

THE HEALTH PROFESSIONS COUNCIL

Chief Executive and Registrar: Mr Marc Seale

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MINUTES of the third meeting of the Health Professions Council held at **12.00 noon on Thursday 13 June 2002** at Park House, Kennington Park Road, London, SE11 4BU

PRESENT: Mr M Barham (alternate for Professor D Waller)

Mr R Clegg
Miss H Davis (Items 1-12)
Ms C Farrell
Miss A Foster
Professor J Harper
Professor A Hazell
Dr R Jones
Mr C Lea (in the Chair)
Professor J Lilleyman
Mrs C Lloyd (alternate for Mrs M Crawford)
Miss M MacKellar
Mr W Munro
Dr J Old
Mrs J Pearce
Mr K Ross
Miss P Sabine
Mrs B Stuart
Dr Anna Van Der Gaag
Mr N Willis
Mr A Yule

IN ATTENDANCE:

Mrs J Arnott (Department of Health)
Mr P Baker, Finance Director
Mrs A Barnes, Director of Legal Services
Mr T Berrie, Director
Mr J Bracken, Bircham Dyson Bell
Dr P Burley, Director of Education and Policy
Ms G Malcolm, Director of Operations
Mrs R Mead (Department of Health)
Mr G Milch, Director
Ms N O'Sullivan, Secretary to Council
Miss L Pilgrim, Director
Ms C Savage, Director
Mr M Seale, Chief Executive and Registrar
Mr G Ross-Sampson, Project Manager

Ms Denise Thompson, Human Resources Director
Mr Michael Caplan, QC Kingsley Napley

Item 1.02/58 INTRODUCTION

- 1.1 Mr Lea stated that in the absence of Professor Brook who was undertaking academic duties he would be chairing the meeting.
- 1.2 Mr Lea welcomed Mrs Lloyd alternate for Miss Crawford to her first meeting of Council.
- 1.3 He welcomed Mrs Mead and Mrs Arnott from the Department of Health and also Mrs Anna Bradley from the National Consumer Council.
- 1.4 Mr Lea noted that Mr Clegg had retired from his position as Chief Executive of Rochdale Healthcare NHS Trust but that he would remain on the Council as a lay member.
- 1.5 Mr Lea offered his congratulations and the congratulations of Council to Mr Yule on the award of an Honorary Fellowship of the University of Wales College of Medicine and also to Mr Paul Baker on being appointed as the Finance Director at the Health Professions Council (HPC).
- 1.6 Finally Mr Lea noted that Mrs Stark had recently broken her ankle and had therefore sent her apologies for absence at this meeting of Council. Mr M Collins, alternate for Miss Manning, had broken his elbow. It was agreed that Council would write to each of those members to offer best wishes.

ACTION: NO'S

Item 2.02/59 APOLOGIES FOR ABSENCE

- 2.1 Apologies for absence were received from Professor N Brook, Mrs S Chaudhry, Miss M Crawford, Professor J Lucas, Ms J Manning (and alternate Mr M Collins), Mrs C McGartland, Mr W Munro, Mrs J Stark, Professor D Waller.
- 2.2 Apologies for absence were also received from Mr M Murray, Scottish Executive Health Department (SEHD), Mrs N McArdle, Northern Ireland Assembly (NIA) and Mrs A Imison, Department of Health (DH).

Item 3.02/60 APPROVAL OF AGENDA

The Council agreed the agenda.

Item 4.02/61 MINUTES

It was agreed that the minutes of the second meeting of the Health Professions Council be confirmed as a true record and signed by the vice-President subject to the following amendment:

Mr A Yule's apologies should be noted.

Item 5.02/62 MATTERS ARISING

5.1 Change Management Group (Wales)

- 5.1.1 Mr Lea reported that a meeting had been arranged between the President, the Chief Executives and representatives of the Health Professions Wales. The meeting would take place on Friday 19 July 2002.

5.2 Council meeting on 9 and 10 October

- 5.2.1 The Council noted that alternates had been invited to the two-day event which was due to take place on 9th and 10th October 2002 in the Lake District. Details of the location and travel arrangements would be issued by the Secretariat in the near future.

ACTION: NO'S

5.3 Chief Executive Report

- 5.3.1 The Executive had written to the Professional Bodies offering to present the consultation document to them.

5.4 Minutes of the Consultation Steering Group held on 23 April 2002

- 5.4.1 The Consultation Steering Group had given further consideration to the siting of consultation events in Scotland and had decided that Edinburgh, Glasgow and Inverness would allow adequate access from all parts.

5.5 Charitable Donations

- 5.5.1 It had been decided that it would not be appropriate to include a question on charitable donations in the consultation document.

5.6 Use of Title MLSO in Application Forms and Other Materials

- 5.6.1 The Council noted the advice of the HPC solicitor that it did not have the power to approve the use of the title Medical Laboratory Scientific Officer and that therefore the title Medical Laboratory Technician should be used until a formal title had been agreed and protected.

5.7 Council Membership

- 5.7.1 The Council noted that the British Association of Prosthetists and Orthotists had nominated an alternate member to replace Mr L Hughes on Council. The Department of Health had invited the nominee on

behalf of the privy Council to serve on Council in that capacity.
Confirmation should be available at the next Council meeting.

- 5.7.2 The Council noted that due to the large number of items on the agenda and the absence of a number of Council members from the June meeting of Council it had been decided that Mr Jonathan Bracken would attend the Council meeting on the 18 July to speak on the role of members of Council.

Item 6.02/63 PRESENTATION FROM ANNA BRADLEY – DIRECTOR OF THE NATIONAL CONSUMER COUNCIL

- 6.1 The Council received a 15 minute presentation on the consumer perspective on the regulatory system from Ms A Bradley, Director of the National Consumer Council as attached (Annex 1).
- 6.2 Mr Lea thanked Ms Bradley for the presentation.

Item 7.02/64 VICE-PRESIDENT'S REPORT

- 7.1 Mr Lea noted that he had attended and chaired a number of meetings of the statutory and non-statutory committees of Council.
- 7.8 He had also represented Council at a number of functions including a dinner given by the Society of Chiropractors and Podiatrists in Nottingham.

Item 8.02/65 CHIEF EXECUTIVE REPORT

- 8.1 The Council received a report from the Chief Executive as attached (Annex 2).
- 8.2 Mr Seale noted that the Institute of Biomedical Scientists (IBMS) would take over the administrative functions of issuing MLSO Certificates of Competence on 1 July 2002. Work was in hand to set up a joint validation committee of the IBMS and the HPC.
- 8.3 The Consultation document had been finalised and was ready to be sent for printing. The printed document would be available for the launch on 1 July 2002.
- 8.4 Regular all staff meetings were being held and were becoming an increasingly useful means of information sharing and discussion. Mr Seale restated the invitation to all members of Council to come and spend time at Park House in order to acquaint themselves with the day-to-day operation of the organisation.

Item 9.02/66 ATTENDANCE BY NON-COUNCIL MEMBERS AT COUNCIL MEETINGS

- 9.1 The Council received a paper from the Secretary to Council entitled 'Guidance Notes for Non-Council Members attending meetings of the Health Professions Council.
- 9.2 The Council agreed that the first paragraph should be amended to make it clear that, while it would be helpful if non-council members contacted the Council to reserve a place in advance, it was not absolutely necessary to do this.
- 9.3 The Council also agreed that the tone of the guidance note should be less formal.
- 9.4 The Council noted that the amended document would be given to non-council members at meetings and would also be published on the HPC website.

ACTION: NO'S

- 9.5 Dates of future meetings of Council would be sent to professional journals and would be available on the HPC website.

ACTION: CM

Item 10.02/67 AMENDMENTS TO STANDING ORDERS FOR COUNCIL

- 10.1 The Council received a paper from the Secretary to Council proposing a number of changes to the standing orders for Council.
- 10.2 The Council agreed that standing orders 11, 46 and 48 should be amended to read as follows:

SO11

Quorum

The quorum at any meeting of the Council shall not be less than half the members of the Council for the time being and of the members which constitute that quorum the number of registrant/practitioner members shall not exceed the number of lay members by more than one. (i.e. based on current numbers the quorum would be 13 members, 7 registrant/practitioner and 6 lay members).

SO 46

Suspension of Standing Orders

Any Standing Order (other than one prescribed by the 2001 Order) may be suspended with the consent of the Council.

SO 48

A member of the Council shall be appointed to be the chairman of any committee established by the Council.

ACTION: NO'S

Item 11.02/68 DEALING WITH EXTERNAL CONSULTATION EXERCISES

- 11.1 The Council received a paper from the Executive suggesting a procedure for responding to consultation papers received by the HPC.
- 11.2 The Council agreed the procedures as set down in the paper but asked that Council could be given regular updates on the titles of the consultation papers received by the HPC. It was agreed to amend the guidance to take account of this and that the Chief Executive should include a list of consultation documents received in his Chief Executive Report.

ACTION: MS

Item 12.02/69 HEALTH PROFESSIONS WALES

- 12.1 The Council received a briefing paper from the Executive on the Health Professions Wales as proposed in the draft National Health Service (NHS) Wales Bill.
- 12.2 The Council noted that representatives of the HPC had been invited by the House of Commons Welsh Affairs Committee to give oral evidence to the Committee on 17 June 2002. The Committee was particularly interested in the HPC's views on the Health Professions Wales.
- 12.3 The Council noted that although members of the Executive and representatives of Council would be attending the meeting on 17 June, the HPC had requested that evidence only be submitted after the consultation period.
- 12.4 The Council agreed that Mr Lea would attend the 17 June meeting in place of Professor Brook and Dr Burley would attend in place of Mr Seale.

Item 13.02/70 PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE RECOGNITION OF PROFESSIONAL QUALIFICATIONS

- 13.1 The Council noted a paper from the Executive on a proposal for a Directive of the European Parliament and of the Council on the recognition of professional qualifications.

- 13.2 Ms Malcolm explained that the HPC currently registered 12 professions and assessed EU trained applicants for state registration under the terms of the General Systems Directives 89/48 and 92/51. The proposed directive aimed to amalgamate the Sectoral Directives into the General Systems Directives. There were some useful proposals in the document however there were also some proposals which appeared to be opposed to the principles of public protection.
- 13.3 The Council expressed concern regarding the proposal that a national of another European state could come to the United Kingdom and practise in any of the professions regulated by the HPC without any obligation to seek state registration in the United Kingdom as long as their stay was for a period of less than 16 weeks. This proposal would undermine the purpose and duty of the HPC in terms of protection of the public.
- 13.4 The Council agreed that the following:
- To seek clarification on certain articles
 - To work with the Department of Health on these issues
 - To express its concerns to the European Commission
 - To lobby Euro MPs to ensure that the Council's concerns are met.
- 13.5 The Council agreed that Ms Malcolm would report back to the July meeting of the Council regarding further developments.

ACTION: GM

Item 14.02/71 MINUTES OF THE REGISTRATION COMMITTEE HELD ON 8 MAY 2002

- 14.1 The Council received the minutes of the Registration Committee held on 8 May 2002.
- 14.2 Miss MacKellar noted that she had been informed by the British Dietetic Association that the HPC had sought three representatives to a working party to look at issues surrounding overseas registration.
- 14.3 Miss MacKellar noted that it would be useful if the registrant member and alternate member on Council could be copied into correspondence between the HPC and the relevant professional body.
- 14.4 The Chief Executive confirmed that the Executive would continue to copy relevant correspondence to members as appropriate.

Item 15.02/72 MINUTES OF THE COMMUNICATIONS COMMITTEE HELD ON 27 MAY 2002

- 15.1 The Council received the minutes of the Communications Committee held on 27 May 2002.
- 15.2 Ms Foster reported that much of the work of the Communications Committee was focussed on finalisation of the consultation document and the launch of the consultation process on 1 July 2002.
- 15.3 A press release had been issued on 11 June regarding the Consultation.
- 15.4 Mr Middleton, Director of Communications, would be sending out an updated copy of the questions and answer document to all Council members and alternates.

ACTION: CM

- 15.5 The next meeting of the Communications Committee would take place in August and would undertake an interim review of the consultation process.
- 15.6 The Council noted a compendium of the press coverage of the launch on 17 April 2002 which had been tabled.

Item 16.02/72 MINUTES OF THE CONSULTATION STEERING GROUP HELD ON 7 MAY 2002

The Council received the minutes of the Consultation Steering Group held on 7 May 2002.

Item 17.02/73 MINUTES OF THE CONSULTATION STEERING GROUP HELD ON 21 MAY 2002

- 17.1 The Council received the minutes of the Consultation Steering Group held on 21 May 2002.
- 17.2 The Council noted that Newchurch Healthcare would be carrying out the analysis of the feedback from the consultation exercise, both written and verbal.
- 17.3 All responses would be published on the website except where the respondent had asked that the reply should be confidential.
- 17.4 The Council noted that the consultation document would be published on the website and that a decision had been taken not to produce a CD rom as it was felt that there was nothing to be gained from producing the document in this format.

**Item 18.02/74 NOTES OF THE PROFESSIONAL ADVISORY PANEL
WORKING GROUP HELD ON 30 MAY 2002**

- 18.1 The Council received the notes of the Professional Advisory Panel Working Group held on 30 May 2002.
- 18.2 Miss Sabine reported that at the meeting the Working Group had reviewed a paper entitled Professional Advisory Committees which would be included in the consultation document.
- 18.3 No future meetings of the working group were planned at present.

**Item 19.02/74 MINUTES OF THE FINANCE AND RESOURCES
COMMITTEE HELD ON 30 MAY 2002**

- 19.1 The Council received the minutes of the Finance and Resources Committee held on 30 May 2002.
- 19.2 Mr Lea noted that an Audit Committee had been established. At present this Committee had a membership of three, Mr Yule, Mrs Stark and Mr D Ross. It had been agreed that a member of Council from outside the Finance and Resources Committee should be asked to join the Audit Committee. The Council agreed that Ms Foster should sit on the Audit Committee in this capacity.
- 19.4 Mr Lea noted that the Secretary to the Finance and Resources Committee would consult each Council member independently regarding their tax status.
- 19.5 The Secretary to the Finance and Resources Committee would also consult each member as to whether they were likely to make claims for a care allowances while they were absent from home attending meetings.
- 19.6 The Council approved the audited accounts to 31 March 2002 and authorised these and a letter of representation to be signed by the President and the Chief Executive and the Registrar.
- 19.7 The Council agreed that the Staff Expenses Policy would follow the Council Members' policy in respect of the staff who reported directly to the Chief Executive. Other staff should use Standard Class rail or air travel unless they were travelling with a more senior person where that persons' rules would apply.
- 19.8 The Council agreed that legal expense insurance be purchased at an annual premium of £31,500. This would be up to a maximum of £500,000 in the first year, with an excess on each case of £100,000 and a maximum per case of £500,000. In the second year consideration would be given to increasing the cover to £1000,000.

Item 20.02/74 MINUTES OF THE PROFESSIONS SUPPLEMENTARY TO MEDICINE CHARITABLE TRUST HELD ON 30 MAY 2002

- 20.1 The Council received the minutes of the meeting of the Professions Supplementary to Medicine Charitable Trust held on 30 May 2002.
- 20.2 The Council agreed that the audited accounts for the year ended 30 April 2002 be approved and that Mrs Stark and Mr Yule be authorised to sign them on behalf of the Trustees.

Item 21.02/75 MINUTES OF THE INVESTIGATING IMPLEMENTATION WORKING PARTY HELD ON 9 MAY 2002

The Council received the minutes of the Investigating Implementation Working Party held on 9 May 2002.

Item 22.02/76 MINUTES OF THE CONDUCT AND COMPETENCE IMPLEMENTATION WORKING PARTY HELD ON 14 MAY 2002

The Council received the minutes of the Conduct and Competence Implementation Working Party held on 14 May 2002.

Item 23.02/77 MINUTES OF THE HEALTH IMPLEMENTATION WORKING PARTY HELD ON 14 MAY 2002

The Council received the minutes of the Health Implementation Working Party held on 14 May 2002.

Item 24.02/78 MINUTES OF THE EDUCATION AND TRAINING COMMITTEE HELD ON 1 MAY 2002

The Council received the minutes of the Conduct and Competence Implementation Working Party held on 1 May 2002.

Item 25.02/79 MINUTES OF THE EDUCATION AND TRAINING COMMITTEE HELD ON 22 MAY 2002

The Council received the minutes of the Conduct and Competence Implementation Working Party held on 22 May 2002.

Item 26.02/80 ANY OTHER BUSINESS

There was no other business.

Item 27.02/81 DATE AND TIME OF NEXT MEETING

27.1 The next meeting of the Council would be held at 12 noon on Thursday 18 July.

27.2 Further meetings would be held on the following dates:

Wednesday 18 September (noon)

Wednesday & Thursday 9 & 10 October
(Council 'away day' on 9 October starting at 12 noon)
(venue Low Wood Hotel on Lake Windermere)

Wednesday 13 November (noon)

Wednesday 11 December (10.30 am)

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.