

Unconfirmed**THE HEALTH PROFESSIONS COUNCIL**

Chief Executive and Registrar: Mr Marc Seale

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MINUTES of the twenty fifth meeting of the Health Professions Council held at **11a.m. on Tuesday 12 July 2005** at Park House, 184 Kennington Park Road, London, SE11 4BU.

Mr P Acres
 Professor N Brook
 Mr J Camp
 Ms S Chaudhry
 Mr R Clegg
 Mr M C Davies
 Ms H Davis
 Mrs S Drayton
 Ms C Farrell
 Dr C H Green
 Professor J Harper
 Professor T Hazell
 Mrs R Levenson
 Professor J Lucas
 Miss M MacKellar
 Mr P McFadden
 Mr K Ross
 Miss P Sabine
 Mrs B Stuart
 Mr S Taylor
 Dr A Van Der Gaag

IN ATTENDANCE:

Mr J Bracken, Solicitor and Parliamentary Agent, Bircham, Dyson, Bell
 Miss S Butcher, Secretary to Committees
 Mr R Dunn, Director of Information
 Miss K Johnson, Director of Fitness to Practise
 Mr C Middleton, Director of Communications
 Mr Greg Ross-Sampson, Project Manager
 Mr M Seale, Chief Executive and Registrar
 Ms R Tripp, Policy Manager

Item 1.04/293 INTRODUCTION AND WELCOME

- 1.1 In accordance with agreed Council procedure the Council noted that the Chief Executive would act as Chairman of the meeting for the first four items on the agenda. This was because the President and Vice-President of Council were to be duly elected. The Council agreed to the proposal.
- 1.2 Council noted that due to the grave events that occurred in London on 7th July 2005 the last meeting of Council was cancelled as quoracy could not be established. The papers of this meeting would be dealt with at the next meeting of Council to be held on Monday 18th July 2005.
- 1.3 The Chief Executive reported that there were two key papers that required Councils approval, the election of the President and Vice-President and the approval of the processes by which members would be nominated to Councils statutory and non-statutory committees.
- 1.4 The Chief Executive requested to address one item of any other business before the meeting got underway with regard to the recent elections. The Council agreed and noted that in accordance with the Health Professions Council (Election Scheme) Rules 2004 15 (1) *'Not later than fourteen days after the appointment of members in accordance with Rule 12 every person appointed as a registrant member or alternate member shall provide to the Returning Officer, in such form as he may determine, a true and complete return of all expenditure incurred by him or on his behalf in the conduct or management of the election. The Returning Officer shall publish all statements of expenditure received under this Rule in such a manner as the Council may determine.'* Two alternate members had been away on holiday and therefore missed the deadline date on which the form was supposed to be returned. The Council noted this and approved the return of election expenditure (as detailed at nil). The Chief Executive signed the form and concluded the 2005 election process to date.

Item 2.05/294 APOLOGIES FOR ABSENCE

- 2.1 Apologies for absence were received from the following Council members; Mrs M Clark-Glass, Ms G Darwent (Mrs F Taylor), Mr W Munro (Mr O Altay) and Mrs A Turner (Professor C Lloyd).

Item 3.05/295 APPROVAL OF AGENDA

- 3.1 The Council approved the agenda.

Item 5.05/296 ELECTION OF THE PRESIDENT

- 5.1 The Council received a paper from the Chief Executive for discussion/approval.
- 5.2 The Chief Executive requested that Council members nominated candidates for the position of President and that this was seconded. Council approved the process by which to elect the President and agreed that if there was a tie situation members' would be asked to re-vote.
- 5.3 Miss M MacKellar nominated Professor N Brook as President of the Health Professions Council and Professor T Hazell seconded the nomination. Professor N Brook confirmed that she would be delighted to stand as President. In the absence of any other nominations Professor Brook was elected President of the Health Professions Council.
- 5.4 Professor N Brook reported that she was truly honoured to be appointed to stand again and thanked all members past and current for all of their hard work. Professor N Brook hoped that the induction for new members of Council had been a beneficial experience and looked forward to the Council Away Day on the 5th and 6th October 2005 at which she would be afforded the opportunity to get to know everyone much better.

Item 6.05/297 PROCESS FOR THE APPOINTMENT OF ADDITIONAL MEMBERS OF COUNCIL IF THE PERSON ELECTED AS PRESIDENT IS A REGISTRANT

- 6.1 The Council received a paper from the Chief Executive for discussion/approval.
- 6.2 The Council noted that as Professor N Brook had now been elected as President of the Health Professions Council and in accordance with paragraph 6 Schedule 1 of the Health Professions Order 2001 a replacement registrant member from that same profession (physiotherapy in this instance) must now be sought.
- 6.3 The Council discussed the mechanisms by which this was to be achieved and agreed that the process as outlined in the paper, whereby the Privy Council on behalf of the NHS Appointments Commission appointed an additional registrant member was contrary to the election process which all other registrant members had had to partake in to obtain their current position on Council. The Council noted the importance of demonstrating effective and total representation of all the thirteen professions that it regulated. This principle was primarily upheld by public scrutiny via the election process and was there by definition robust.

- 6.4 The Council agreed that the Chief Executive write to the Privy Council with the recommendation that instead of appointing an additional member the physiotherapist candidate with the next highest level of votes received in the elections be put on Council.

Action: MJS

Item 7.05/298 ELECTION OF THE VICE-PRESIDENT

- 7.1 The Council received a paper from the Chief Executive for discussion/approval.
- 7.2 The Council approved the process by which to elect the Vice-President.
- 7.3 Professor J Harper nominated Professor T Hazell and Mrs B Stuart seconded the nomination.
- 7.4 Mr R Clegg nominated Mr J Camp and Ms R Levenson seconded the nomination.
- 7.5 As more than one member had been nominated for the position of Vice-President a secret ballot was conducted among the members present. Prior to this both Professor T Hazell and Mr J Camp (in that order) gave a 5 minute presentation to Council on what they felt they could contribute to Council in the role of Vice-President.
- 7.6 The Council elected Mr J Camp as Vice-President.

Item 8.05/299 NOMINATION TO STATUTORY AND NON-STATUTORY COMMITTEES

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

a) PROCESS FOR THE APPOINTMENT OF MEMBERS TO THE EDUCATION AND TRAINING COMMITTEE

- 8.2 The Council requested clarification on why they had to provide a written statement of not more than 200 words explaining how they met the qualifications and experience requirement if they wished to become a member of the Education and Training Committee. The Chief Executive reported that it was a requirement of the Health Professions Order 2001 as set out by paragraph 17 of Schedule 1.

- 8.3 The Chief Executive clarified that both members of Council, registrant and alternate were permitted to have roles on the statutory and non-statutory committees. The Council noted that Committees did not have to be made up of Council members and if the correct composite could not be met via Council membership, suitable persons would be appointed to the Committee via the public appointments process in accordance with Paragraph 17(2)(c) of Schedule 1 to the Health Professions Order 2001.
- 8.4 The Council approved the process to appoint members to the Education and Training Committee.

b) PROCESS FOR THE APPOINTMENT OF MEMBERS TO PRACTICE COMMITTEES

- 8.5 The Council received a paper from the Chief Executive for discussion/approval.
- 8.6 The Council regarded the process to select members by means of a draw in the event of the nominations exceeding the number of vacancies as inappropriate. It was agreed that this decision should rather be deferred to the President.
- 8.7 The Council discussed whether the current ratio of registrant to lay members on fitness to practise committees was adequate and whether it would be more representative to increase the ratio of registrant to lay members with a 50/50 split. It was noted that currently there's one more registrant member to lay member. After a full discussion whilst acknowledging the importance of the invaluable input and expertise given by lay members it was agreed that no changes would be made until the results of the Donaldson and Foster reviews were released which may require more radical reviews in the long term.
- 8.8 The Council approved the process to appoint members to the practice committees.

c) PROCESS FOR THE APPOINTMENT OF MEMBERS TO THE NON-STATUTORY COMMITTEES

- 8.9 The Council received a paper from the Chief Executive for discussion/approval.
- 8.10 The Council agreed that the membership ratio as currently proposed for the Audit Committee of three members was too small. Council noted that the Audit Committee was now independent of the Finance & Resources Committee and reported directly to Council. As such Council agreed that

membership to the Audit Committee be increased to three registrant and three lay members (as opposed to two registrants and one lay member).

- 8.11 The Chief Executive recommended to Council that a chartered accountant was co-opted to sit on the Finance and Resources Committee and Audit Committee and sought via the public appointments commission and process.
- 8.12 The Council noted that the Remuneration Committee only met once a year and would be comprised of the same members that formed the Finance and Resources Committee.
- 8.13 The Council agreed that the following amendment be made to the process in the first bullet point which would afford members with more flexibility that *'Council members will be asked to nominate themselves, in the first instance, for not more than one non-statutory committee.'* Instead of *'if they so wish'*.
- 8.14 The Council discussed the terms of appointment currently in place for Council members on committees. A proposal was made to decrease the term from two years to one. The President asked Council to vote by a raise of hands and the majority were in favour that it remained at two years.
- 8.15 The Council approved the process to appoint members to the non-statutory committees subject to the amendments as detailed above.

d) PROCESS FOR THE ELECTION OF CHAIRMEN OF COMMITTEES

- 8.16 The Council received a paper from the Chief Executive for discussion/approval.
- 8.17 The Council approved the process to elect Chairmen to Committees. This will be the first point of business for each of the committees at their meetings in the autumn time.

Item 9.05/300 ANY OTHER BUSINESS

- 9.1 The Council discussed whether some of the business that was left un-discussed following the cancelled meeting of Council on 7th July 2005 could be addressed at this meeting. The Council agreed that it was better dealt with in its entirety at its next meeting scheduled for Monday 18th July 2005.

Item 10.05/301 DATE AND TIME OF NEXT MEETING

10.1 The next meeting of the Council would be at 11:00am on Monday 18th July 2005.

PRESIDENT:

DATE:

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