

THE HEALTH PROFESSIONS COUNCIL

Chief Executive and Registrar: Mr Marc Seale

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MINUTES of the thirty-seventh meeting of the Health Professions Council held at
10.30 a.m. on Thursday 29 March 2007 at Park House, 184 Kennington Park Road,
 London, SE11 4BU.

PRESENT: Dr A van der Gaag (President)
 Mrs M Clark-Glass
 Mr R Clegg
 Ms H Davis
 Mr M Davies
 Mr P Douglas
 Mrs S Drayton
 Mrs E Ellis
 Ms C Farrell
 Professor J Harper
 Professor T Hazell
 Professor J Lucas
 Miss M MacKellar
 Mr P McFadden
 Mr W Munro
 Mrs J Pearce
 Mrs P Sabine
 Mrs B Stuart
 Miss E Thornton
 Professor A Turner
 Professor D Waller

IN ATTENDANCE:

Mr M Guthrie, Policy Manager
 Miss C Harkin, Customer Services Manager
 Mr R Houghton, Registration's Manager
 Miss K Johnson, Director of Fitness to Practise
 Ms A Kanaris, Policy Manager
 Mr S Leicester, Director of Finance
 Ms N O'Sullivan, Secretary to Council
 Ms C Phillips, Project Manager (Part)
 Miss A Roberts, Team Administrator
 Mr G Ross-Sampson, Director of Operations
 Mr M Seale, Chief Executive and Registrar
 Ms R Tripp, Director of Policy and Standards
 Mr R Welsby, Back Office Systems Administrator and Developer

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DD:	None	Public												

RD: None1

Item 1.07/01 INTRODUCTION AND WELCOME

- 1.1 The President welcomed all members and non-members to the meeting, in particular Ms Kanaris and Miss Roberts who were attending their first meeting. The President also welcomed Ms R Mead and Ms K Middleton from the Department of Health.
- 1.2 The President noted that the HPC was celebrating its fifth birthday. The organisation had been very successful as a multi-professional regulator and owed a debt of gratitude to Professor Norma Brook, the first President of HPC, to Mr Seale, the Chief Executive and Registrar, to Council and Committee members and partners and to all employees of HPC. The Council was also grateful to all the stakeholders with whom it had worked over the past five years.
- 1.3 The Council noted its congratulations to Professor Turner on her appointment to a personal chair as Professor of Occupational Therapy at the University of Northampton.

Item 2.07/02 APOLOGIES FOR ABSENCE

- 2.1 Apologies for absence were received from the following Council members; Mr P Acres, Professor K Bryan (Mrs Pearce attending), Mrs D Haggerty, Mr K Ross, Professor G Smith (Miss Thornton attending), Mr S Taylor.

Item 3.07/03 APPROVAL OF AGENDA

- 3.1 The Council approved the agenda.
- 3.2 The Council noted that there were two tabled papers relating to item 7 and one tabled paper relating to item 9. The Council noted that a late paper had been sent to members in relation to item 10 of the agenda.
- 3.3 The Council noted that the President would leave the room during the discussion of item 17. The Council agreed that Mr Clegg, Chairman of the Finance and Resources Committee would chair the meeting for this item.

Item 4.07/04 MINUTES

- 4.1 It was agreed that the minutes of the thirty-sixth meeting of the Health Professions Council be confirmed as a true record and signed by the President.

Item 5.07/05 MATTERS ARISING

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- 5.1 There were no matters arising.

Item 6.07/06 PRESIDENT'S REPORT

- 6.1 The President noted the publication of the Government White Paper, Trust, Assurance and Safety – the Regulation of Health Professionals in the Twenty-First Century. The White Paper had been long-awaited and contained several endorsements of the model of regulation being applied by HPC. The President noted that the publication of the White Paper was the start of a period of exciting challenges for the HPC.
- 6.2 The President thanked members who had attended the Council's strategic workshop on 23 February 2007. The key messages from the workshop were that the Council had much work to do in relation to governance, revalidation and work with the unregulated sector.
- 6.3 The President noted the general consensus that the Council should be setting aside more time for strategic discussions and scenario planning. The Council needed to continue thinking about moving beyond its current work on standards with diploma/graduate level practitioners and begin to address regulatory issues at the associate level and advanced levels of practice as well. A broader perspective on the health care landscape was ever more important to the work of the HPC.
- 6.4 The President noted that she had attended a number of external meetings on behalf of HPC. These included meetings with the Presidents of other Regulatory Bodies which had been taking place since the publication of the White Paper and a CHRE meeting with Lord Hunt. She had also presented at the ESTel National Conference in Lisbon and the ASLTiP Annual Conference on behalf of HPC. She was also involved in the appointments process for the new Chief Executive of the Council for Healthcare Regulatory Excellence (CHRE).
- 6.5 The President noted the resignation of three Council members, Mr J Camp, Mrs S Chaudhry and Dr C H Green and noted her thanks and the thanks of the Council for the work they had undertaken during their period of office.
- 6.6 The President noted that the process for the appointment of legal service providers had been concluded and that HPC's current providers, Bircham, Dyson Bell and Kingsley Napley had been reappointed.
- 6.7 With regard to CHRE the President noted that the main focus of its work to date had been section 29 referrals. CHRE also undertook work aimed at promoting good practice across the regulatory bodies, although this aspect of CHRE's work was less well established and had encountered many challenges. It was important that HPC engaged with this aspect of CHRE's work in the future as part of its engagement with

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a wider range of stakeholders To date the President had been involved in two such projects, one looking at Fitness to Practise datasets to assist in developing greater consistency and commonality in this area and the other Joint Regulators Public Patient Involvement Group.

Item 7.06/07 CHIEF EXECUTIVE'S REPORT

- 7.1 The Council received a paper from the Chief Executive.
- 7.2 The Council noted that the Registrations Department period was preparing for the beginning of the renewals cycle later in the year.
- 7.3 The number of outstanding grandparenting applications had fallen and there were currently only 16 applications outstanding.
- 7.4 The Executive were currently considering the practical implications the White Paper, Trust, Assurance and Safety – the Regulation of Health Professionals in the 21st Century.
- 7.5 The Chief Executive noted that it appeared that the number of allegations being received by the Fitness to Practise Department was levelling off.

Strategy and Policy

Item 8.07/08 ANNUAL BUDGET

- 8.1 The Council received a paper from the Executive for discussion/approval.
- 8.2 The Council noted that three items on the Council agenda were related. These were the 2007/8 budget, the Key Decisions from the Health Professions Council Fees Consultation and the Registration and Fees Amendment Rules 2007.
- 8.3 The Council noted that the budget had been considered by the Finance and Resources Committee at two separate meetings. The Committee had agreed the budget at its meeting on 21 March 2007. The budget had been compiled on the basis of conservative figures for number of registrants on the register in 2007/8. However if income was lower than expected the Council had reserves which it could use as income as a last resort. No income from new professions had been included in the figures. The Council noted that the building project at 22/26 Stannary Street would involve major capital expenditure. As a result of this it was likely that the Council would breach its reserves policy during the financial year.
- 8.4 The Council agreed the annual budget for 2007/8.

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Item 9.07/09 KEY DECISIONS FROM THE HEALTH PROFESSIONS COUNCIL FEES CONSULTATION

- 9.1 The Council received a paper from the Executive for discussion/approval.
- 9.2 The Council noted its thanks to the Executive for the quality of the document under consideration.
- 9.3 The Council agreed that in future if it proposed an increase in fees which was broadly in line with inflation a limited consultation exercise as outlined in the key decisions document would be undertaken.
- 9.4 The Council noted a number of comments from members which it agreed could be discussed with members of the Executive after the meeting.
- 9.5 The Council agreed the key decisions document.

Item 10.07/10 THE HEALTH PROFESSIONS COUNCIL (REGISTRATIONS AND FEES) (AMENDMENT) RULES 2007

- 10.1 The Council received a paper from the Executive for discussion/approval.
- 10.2 The Council noted a tabled paper which included the final version of the Health Professions Council (Registrations and Fees) (Amendment) Rules 2007. The Rules had been agreed with the solicitors from the Department of Work and Pensions (DWP).
- 10.3 The Council agreed the Health Professions Council (Registrations and Fees) (Amendment) Rules 2007. The Council noted that approved rules would be sent to the Privy Council and would come into force on by 1 June 2007.

Item 11.07/11 TRUST, ASSURANCE AND SAFETY – THE REGULATION OF HEALTH PROFESSIONALS IN THE 21ST CENTURY

- 11.1 The Council received a paper from the Executive for discussion/approval.
- 11.2 The Council noted that at a meeting with the Department of Health held on 20 March 2007 the nine health regulators were invited to provide informal feedback on a range of issues and options relating to governance proposals set out in the White Paper. It was the intention of the Department of Health to include the proposed changes in the initial Sections 60 Orders which it envisaged could be brought into force during the first half of 2008.

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11.3 The Council noted that there were eight issues for consideration. The HPC Executive had drafted questions relating to these issues. The Council agreed the following decisions relating to the eight issues under consideration;

(i) Council Composition

The Council supported parity of lay and registrant members.

(ii) Lay Members of Council

The Council supported the continuation of the existing definition of lay member as set out in the Health Professions Order 2001 i.e. 'persons who are not and never have been on the register or any of the registers kept under the 1960 Act.....'

(iii) Size of Council

The Council proposed a Council of no more than 24 members.

(iv) Reporting Arrangements

The Council agreed with the proposal that Councils regulating professions whose regulation was a devolved matter, including the HPC, would report to the devolved administrations.

(v) Council Appointments

The Council agreed with the proposal that the Appointments Commission would appoint all Council members against clearly specified criteria and competencies. The Council noted that it would review and provide additional details on the competencies required for an effective Council. A paper would be considered at a future Council meeting.

(vi) Alternates

The Council agreed with the proposal that alternates should be removed from Council, whilst recognising the contribution of Alternates to the work of HPC to date. The Council noted that it would wish to see the process to appoint non-Council members to Committees retained along the lines of current arrangements.

(vii) President

The Council agreed with the proposal that the name of the head of the Council should be changed from the current 'President' to 'Chair'.

The Council noted that the Government would review, in 2011, in the light of the experience of working with wholly appointed councils, whether there would be any advantage in the independent appointment of Chairs.

(viii) Equality and Diversity

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The Council agreed with the proposal that all regulators should be required to report annually to Parliament on equality and diversity issues relevant to the regulation of the professions it regulated.

- 11.4 The Council noted that the decisions taken above would require further discussion. The next discussion of the White Paper would take place at the Council workshop on 30 May 2007.

Item 12.07/12 THE HEALTH PROFESSIONS COUNCIL STRATEGY

- 12.1 The Council received a paper from the Executive for discussion/approval.
- 12.2 The Council noted that a Council Workshop had been arranged for the afternoon of Wednesday 30 May and that the purpose of the workshop would be to review and revise HPC's Strategy to incorporate the recommendations in the White Paper, Trust, Assurance and Safety – The Regulation of Health Professionals in the 21st Century.
- 12.3 The Council agreed to review the current version of the Strategy in preparation for further discussions at the Council workshop on 30 May 2007.

Item 13.07/13 CONSULTATION ON STANDARDS OF CONDUCT, PERFORMANCE AND ETHICS

- 13.1 The Council received a paper from the Executive for discussion/approval.
- 13.2 The Council noted that at its meeting on 30 January 2007 the Conduct and Competence Committee had approved the revised standards of conduct, performance and ethics for consultation.
- 13.3 The Council noted that Article 3 (14) of the Health Professions Order 2001 required that the Council consulted every time it produced standards or guidance.
- 13.4 The Council approved the text of the revised standards of conduct, performance and ethics for consultation.

Action: MG – May 2007

Item 14.07/14 CONSULTATION ON CONFIDENTIALITY GUIDANCE FOR REGISTRANTS.

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

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14.2 The Council noted that at its meeting on 30 January 2007 the Conduct and Competence Committee had approved the text of the consultation on confidentiality guidance for registrants. The consultation would run alongside that of the revised standards of conduct, performance and ethics.

14.3 The Council approved the text of the guidance for consultation.

Action: MG – May 2007

Item 15.07/15 PUBLICATION OF CASE TO ANSWER INFORMATION ON HPC WEBSITE

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

15.2 The Council agreed the recommendation of the Conduct and Competence Committee as set out in the paper that;

(i) hearing dates and the notice of allegation should be placed on the HPC website four weeks in advance of the date of the hearing; and

(i) all cases which did not comply with the above should be removed from the HPC website until four weeks before the date of the hearing.

Action: KJ – forthwith

Item 16.07/16 REVISED REGISTRATION APPLICATION FORMS AND GUIDANCE NOTES

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

16.2 The Council noted its thanks to the Executive for the work which it had undertaken with regard to the revision of the application forms.

16.3 The Council noted that the Education and Training Committee had agreed the text of the documents at its meeting on 28 March 2007.

16.4 The Council agreed that any specific comments should be fed back to the Executive. The Council agreed, in principle, to the text of the documents

Item 17.07/17 UPDATE ON EQUALITY AND DIVERSITY PROJECT

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

17.2 The Council agreed to the approach set out in the paper in particular;

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(i) that the collection of demographic data from complainants and registrants involved in fitness to practise proceedings would begin early in the 07/08 financial year

(ii) that the collection of data from the general registrant population should begin with the renewal cycles from June 2007

(iii) that the Council should publish a scheme in December 2007.

Action: MG – ongoing and December 2007 Council

Item 18.07/18 HPC PRESIDENT’S FEES

18.1 The Council received a paper from the Executive for discussion/approval. The President left the room for this item and, as agreed earlier, the meeting was chaired by Mr Clegg, Chairman of the Finance and Resources Committee.

18.2 The Council noted that this issue had been discussed at the private part of the Finance and Resources Committee meeting held on 7 February 2007.

18.3 The Council noted that members of Council were currently paid a fee of £300 when they attended a meeting. No fees were paid for any other work. The arrangement was the same for the President of the HPC.

18.4 The Council noted that on a conservative estimate the HPC President was spending about 30 days per annum preparing for Council and Committee meetings and also working on other events in connection with the role of the President.

18.5 The Council agreed the following

(i) that the President should receive an additional daily fee of £300 in relation to the types of work outlined in the paper for up to 30 days per annum or a maximum of £9,000. This would be in addition to fees claimed for attendance at meetings.

(ii) that payments would start from 9 July 2006

(iii) that there would be a review of arrangements by 3 October 2007.

Action: MJS/NO’S – September 2007

18.6 The Council noted that it should seek to avoid a situation whereby financial constraints would prevent a member putting themselves forward as a candidate for the Presidency of the HPC.

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Item 19.07/19 MEMBERS' SKILLS AUDIT

- 19.1 The Council received a paper from the Executive for discussion/approval.
- 19.2 The Council noted that as part of the initiative to improve Council and Committee governance it was proposed that the Council and Non-Council Committee Members should undertake an audit of skills. The information would be used in the short term to inform the process for the recruitment to the two lay vacancies on the Council and would also be considered when appointments to committees were made.
- 19.3 The Council agreed the form and also that it should be circulated to members for completion and return to the Secretariat.

Action: NO'S – April 2007

Item 20.07/20 COMMITTEE SELF-ASSESSMENT

- 20.1 The Council received a paper from the Executive for discussion/approval.
- 20.2 The Council noted that it had considered a draft proposal for Committee evaluation at its meeting on 14 December 2006. Feedback had been received on the form which the Council had considered at that date. This feedback had been incorporated in the document under review.
- 20.3 The Council agreed the text of the document. The Council also agreed that the use of the form should be piloted at upcoming committee meetings and that feedback on the process and any necessary amendments to the form should be considered at the Council away day in October 2007.

Action – Secretariat – April 2007

Item 21.07/21 AUDIT COMMITTEE STANDING ORDERS

- 21.1 The Council received a paper from the Executive for discussion/approval.
- 21.2 The Council noted that at its meeting on 14 December 2007 it had agreed that governance issues should be included within the remit of the Audit Committee.
- 22.2 The Council agreed that, in order to accommodate its new role, the Audit Committee standing orders should be amended and that the following paragraph should be included as paragraph 2g of the standing orders.

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2(g) at the request of the Council, to advise it on matters of corporate governance (but without prejudice to the Committee's power to make recommendations to the Council on corporate governance issues arising from the work of the auditors).

Item 22.07/22 NON-COUNCIL AND COMMITTEE MEMBERS' PERFORMANCE REVIEW

- 22.1 The Council received a paper from the Executive for discussion/approval.
- 22.2 The Council noted that at its meeting held on 14 December 2007 it had agreed a new competency based appraisal system for Council members. The new system reflected that which was already in place for Council partners.
- 22.3 It was proposed that the performance and development review system for non-council committee members should be amended in line with the system in place for Council members.
- 22.4 The Council agreed to the amended system outlined in the paper.
- 22.5 The Council agreed that non-council committee members should be appraised on an annual basis with an option of either a telephone or face-to-face meeting.
- 22.6 The Council also agreed that the revised system should be piloted and should be evaluated when the Council undertook an evaluation of the Council members' performance and development review system.

Action: Secretariat ongoing and September 2007 Council meeting

Item 23.07/23 REAPPOINTMENT PROCESS FOR NON-COUNCIL COMMITTEE MEMBERS

- 23.1 The Council received a paper from the Executive for discussion/approval.
- 23.2 The Council noted that the proposed reappointment process for non-council-committee members was in line with that used for HPC partners.
- 23.3 The Council noted that paragraph 6 of the process should be amended to state that the President of HPC should take the decision as to whether the reappointment panel needed to meet to consider the application for reappointment.
- 23.3 The Council agreed the proposed reappointment process.

Action: SB April/May 2007

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Item 24.07/24 CHAIRS' COMMITTEE

- 24.1 The Council received a paper from the Executive for discussion/approval.
- 24.2 The Council noted that the aim in setting up the Chairs' Committee had been to facilitate internal communication between the Council and the Executive. The aim of the paper under discussion was to regularise the meetings of the group.
- 24.3 The Council agreed the following;
- (i) that the group should be called the Chairs Liaison Group.
 - (ii) that the terms of reference of the Group should be (i) to enable Committee Chairs to support each other and to share information (ii) to promote consistency of purpose across committees for the benefit of the Council (iii) to support the President of HPC (iv) to provide an interface between the Council and the Executive.
 - (iii) that the group should have no formal status but that it should meet four times per year at times to be agreed.
 - (iv) that notes of the group's meetings should be made available to the Council.
- 24.4 The Council noted that there was no intention that the Group should have powers to advise the Council.

Item 25.07/25 FINANCIAL REGULATIONS

- 25.1 The Council received a paper from the Executive for discussion/approval.
- 25.2 The Council noted that the draft financial regulations would replace the Standing Financial Instructions which had been agreed in November 2002 and which were now outdated.
- 25.3 The draft regulations had been considered by the Finance and Resources Committee and the Audit Committee, both of which had recommended the regulations to the Council for approval.
- 25.4 The Council noted that it wished for further discussion regarding a number of points in the document. In view of this the Council agreed that it should be reconsidered by the Finance and Resources Committee and the Audit Committee and following this should be presented to Council for ratification.

Action: CB/NO'S - June 2007 - ongoing

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RD:	None	Public							

Item 26.07/26 COUNCIL GIFTS AND INDUCEMENTS POLICY

- 26.1 The Council received a paper from the Executive for discussion/approval.
- 26.2 The Council noted that the Finance and Resources had agreed a gifts and inducements policy for HPC employees. The policy under consideration was based on that document but had been adapted for Council and non-Council Committee members.
- 26.3 The Council agreed that the content of the policy and that it should be entitled Gifts, Inducements and Hospitality Policy.

Item 27.07/27 RISK ASSESSMENT REGISTER UPDATE

- 27.1 The Council received a paper from the Executive for discussion/approval.
- 27.2 The Council noted that the amendments which had been agreed at the February meeting of the Audit Committee had been included on the updated register.
- 27.3 The Council noted that risk to reputation had not been specified as a separate risk but was implied in many of the risks included in the document.
- 27.4 The Council agreed that the possibility that the HPC could be called upon to fund a section 75 liability with regard to the Flexiplan pension scheme should be included under section 16 of the risk register.

Action: SL – April 2007

Item 28.07/28 NOMINATION OF VICE-CHAIRMAN OF THE COMMUNICATIONS COMMITTEE

- 28.1 The Council received a paper from the Executive for discussion/approval.
- 28.2 The Council ratified the nomination of Professor A Turner as Vice-Chairman of the Communications Committee.

Item 29.07/29 NOMINATION TO THE STEP-UP COMMITTEE OF THE HEARING AID COUNCIL

- 29.1 The Council received a paper from the Executive for discussion/approval.
- 29.2 The Council noted that it was unlikely that the target date of 31 March 2008 which had been set for the transfer of hearing aid dispensers to HPC would be met.

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- 29.3 The Council agreed that Mr Seale, Chief Executive and Registrar, should be nominated to the STEP-UP Committee of the Hearing Aid Council on behalf of HPC.

Item 30.07/30 REVISION OF GOVERNANCE DOCUMENTS FOLLOWING COUNCIL DECISION TO ABOLISH ROLE OF VICE-PRESIDENT

- 30.1 The Council received a paper from the Executive for discussion/approval.
- 30.2 The Council noted that following the Council decision to abolish the role of the President a number of governance documents required amendments.
- 30.3 The Council agreed that the following documents should be amended to delete references to the role of the vice-president;
- (i) Council Members' Code of Conduct
 - (ii) The Health Professions Council Standing Orders
 - (iii) The revised process for the process of the President
- 30.4 The Council also agreed that the role of the HPC President should be amended to include a provision that the President should nominate a suitable person or persons to carry out her duties in the event that she is not available to undertake these.

Action: NO'S – April 2007

Minutes

Item 31.07/31 MINUTES OF THE FINANCE AND RESOURCES COMMITTEE HELD ON 20 NOVEMBER 2006

- 28.1 The Council received the minutes of the Finance and Resources Committee held on 20 November 2006.

Item 32.07/32 MINUTES OF THE FINANCE AND RESOURCES COMMITTEE HELD ON 7 FEBRUARY 2007

- 32.1 The Council received the minutes of the Finance and Resources Committee held on 7 February 2007.

Item 33.07/33 MINUTES OF THE AUDIT COMMITTEE HELD ON 6 DECEMBER 2006

- 33.1 The Council received the minutes of the Audit Committee held 6 December 2006.

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**Item 34.07/34 MINUTES OF THE AUDIT COMMITTEE
HELD ON 28 FEBRUARY 2007**

- 34.1 The Council received the minutes of the Audit Committee held 28 February 2007.

**Item 35.07/35 MINUTES OF THE COMMUNICATIONS COMMITTEE
HELD ON 27 OCTOBER 2006**

- 35.1 The Council received the minutes of the Communications Committee held on 27 October 2006.

**Item 36.07/36 MINUTES OF THE COMMUNICATIONS COMMITTEE
HELD ON 27 FEBRUARY 2007**

- 36.1 The Council received the minutes of the Communications Committee held on 27 February 2007.

Items to Note

The Council noted the following items;

- (i) Appointment of New Member to the Audit Committee
- (ii) Council Membership
- (iii) Reports from Representatives at External Meetings
- (iv) Minutes of the Health Committee held on 16 January 2007
- (v) Minutes of the Investigating Committee held on 23 January 2007
- (vi) Minutes of the Conduct and Competence Committee held on 22 November 2007
- (vii) Minutes of the Conduct and Competence Committee held on 30 January 2007
- (viii) Minutes of the Education and Training Committee held on 5 December 2006

Item 37.07/37 DATE AND TIME OF NEXT MEETING

Thursday 31 May 2007

Thursday 5 July 2007

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Monday 9 July 2007

Tuesday 11 September 2007 (and annual meeting)

Wednesday 3 October and Thursday 4 October 2007 Council meeting and 'away day'

Thursday 13 December 2007

Thursday 27 March 2008

Thursday 29 May 2008

Thursday 3 July 2008

PRESIDENT:

DATE:

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