proper consideration of the facts.”

After considerable discussion, it was **AGREED** that the Working Party did not recommend that the obtaining of professional indemnity insurance be made obligatory, namely an absolute requirement for registration and therefore **RECOMMENDED** to the Council that an item on professional indemnity not be included in the Statement. It nonetheless **AGREED** that registrants, in accompanying explanatory leaflets, be strongly advised to do so, and that the

public, in the appropriate explanatory leaflets and brochures, be advised to satisfy themselves that practitioners in private practice registered with the Council, whom they were considering consulting or from whom they were considering seeking treated, were so covered.

**03/06 Requirements for evidence of good health and character  
(Ref. Minute 02/41.2)**

The minute of 28<sup>th</sup> November stated that “The Working Party was minded to continue the current procedure, which relied upon the relevant education centre and individual with overall responsibility for the particular course signing that the individuals on the pass-list met these standards. It was agreed that this be considered in more detail at the next meeting, where an outline of the current process would be provided.” Currently, inherited from the old Boards and the PSM Act, the Council had no powers to lay down requirements in relation to good health and character. A pass-list from each educational centre for each profession was received by the UK Registration Department, signed by an appropriate individual at the centre. This list indicated that the individuals on it had met the educational and training requirements of the course and had successfully completed it. Therefore, all on the list were considered eligible for registration and, upon receipt of a completed application form and fee, were registered. Applicants were required to sign that they had read their respective profession’s statement of conduct. The Working Party considered ways of establishing that prospective registrants, upon qualification, were eligible for registration in respect of health and character. The possibilities of self-certification, reliance on the pass-list alone or requiring specific, formal assurance from the educational centre were considered. The Chief Executive & Registrar was requested to draw up proposals on how the Council could be informed by higher education institutions and other awarding bodies of situations where they had concerns about students, who although they had passed the degree course which would allow them to apply for registration, had ethical standards below those expected from a professional. It was noted that this matter overlapped with the education & training and registration functions, and **AGREED** that the Education & Training Committee be approached to discuss it further.

**03/07 Date of Next Meeting**

Members were reminded that the next meeting would be held on 20<sup>th</sup> February 2003 at 11:00.

CHAIRMAN  
20<sup>th</sup> February 2003