

THE HEALTH PROFESSIONS COUNCIL

Chief Executive and Registrar: Mr Marc Seale

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MINUTES of the twenty sixth meeting of the Health Professions Council held at **11a.m. on Monday 18 July 2005** at Park House, 184 Kennington Park Road, London, SE11 4BU.

Mr O Altay
 Professor N Brook (President)
 Mr J Camp
 Mrs M Clark-Glass
 Mr R Clegg
 Ms G Darwent
 Mr M C Davies
 Mrs S Drayton
 Mrs C Farrell
 Dr C H Green
 Professor J Harper
 Professor T Hazell
 Mrs R Levenson
 Professor J Lucas
 Professor C Lloyd
 Mrs M MacKellar
 Mr P McFadden
 Mr K Ross
 Miss P Sabine
 Ms B Stuart
 Mr S Taylor
 Dr A Van Der Gaag
 Professor D Waller

IN ATTENDANCE:

Mr J Bracken, Solicitor and Parliamentary Agent, Bircham, Dyson, Bell
 Miss S Butcher, Secretary to Committees
 Mr R Dunn, Director of Corporate Services
 Miss K Johnson, Director of Fitness to Practise
 Mr C Middleton, Director of Communications
 Mr G Ross-Sampson, Director of Operations
 Ms K Scott, Manager, Aspirant Groups and CPD
 Mr M Seale, Chief Executive and Registrar
 Ms R Tripp, Policy Manager
 Ms J Tuxford, P.A. to Chief Executive

Item 1.04/302 INTRODUCTION AND WELCOME

- 1.1 Professor Brook welcomed all members to the meeting. The Council noted that agenda item 9(i) paper HPC 76(i)/05 was now going to be dealt with under item 9 enclosure 5 paper HPC79/05.
- 1.2 The President reported that Jackie Stark a former lay member of Council had sadly passed away after a prolonged illness. Jackie had also been a member of the Council for Professions Supplementary to Medicine (CPSM) and would be greatly missed.
- 1.3 The President reported that HPC staff member, Mr Tom Berrie, Strategy Manager had been involved in a car accident which required surgery on his hip and arm and would be absent from work for an estimated 3-6 months.
- 1.4 The President reported that Niamh O'Sullivan, Secretary to Council was to have a further operation and her return to work was anticipated in the autumn.
- 1.5 The President reported that Annie Turner a new registrant Council member had fractured her pelvis in a horse riding accident and hoped to join Council at their meetings as soon as was physically possible.
- 1.6 The President reported that the Annual General Meeting (AGM) was cancelled on the 7th July 2005 due to the unfortunate sequence of events that took place in London that day. Council noted that the AGM would be re-arranged according to venue availability. The purchase of Stannary Street, (Purbrook's) was on the agenda which Professor N Brook would additionally announce. Professor T Hazell recommended that old council members be invited to the AGM as they had not had the opportunity to say goodbye to each other due to the cancellation of the meeting on the 7th July 2005. This was agreed by all members as an excellent idea.

Action: CD/SB/MJS**Item 2.05/303 APOLOGIES FOR ABSENCE**

- 2.1 Apologies for absence were received from the following Council members; Mr P Acres, Mrs S Chaudhry (running late), Ms H Davis, Mr W Munro (Mr O Altay in attendance) and Mrs A Turner (Professor C Lloyd).

Item 3.05/304 APPROVAL OF AGENDA

- 3.1 The Council approved the agenda.

Item 5.05/305 MINUTES OF THE COUNCIL MEETING HELD ON THURSDAY 12 MAY 2005

- 5.1 It was agreed that the minutes of the twenty-third meeting of the Health Professions Council be confirmed as a true record and signed by the President subject to the following amendment:
- 5.2 12.4 'Professor Waller reminded Council that although the generic name of her profession was Arts Therapists, the protected titles were Art Therapist/Art Psychotherapist, Drama therapist and Music Therapist. "Arts Therapists" was the name of that part of the Register only and was not used by registrants to describe themselves.'

Action: SB**Item 6.05/306 MATTERS ARISING**

- 6.1 Item 5.1 – Ethnic Monitoring
- 6.1.1 Ms Levenson requested clarification on when the implementation of the proposed strategy and timetabled plan for addressing HPC's general duty under the Race Relations (Amendment) Act was going to take place. Council noted that as a public body and as part of good practise this should be acted on as soon as possible.
- 6.1.2 The Chief Executive reported that the intention was that all registrants were to be asked to identify their ethnicity on a voluntary basis which would be collated so to identify trends. The Council for Healthcare Regulatory Excellence (CHRE) had also highlighted this type of data collation as an important requirement. The Council noted that a diversity policy was currently in place as issued in the HPC employee handbook and was approved by the Finance and Resources Committee. The Chief Executive reported that currently the ethnicity data for panel members was not collated as they had been appointed via the public appointments

process. It was the intention to review this at the next Finance & Resources Committee meeting in September 2005.

Action: SL/LF

- 6.1.3 The Council discussed the merits and disadvantages of forming a Professional Liaison Group (PLG's) on a short term basis to discuss the types of ethnicity data that needed to be collated. Council noted that it currently had four PLG's and the HPC's ability to exceed this number would be reviewed by the Executive for feedback at Council's next meeting on the 13th September 2005.

Action: MJS

- 6.2 Item 9.05 – Application from Maxillofacial Prosthetists and Technologists
 6.2.1 Professor J Lucas requested clarification on whether the Maxillofacial Prosthetists' were to be regulated under a new title or under one of the titles already regulated. The Chief Executive reported that under Article 6(3) of the Health Professions Order 2001 (HPO) Council could make recommendations on how the Register should be structured. A presentation would be given by representatives from the Maxillofacial Prosthetists and Technologists (IMPT) at Council's next meeting on 13th September 2005 and the decision to regulate and by which means would be undertaken then.

**Item 7.05/307 MINUTES OF THE COUNCIL MEETING HELD ON THURSDAY
26 MAY 2005**

- 7.1 It was agreed that the minutes of the twenty-fourth meeting of the Health Professions Council be confirmed as a true record and signed by the President subject to the following amendment:
- 1.1 Remove 'non-members'.
- 2.1 To include Ms Morag MacKellar's apologies which had been omitted and to list Ms Gill Pearson in attendance.
- 4.3 Mr J Camp 'said'

Item 8.05/308 MATTERS ARISING

- 8.1 There were no matters arising.

Item 9.05/309 PRESIDENT'S REPORT

- 9.1 Professor N Brook reported that she had attended a number of conferences regarding the outcome of the Foster Review. The Council for Healthcare Regulatory Excellence (CHRE) were to provide their comments and proposals. The National Workforce Development Board and the AHPF had also provided their feedback. A combined meeting between the Chief Medical Officer and Foster Review Group was to take place imminently and Council would be kept abreast of any further updates.
- 9.2 An update was requested on the progress of the proposed implementation of the model contract as it had implications for training new health professionals. Professor T Hazell reported that the Alliance for Life group would be shortly meeting to review this subject. The President would make further enquiries and report back to Council with the necessary feedback.

Item 10.05/310 CHIEF EXECUTIVE'S REPORT

- 10.1 The Council received a report from the Executive.
- 10.2 The Chief Executive reported that the grandparenting period had now ended. Leading up to the deadline date at least 100 applications had been received. 80 applications were received post-date and could therefore not be processed and was estimated to continue to rise to approximately 150 applications in total. After July 8th 2005, the only route onto the Register for people trained in the U.K. would be to take an approved course.
- 10.3 The Chief Executive reported that the Foster Review had invited a significant number of stakeholders to provide their feedback via a 'call for ideas'. The findings of both the Foster and Donaldson reviews would be reported to the Secretary of State before Christmas 2005.
- 10.4 The Chief Executive explained for the benefit of new Council members that a review of each department was provided in the Report so to give an operational perspective of the organisation as a whole. Council noted that complaints received tended to peak in July and August of each year and coincided with the fact that a high level of university applications were sent in this time. Additional Education Officers had been recruited and an approvals system was under way. The Chief Executive noted that the number of allegations received had increased and would continue to do so. Registration appeals were anticipated to remain the same until the grandparenting process was initiated again.
- 10.5 The Chief Executive noted that the mail volume would increase with the forthcoming registration renewal cycle. International and U.K. operations were currently running to full capacity in this busy period. Council noted that the

timely processing of applications was monitored and quality standards set for each department.

- 10.6 The Chief Executive reported that an interim Finance Manager, Mr Simon Leicester had been recruited and a permanent post was currently being advertised. Two new directorates had been created, Mr Roy Dunn was appointed as Director of Corporate Services and Greg Ross-Sampson will now be Director of Operations, responsible for approvals and monitoring, registration and aspirant groups. Council noted the recruitment process; job description is first collated and sent to the Croner Award for evaluation. The previous position of Director of Human Resources was reviewed and identified certain role criteria that were not required the position was therefore changed to that of Manager. The Chief Executive reported that the HPC advertised all of its positions internally first as the preference was to recruit people from within as they had the knowledge and experience. If this could not be achieved then the post would be advertised externally.
- 10.7 The Council noted that the Finance and Resources Committee did review the sick leave statistics of HPC employees. If employees were off for a period in excess of three days a rationale was required to be submitted.
- 10.8 The Council considered whether the reports submitted by the departments provided too much detail and if this should be reduced. Council noted that the volume of detail had been requested by Council as formerly constituted and that if this were to be changed it required a more thorough debate.
- 10.9 The Chief Executive noted that some employees had stayed at Park House until midnight on the 8th July 2005 so to ensure that all of the grandparenting applications were received. Council wished to convey their huge gratitude to the staff at HPC for all of their hard work in this time and continued commitment.

Item 11.05/311 APPOINTMENT TO STATUTORY AND NON-STATUTORY COMMITTEES

- 11.1 The Council received a paper from the Chief Executive for discussion/approval.
- 11.2 The Chief Executive reported that every effort had been made to accommodate Council members' wishes as to which committee they would most prefer to be on. Council noted that changes had to be made where members had nominated themselves to more than one practise committee as it was not permitted under the Health Professions Order 2001. A lay member of Council who appeared to represent the interests of the patients or clients of registrants or their carers was a membership requirement of the Education and Training Committee and had been filled by Mrs S Chaudhry. A vacancy still existed for the Prosthetist/Orthotist section of the register on the Education and Training Committee. This post would be recruited for via the public appointments commission.

- 11.3 The Chief Executive reported that both registrant and lay members had been allocated to an average of 2-3 committees except for two individuals who had been allocated to one committee each only. The Council noted that a registrant and alternate member could not both be put on the Registration Committee. The Council noted that the Chief Executive had written to the Privy Council with regard to the vacancy of registrant physiotherapist as Professor N Brook had been elected as President.
- 11.4 Professor D Waller requested to be swapped with Ms H Patey from the Registration to the Approvals Committee and was agreed. Ms C Farrell reported that she had been asked to sit on the Communications Committee and was sad to note that she had not been allocated to this. Ms P Sabine reported her regret at having been allocated to the Finance and Resources and Audit Committees when she felt she had little relevant experience in these areas. The Chief Executive reported that changes were made for the purposes of balance and that if individuals were not happy with their committee allocations to write with their specific queries and every endeavour would be made to incorporate preferred choices accordingly.
- 11.5 The Council noted that the President should not become a member of any of the statutory committees but could however attend a meeting if she so wished, and not more than one fitness to practise committee. The Vice-President's role was an ambassadorial one to attend such meetings in the President's absence.
- 11.6 Mr K Ross highlighted the fact that as the Audit Committee now directly reported to Council the membership ratio should be changed from three to six members (three registrant and three lay) as agreed at Council's meeting on the 12th July 2005.
- 11.7 The Council ratified the membership to Council subject to changes as can be reasonably accommodated.

Item 12.05/312 CONTINUING PROFESSIONAL DEVELOPMENT (CPD)

- 12.1 The Council received a paper from the Chief Executive for discussion/approval.
- 12.2 The Chief Executive reported that, the draft Key Decisions document - Continuing Professional Development (CPD) was approved by the Education and Training Committee on 14th June who recommended that Council did the same. Subject to further legal advice the Executive recommended that the CPD Rules and Standards took effect from 9th July 2006 once detailed guidance had been drafted and consulted upon.
- 12.3 The Council noted that they were requested to approve the following:

Date	Ver.	Dept/Cmte	Doc Type	Title	Status	Int. Aud.
2005-08-03	a	SEC	MIN	Council minutes 18 July 2005 public	Final DD: None	Public RD: None

1. The Rules & Standards of CPD be approved and effective from July 2006.
 2. Auditing of CPD profiles from 9th July 2008.
 3. The HPC CPD Rules and Standards to take effect from 9th July 2006 following publication of further information for registrants.
- 12.4 The Council noted that the date for the implementation of the Rules and Standards was contrary to what had been agreed at the Education and Training Committee meeting on 14th June where it was understood that the Standards would be approved from June 2005.
- 12.5 The Council approved the Standards of CPD, (effective from August 2005), that the first audit should take place in August 2008, and to establish a PLG to publish additional information on the audit process by April 2006.
- 12.6 The Council approved the CPD document subject to the appropriate amendments being made.

Action: RT

Item 13.05/313 ESTABLISHING A PLG TO DRAFT GUIDANCE NOTES FOR HPC'S CPD STANDARDS

- 13.1 The Council received a paper from the Chief Executive for discussion/approval.
- 13.2 The Council noted the recommendation that following the Continuing Professional Development (CPD) consultation a Professional Liaison Group (PLG) be established to draft guidance notes, exemplar documentation and pro-forma materials for HPC registrants, CPD assessors, and employers to assist the compilation and audit of CPD profiles.
- 13.3 The Council noted that it was required by the Health Professions Order 2001 Article 14 to hold a consultation. The proposal was to provide exemplars and not additional information therefore the following terminology was agreed for use 'supporting information'.
- 13.4 It was agreed that the PLG be established.

Action: RT

Item 14.05/314 OPERATING DEPARTMENT PRACTITIONER (ODP) FINAL DECISION

- 14.1 The Council received a paper from the Executive for discussion/approval.
- 14.2 The Council noted that the consultation on the inclusion of the Operating Department Practitioners in the Standards of Education and Training document

had now concluded and resulted in a number of recommendations for amendments to the SETs which were duly enclosed.

- 14.3 The Council approved the inclusion of ODP's to the Standards of Education and Training (SETs) as recommended by the Education and Training Committee.

Item 15.05/315 OPERATING DEPARTMENT PRACTITIONER (ODP) INFORMATION FOR DISTRIBUTION

- 15.1 The Council received a paper from the Executive for discussion/approval.
- 15.2 The Council approved HPC's official comments on the consultation regarding the inclusion of ODP's in the Standards of Education and Training as recommended by the Education and Training Committee.

Item 16.03/316 PROFESSIONAL LIAISON GROUP, HEALTH, DISABILITY AND REGISTRATION RECOMMENDATIONS FOR CONSULTATION

- a) **BECOMING A REGISTERED HEALTH PROFESSIONAL**
b) **INFORMATION ABOUT THE HEALTH REFERENCE**

- 16.1 The Council received a paper from the Executive for discussion/approval.
- 16.2 The Council noted that the professional liaison group for health, disability and registration had made a number of recommendations for consultation following their final meeting on 21st June 2005. Two documents were produced by the group, becoming a registered health professional and information about the health reference these had been geared towards audiences that knew little about the HPC. Council recommended that the title 'Becoming a Registered Health Professional' was made more specific to the subject area it related to. Council noted that the Disability Rights Commission had approved the title. Council nevertheless agreed that the Executive adapt the title with reference to disabilities to aid peoples understanding of the documents directive. Council also noted that a covering letter would be despatched in addition explaining the terminologies used and its penultimate objective. Professor J Harper commended Ms R Tripp on the high quality of the work in hand.
- 16.3 Council approved the two documents subject to the changes agreed to be made by the Executive.

Action: RT

Item 17.3/317 MINUTES OF THE FINANCE & RESOURCES COMMITTEE HELD ON 23 MARCH 2005

- 17.1 The Council received the minutes of the Finance & Resources Committee held on 23 March 2005 for discussion/approval.

Date	Ver.	Dept/Cmte	Doc Type	Title	Status	Int. Aud.
2005-08-03	a	SEC	MIN	Council minutes 18 July 2005 public	Final DD: None	Public RD: None

- 17.2 The Council ratified the recommendation made by the Finance & Resources Committee at 31.2 to scale the fees for cancelled fitness to practise cases and the same basis to be applied when the case finishes early.
- 17.3 Mr J Camp asked for further discussion on the position of VAT on Council and Committees fees and allowances. The Council therefore agreed that agenda item 20 be brought forward.

VAT ON COUNCIL MEMBERS EXPENSES

- 17.4 The Council received a paper from the Chief Executive for discussion/approval.
- 17.5 The Council noted that it had requested legal advice on this matter and a copy of the letter of appointment to the HPC was contained therein. Council was requested to decide the following:
- Council and Committee members' fees and allowances were inclusive of Value Added Tax (VAT)
 - Partners' fees and allowances were inclusive of VAT
- 17.6 Mr J Camp argued that if Council and Committee members' were self-employed their fees and allowances should be exclusive of VAT rather than inclusive. Council noted that if a member was self-employed their attendance fee of £260 was reduced to £220 and that in the appointment letter no mention of VAT deduction had been included. Council members discussed what other systems were in operation within other health regulatory bodies. The Chief Executive reported that from their investigations no examples could be found where VAT was paid on top of a member's normal attendance allowance.
- 17.7 The Council agreed that in any further appointment letter it must be made clear that VAT was inclusive of Council and Committee members' fees and allowances. It was agreed that the Chief Executive would write to the NHS Appointments Commission with this recommendation. The President requested members to vote on the Finance and Resources Committees proposals as outlined above and noted approval by fourteen members, three members were against and three members abstained.

Action: MJS

- 17.8 The Council ratified the recommendation by the Finance & Resources Committee that the Audit Committee should become a full Committee of Council, rather than remain a sub-committee of the Finance & Resources Committee.

Item 18.03/318 MINUTES OF THE FINANCE & RESOURCES COMMITTEE HELD ON 28 APRIL 2005

- 18.1 The Council received the minutes of the Finance & Resources Committee held on 28 April 2005 for discussion/approval.
- 18.2 Council ratified the recommendation made by the Finance & Resources Committee to increase the daily rate paid to Registration Assessors for Registration appeals meetings involved in tests of competence from £65 to £130 per case.

Item 19.03/319 MINUTES OF THE FINANCE & RESOURCES COMMITTEE HELD ON 23 JUNE 2005

- 19.1 The Council received the minutes of the Finance & Resources Committee held on 23 June 2005 for discussion/approval.
- 19.2 The Council noted that the Finance and Resources Committee meeting held on the 23 June 2005 was not quorate so no matters were considered for ratification.

Item 21.05/321 DRAFT RESPONSE TO THE DONALDSON REVIEW

- 21.1 The Council received a paper from the Chief Executive for discussion/approval.
- 21.2 The Council noted that the Chief Medical Officer, Sir Liam Donaldson, had issued a “call for ideas” as part of the review following the Shipman Inquiry reports. The Chief Executive reported that he would e-mail members with the draft responses to the Foster review for their comment. Council members would submit their response to the review via e-mail to the Chief Executive as soon as possible which would then be collated into one document.

Action: MJS

Item 22.05/322 HPC STATUTORY RULES

- 22.1 The Council received a paper from the Chief Executive to note.
- 22.2 The Council noted that a review of its Statutory Rules had been undertaken for incorporation of necessary changes as HPC now moved towards the end of the second transitional period on 8th July 2005. Following an extensive consultation period the HPC (Practice Committees and Registration) (Amendment) Rules Order of Council 2005 were laid before Parliament on 16th June 2005 and would become effective as of 8th July 2005.
- 22.3 The Council noted the changes that had been made to the Statutory Rules.

The Council agreed to note the following items 23 – 27:

Item 23.05/323 MINUTES OF THE HEALTH COMMITTEE HELD ON 14 APRIL 2005

Item 24.05/324 MINUTES OF THE INVESTIGATING COMMITTEE HELD ON 18 APRIL 2005

Item 25.05/325 MINUTES OF THE CONDUCT AND COMPETENCE COMMITTEE HELD ON 19 APRIL 2005

Item 26.05/326 MINUTES OF THE EDUCATION AND TRAINING COMMITTEE HELD ON 14 JUNE 2005

Item 27.05/327 TARIQ AZAM HIGH COURT APPEAL

Item 28.05/328 ANY OTHER BUSINESS

28.1 The Council received one item of any other business, a paper from the Chief Executive for discussion/approval.

28.2 The Chief Executive reported the following proposed amendments to the Standing Orders of the Audit Committee:

1. The Audit Committee (the Committee) is a sub-committee of the Council.
2. The Committee shall perform: such other functions as the Council may delegate to or confer upon the Committee.
3. The Committee shall comprise not more than six members appointed by the Council.

28.3 The Council approved the changes made therein to the Audit Committee standing orders.

Item 29.05/329 DATE AND TIME OF NEXT MEETING

29.1 The next meeting of the Council would be at 11am on Tuesday 13 September 2005.

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