

**THE HEALTH PROFESSIONS COUNCIL**

Chief Executive and Registrar: Mr Marc Seale

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MINUTES of the thirty-first meeting of the Health Professions Council held at **11.00 a.m. on Thursday 11 May 2006** at Park House, 184 Kennington Park Road, London, SE11 4BU.

**PRESENT:** Mr P Acres  
 Mr J Camp (Vice President – Chairman)  
 Mrs S Chaudhry  
 Mrs M Clark-Glass  
 Mr R Clegg  
 Ms G Darwent  
 Ms H Davis  
 Ms C Farrell  
 Mrs D Haggerty (alternate for Dr C Green)  
 Professor T Hazell  
 Mrs R Levenson  
 Miss M MacKellar  
 Mr P McFadden  
 Mr K Ross  
 Mrs J Sheridan (alternate for Miss P Sabine)  
 Mrs B Stuart  
 Mr S Taylor  
 Miss E Thornton (alternate for Dr R Jones)  
 Mrs A Turner  
 Professor D Waller

**IN ATTENDANCE:**

Mr R Dunn, Director, Corporate Services  
 Miss L Foster, Acting Human Resources Director  
 Mr R Houghton, Registration Manager (Operations)  
 Ms Yasmin Hussain, Partner Manager  
 Miss K Johnson, Director, Fitness to Practise  
 Mr S Leicester, Finance Manager  
 Ms T Leigh, Stakeholder Manager  
 Mrs R Mead, Project Manager, Department of Health  
 Ms V Nash, Acting Communications Director  
 Ms N O'Sullivan, Secretary to Council  
 Mr Mark Potter, Manager, International Registration  
 Ms P Richardson, Events Manager  
 Mr G Ross-Sampson, Director of Operations  
 Mr M Seale, Chief Executive and Registrar

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**Item 1.06/40 INTRODUCTION AND WELCOME**

- 1.1 The Vice-President, Mr Camp chaired the meeting in the absence of the President.
- 1.2 Mr Camp welcomed all members and non-members to the meeting, in particular Ms Yasmin Hussain, Partner Manager, Ms Tamsin Leigh, Stakeholder Manager and Mr Richard Houghton, Registration Manager (Operations) who were attending their first meeting of the Council. Mr Camp also welcomed representatives from the Society of Sports Therapists who were attending the meeting to give a presentation in relation to item 7.

**Item 2.06/41 APOLOGIES FOR ABSENCE**

- 2.1 Apologies for absence were received from the following Council members; Professor N Brook, Mr M Davies( and alternate Mr D Proctor) Mrs S Drayton, Dr C H Green (Miss Haggerty attending), Professor J Harper, Dr R Jones (Miss Thornton attending), Professor J Lucas, Mr W Munro, Miss P Sabine (Mrs Sheridan attending), Dr A van der Gaag.

**Item 3.06/42 APPROVAL OF AGENDA**

- 3.1 The Council approved the agenda.

**Item 4.06/43 MINUTES**

- 4.1 It was agreed that the minutes of the thirtieth meeting of the Health Professions Council be confirmed as a true record and signed by the Vice-President subject to the following amendments:
- 4.2 The addition of Mrs M Clark-Glass's name to the list of those present at the meeting.
- 4.3 10.4 The Council noted that the Health Professions Council was a public body and that it required appropriate procedures to fulfil its duties under the Act.

**Item 5.06/44 MATTERS ARISING**

- 5.1 Item 12.4 – Key Decisions from HPC Consultation on Returners to Practice
  - 5.1.1 The Council noted that the Key Decisions from the HPC Consultation on Returners to Practice had been published on-line. An implementation plan was being finalised.

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- 8.4 The Council noted that the Society was experiencing difficulty in ascertaining a figure of how many practitioners were calling themselves Sports Therapists. The Society of Sports Therapists was a voluntary body and practitioners were not obliged to have membership of the Society in order to use the title Sports Therapist.
- 8.5 The Council noted that the entry qualification for the part of the profession covered by the Society of Sports Therapists was at degree level. Those who had completed a degree represented a small, but growing, percentage of those who called themselves Sports Therapists. It was likely that only a small percentage of those using the title would be eligible for grandparenting onto the proposed register.
- 8.6 The Council noted that an understanding of diet formed part of the degree programme for Sports Therapists and provided a background to their work. However Sports Therapists would refer specific dietary cases to the appropriate health practitioner.
- 8.7 The Council noted that at the point of graduation Sports Therapists had a very different scope of practice from graduate Physiotherapists. As both professions advanced in their profession there was overlap in their scope of practice. The body of knowledge for Sports Therapists was similar to that of Physiotherapists but was applied in a specific way according to the case being treated.
- 8.8 The Council noted that Sports Therapists had specific competencies and that these would be reflected in the Standards of Proficiency.
- 8.9 The Council noted that members of the Society of Sports Therapists had to undertake Continuing Professional Development (CPD) in order to remain on the voluntary register. The CPD model used was similar to that of the Health Professions Council.
- 8.10 The Council also noted that the evidence base for the profession was likely to develop as more research was undertaken.
- 8.11 The Council noted that there was a need for the different groups within the profession to work collaboratively in order that the majority of sports therapists would come into regulation when the register opened.
- 8.12 The Council noted that that the objective of the Health Professions Council was to protect the public. The main issue to be addressed was the potential risk to the public from practitioners who were unregistered. Further discussion was needed regarding the issue of groups who posed a potential risk to the public and who wished to be regulated but who did not meet all the criteria for regulation.
- 8.13 The Council agreed to recommend to the Secretary of State that, in the interests of public protection, Sports Therapists should be regulated.

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- 8.14 The Council agreed that the Chief Executive would write to the Secretary of State regarding this decision. The letter would set out the issues to be addressed before this part of the register could be opened. These issues were the degree of difference between this profession and other professions regulated by the HPC, the agreement of the standards of proficiency, the agreement of a qualification for entry to the register and the provision of evidence as to what extent practitioners in the profession wished to be regulated. It was anticipated that these issues would take a number of years to resolve.

**Action: MJS – by 26 May 2006**

**Item 9.06/48 BUDGET 2006/2007**

- 9.1 The Council received a paper from the Executive for discussion/approval.
- 9.2 The Council noted that the draft budget had been agreed by the Finance and Resources Committee.
- 9.3 The Council noted that the redevelopment of 22/26 Stannary Street to provide additional office accommodation for the organisation would form a significant part of the expenditure for the coming year.
- 9.4 The Council agreed the proposed annual budget for 2006/07 covering the income and expenditure account, balance sheet, cash flow statement and capital budget.

**Item 10.06/49 REPORT OF THE COUNCIL WORKSHOP HELD ON 7 FEBRUARY 2006**

- 10.1 The Council received a paper from the Executive for discussion/approval.
- 10.2 The Council noted that the outcome of the workshop had been included on the agenda for the Council away day in October subject to the agreement of the agenda by the new President.

**Item 11.06/50 RACE RELATIONS AMENDMENT ACT 2000**

- 11.1 The Council received a paper from the Executive for discussion/approval.
- 11.2 The Council noted that a project manager had been appointed to take forward the Council's work in relation to the Act.

**Item 12.06/51 DRAFT HEALTH PROFESSIONS COUNCIL ANNUAL REPORT**

- 12.1 The Council received a paper from the Executive for

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discussion/approval.

- 12.2 The Council suggested a number of amendments to the President's Statement. These would be included subject to the President's agreement.
- 12.3 The Council noted that attendance tables for the Council and for all committees would be included in the report.
- 12.4 The Council agreed the draft Health Professions Council annual report subject to the inclusion of the agreed amendments.

**Action: VN – 6 July 2006**

**Item 13.06/52 DRAFT HEALTH PROFESSIONS COUNCIL FITNESS TO PRACTISE ANNUAL REPORT**

- 13.1 The Council received a paper from the Executive for discussion/approval.
- 13.2 The Council agreed the draft Health Professions Council Fitness to Practise annual report.

**Item 14.06/53 SANCTIONS**

- 14.1 The Council received a paper from the Executive for discussion/approval.
- 14.2 The Council noted the policy on indicative sanctions had been published as part of the notes issued by the Practice Committees. The Council also noted that the Fitness to Practice Committees had recommended to the Council that it publish the sanctions policy as a separate document to the practice notes to emphasise that it represented Council policy.
- 14.3 The Council recommended that a number of further amendments should be made to the document.
- 14.4 The Council agreed the revised indicative sanctions policy and also that this policy should be published as a separate document to the practice notes.

**Action: KJ – completed**

**Item 15.06/54 PARTNER CONFERENCE**

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

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- 15.2 The Council agreed that HPC partners should receive attendance allowance for attending the Partner Conference which was due to be held in November 2006.

#### **Item 16.06/55 PARTNER RE-APPOINTMENT PROCESS**

- 16.1 The Council received a paper from the Executive for discussion/approval.
- 16.2 The Council noted that 296 partner contracts would come to an end in July 2006. The Council noted that the business needs of the organisation did not necessitate the HPC to renew all the contracts.
- 16.3 The Council agreed the following;
- (i) that all partners with contracts expiring by the end of July 2006 would be written to and given an opportunity to re-apply.
- (ii) that priority for re-appointment would be given to partners who had already been used.
- (iii) that the appointments exercise would be paper-based only, no shortlisting would take place. The relevant Head of Department and the Partner Manager and a representative from the Office of the Commissioner for Public Appointments would make the final decision.
- 16.4 The Council agreed a number of modifications to the proposed letter.

#### **Action: YH – to be completed by the end of August 2006**

- 16.5 The Council noted that the partner complaints' procedure could be used by those partners who were unhappy with the outcome of the process and that therefore there was no need for a separate appeals process.

#### **Item 17.06/56 FEES GENERAL POLICIES AND SCRUTINY FEES**

- 17.1 The Council received a paper from the Executive for discussion/approval.
- 17.2 The Council agreed the following with regard to general fees policies;
- (i) that the HPC should aim to achieve a principle in the fees charged to Registrants of avoiding significant and deliberate fee cross-subsidisation.
- (ii) that fee rises be made on a regular basis i.e. every two years, or more often in high inflationary periods.

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(iii) that fees be set at a level to maintain the agreed reserves policy and ensure the financial viability of HPC as an independent organisation.

17.3 The Council agreed the following with regard to scrutiny fees;

(i) that the scrutiny fee be raised from £200 to £350 per application effective from 1 January 2007.

**Action: SL – 1 January 2007**

**Item 18.06/57 REVIEW OF PROVISION OF LEGAL SERVICES**

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

18.2 The Council agreed that the provision of legal services should continue as detailed in the paper under consideration.

18.3 The Council also agreed that an invitation to tender document would be prepared and issued seeking the provision of the services of a Parliamentary Agent and secondly the provision of legal services associated with the HPC's Fitness to Practise processes. This exercise would be completed so that contracts could be approved by the Council before the start of the 2007 – 2008 financial year on 1 April 2007.

**Action: MJS – by 31 March 2007**

**Item 19.06/58 RATIFICATION OF APPOINTMENT OF INTERNAL AUDITOR**

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

19.2 The Council ratified the recommendation of the Audit Committee that PKF (UK) LLP be appointed as HPC's internal auditors on an initial and ongoing basis.

**Item 20.06/59 RATIFICATION OF APPOINTMENT OF EXTERNAL AUDITOR**

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

20.2 The Council ratified the recommendation of the Audit Committee that Baker Tilly be appointed as HPC's external auditors on an initial and ongoing basis.

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### Item 21.06/60 2004/2005 FINANCIAL STATEMENTS

- 21.1 The Council received a paper from the Executive for discussion/approval.
- 21.2 The Council noted that the last paragraph as requested on page 8 of the financial statements should have indicated that the Council had strengthened the Finance and Resources Committee and Audit Committee by appointing persons with substantial financial experience to help the committees be more effective in critically reviewing and managing the work of the financial staff and auditors. The Council noted that this was indicated in the report of the Comptroller and Auditor General to the Houses of Parliament.
- 21.3 The Council noted that the financial statements had been signed off by the auditors and the National Audit Office and had been laid in Parliament. Therefore this document was to note only.

### Item 22.06/61 THE FUTURE OF THE REGISTRATION COMMITTEE

- 22.1 The Council received a paper from the Executive for discussion/approval.
- 22.2 The Council noted that at a meeting of the Education and Training Committee held on 29 March 2006 the Committee had agreed to recommend to Council that the Registration Committee should be disbanded with immediate effect.
- 22.3 The Council agreed the following;
- (i) to disband the Registration Committee with immediate effect.
  - (ii) to instruct the Education and Training Committee to assess qualifications awarded outside of the United Kingdom under Article 12(2)(a) of the Health Professions Order 2001.
  - (iii) to instruct the Finance and Resources Committee to take on the responsibility for oversight of the registration processes.
  - (iv) to request the President to reallocate the members of the Registration Committee to other statutory and non-statutory committees.

**Action: NO'S/SB – post election of new President on 11 July 2006**

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**Item 23.06/62 REVISION OF THE PROCESS FOR THE ELECTION OF THE PRESIDENT AND VICE-PRESIDENT**

- 23.1 The Council received a paper from the Executive for discussion/approval.
- 23.2 The Council noted that a revised process for the election of the President and the Vice-President had been considered at the March 2006 meeting of the Council. The Council had agreed at that meeting that there should be a further revision to the process to include provision for seeking nominations by email in good time.
- 23.3 The Council agreed in principle to the revised process. The Council also agreed that proposals for a system of postal voting in the election of the President and the Vice-President should be considered at the July 2006 meeting of the Council. The Council noted that this would require an amendment of the Council standing orders.

**Action: NO'S – 6 July 2006**

**Item 24/06/63 DECLARATION OF THE RESULTS OF THE COUNCIL ELECTIONS 2006**

- 24.1 The Council received a paper from the Executive for discussion/approval.
- 24.2 The Council agreed that in the event that the results of the 2006 elections were uncontentious, the appointment of the new registrant and alternate members would be ratified electronically.
- 24.3 The Council also agreed that as of 2007 the May meeting of Council would be held immediately following the declaration of the results by the Electoral Reform Services
- 24.4 The Council noted that a number of registrants who had nominated candidates in the elections had not been aware that the address they gave on the nomination paper would be published on the candidate's ballot paper even though this was indicated on the nomination form. The Council also noted that the publication of the registered address was provided for in the Health Professions Council Election Scheme Rules. The Council agreed that it should be highlighted on the nomination form that if a nominator provided a home address on the form this address would be published.

**Action: NO'S – by next election**

**Item 25.06/64 COUNCIL REPRESENTATIVES ON EXTERNAL BODIES**

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

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- 25.2 The Council agreed that the President should take the decision regarding the appointment of a Council member to the advisory board of the Higher Education Academy Learning and Teaching in Health (HEALTH).

**Action: NB – by 13 June 2006**

**Item 26.06/65 AMENDMENTS TO COUNCIL AND COMMITTEE DATES**

- 26.1 The Council received a paper from the Executive for discussion/approval.
- 26.2 The Council agreed the amended dates of the Remuneration Committee, Audit Committee and the Council as set out in the paper.
- 26.3 The Council agreed that the revised dates should be circulated to members electronically.

**Action: NO'S - completed**

**Item 27.06/66 MINUTES OF THE FINANCE AND RESOURCES COMMITTEE HELD ON 8 FEBRUARY 2006**

- 27.1 The Council received the minutes of the Finance and Resources Committee held on 8 February 2006.

**Item 28.06/67 MINUTES OF THE FINANCE AND RESOURCES COMMITTEE HELD ON 22 MARCH 2006**

- 28.1 The Council received the minutes of the Finance and Resources Committee held on 22 March 2006.
- 28.2 The Council noted that the minutes of the meeting had been confirmed by the Committee electronically. The Council agreed that in the future minutes of all committees should be circulated electronically for agreement by committee members.

**Action: SB and CB**

**Item 29.06/68 MINUTES OF THE HEALTH COMMITTEE HELD ON 16 JANUARY 2006**

- 29.1 The Council received the minutes of the Health Committee held on 16 January 2006.

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**Item 30.06/69 MINUTES OF THE INVESTIGATING COMMITTEE HELD 23 JANUARY 2006**

- 30.1 The Council received the minutes of the Investigating Committee held on 23 January 2006.

**Item 31.06/70 MINUTES OF THE CONDUCT AND COMPETENCE COMMITTEE HELD ON 25 JANUARY 2006**

- 31.1 The Council received the minutes of the Conduct and Competence Committee held on 25 January 2006.

**Item 32.06/71 MINUTES OF THE EDUCATION AND TRAINING COMMITTEE HELD ON 15 DECEMBER 2005**

- 32.1 The Council received the minutes of the Education and Training Committee held on 15 December 2005.

**Item 33.06/72 RESOLUTIONS AGREED SINCE THE LAST COUNCIL MEETING**

- 33.1 The Council noted the resolutions agreed since the last Council meeting.

**Item 34.06/73 UNCONFIRMED MINUTES OF THE COMMUNICATIONS COMMITTEE HELD ON 27 FEBRUARY 2006**

- 34.1 The Council noted the unconfirmed minutes of the Communications Committee held on 27 February 2006.

**Item 35.06/74 UNCONFIRMED MINUTES OF THE EDUCATION AND TRAINING COMMITTEE HELD ON 29 MARCH 2006**

- 35.1 The Council noted the unconfirmed minutes of the Education and Training Committee held on 29 March 2006.

**Item 36.06/75 MINUTES OF THE HEALTH COMMITTEE HELD ON 12 APRIL 2006**

- 36.1 The Council noted the minutes of the Health Committee held on 12 April 2006.

**Item 37.06/76 UNCONFIRMED MINUTES OF THE INVESTIGATING COMMITTEE HELD 19 APRIL 2006**

- 37.1 The Council noted the unconfirmed minutes of the Investigating Committee held on 19 April 2006.

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**Item 38.06/77 UNCONFIRMED MINUTES OF THE CONDUCT AND COMPETENCE COMMITTEE HELD ON 20 APRIL 2006**

38.1 The Council noted the unconfirmed minutes of the Conduct and Competence Committee held on 20 April 2006.

**Item 39.06/78 ANY OTHER BUSINESS**

39.1 There was no other business.

**Item 40.06/79 DATE AND TIME OF NEXT MEETING**

40.1 The next meeting of the Council would be at 11a.m. on Thursday 6 July 2006

40.2 Further meetings would be held on the following dates;

Friday 7 July 2006 (Annual Meeting)

*As of 11 July 2006, all Council meetings would start at 10.30am.*

Tuesday 11 July 2006

Tuesday 12 September 2006

Wednesday 4 October and Thursday 5 October 2006 Council meeting and 'away day'

Thursday 14 December 2006

Thursday 29 March 2007

Thursday 31 May 2007

Thursday 5 July 2007 – Council meeting

**PRESIDENT:**

**DATE:**

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