

THE HEALTH PROFESSIONS COUNCIL

Chief Executive and Registrar: Mr Marc Seale

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MINUTES of the forty-fifth meeting of the Health Professions Council held at **12.30 pm on Thursday 27 March 2008** at Park House, 184 Kennington Park Road, London, SE11 4BU.

Present: Dr A van der Gaag (President)
Professor K Bryan
Mrs M Clark-Glass
Mr R Clegg
Ms H Davis
Mr J Donaghy
Mrs S Drayton
Miss E Ellis
Professor J Harper (by telephone- part)
Mrs D Haggerty
Professor T Hazell
Professor C Lloyd
Miss M MacKellar
Mr A Mount
Mr W Munro
Mrs B Stuart
Miss E Thornton
Professor D Waller
Mr N Willis

In attendance:

Mr J Bracken, HPC Solicitor and Parliamentary Agent
Mr M Guthrie, Policy Manager
Miss Y Hussain, Partner Manager
Mr S Leicester, Director of Finance
Miss I Onyenokwe-Orhiunu, Temporary Team Administrator
Miss N O'Sullivan, Secretary to Council
Mr G Ross-Sampson, Director of Operations
Mr M Seale, Chief Executive and Registrar
Ms R Tripp, Director of Policy and Standards
Ms C Urwin, Policy Officer

Item 1.08/10 President's welcome and introduction

- 1.1 The President welcomed all members and apologised for the delayed start to the meeting.
- 1.2 The President noted that the meeting was currently inquorate and that while inquorate the Council had no powers to make decisions. It had been agreed that Professor Harper would join the meeting by telephone at 1pm at which stage the meeting would be quorate.

Item 2.08/11 Apologies for absence

- 2.1 Apologies for absence were received from the following Council members; Mr P Acres, Mr P Douglas, Miss C Farrell, Professor J Lucas, Mr K Ross. Miss P Sabine, Professor G Smith (alternate Miss E Thornton attending).

Item 3.08/12 Approval of agenda

- 3.1 The Council agreed that items 1-9 and items 31-39 would be considered first. The reason for this was that these items did not require a decision. When the meeting became quorate at 1pm the Council would consider items 10-17, items 20-22 and items 29 and 30. All other items would be deferred until the next meeting of the Council on 29 May 2008.

Item 4.08/13 Minutes of the 13 December 2007 Council meeting

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

Item 5.08/14 Matters arising

- 5.1 The Council received a paper from the Executive setting out the matters arising from the previous meeting.
- 5.2 Item 9.3 – Counsellors and psychotherapists
In relation to other unregulated groups the Council noted that it was likely that a large number of Sports Therapists would be required for 2012 Olympics in London and that this issue should be kept under review as a possible item for a future Council agenda.
- 5.3 The Council noted the actions list as agreed at the last meeting.

Item 6.08/15 Minutes of the 20 February 2008 Council meeting

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

Item 7.08/16 Matters arising

- 7.1 The Council received a paper from the Executive setting out the matters arising from the previous meeting.
- 7.2 The Council noted that written questions had been posed in the National Assembly for Wales regarding home country membership of the Health Regulators Councils under the proposed new governance arrangements. The Council agreed that copies of these questions should be circulated to all members and posted on the members' extranet.

Action: NO'S – April 2008

- 7.3 The Council noted the actions list as agreed at the last meeting.

Item 8.08/17 President's report

- 8.1 The Council received a paper from the President.
- 8.2 The President noted that she had attended a range of meetings on behalf of HPC. These had included a meeting with Skills for Health on 15 February 2008, which Miss Thornton, Chairman of the Education and Training Committee, and Professor Lucas, lay member had also attended. HPC had continued to voice disquiet over the EqiP initiative and had reiterated reasons for this. Full feedback from this meeting had been reported to the Education and Training Committee and would be included in the minutes of that meeting.
- 8.3 The President noted that HPC had held a very successful stakeholder event at the Scottish Parliament. The event had been attended by many of HPC's stakeholders in Scotland and had been addressed by Ms Nicola Sturgeon, MSP, Deputy First Minister and Cabinet Secretary for Health and Wellbeing, who had reiterated the Scottish government's commitment to UK wide regulation, whilst remaining sensitive to Scotland's needs and recognised the initiatives HPC had taken with regard to these

- 8.4 The President thanked Ms Blunck, HPC Public Affairs Manager and all those in the HPC Communications Department for their hard work in organising the Scottish Parliament event.
- 8.5 The Council noted the President's report.

Item 9.08/18 Chief Executive's report

- 9.1 The Council received a paper from the Chief Executive.
- 9.2 The CEO reported that the building work was progressing at 22/26 Stannary Street and that it was likely that the next Council meeting would be held in the new Council Chamber there.
- 9.3 The CEO noted that there had been a meeting of the Chief Executives and Registrars of the UK Health Regulators the previous evening. The meeting had received an update on the legislative timetable from Mr Lerner, Department of Health.
- 9.4 The Council noted that the legislative timetable which had been received at the additional Council meeting in February 2008 was now outdated. A revised timetable was likely to be issued in the next two weeks. The Council also noted that it was very likely that the 2008 Council elections would take place. The Section 60 Order which would bring about the restructured Council would freeze the membership of Council until July 2010 or until the restructured Council was appointed, whichever happened earlier. Therefore it was likely that there would be no further elections after July 2008.
- 9.5 The Council noted that the seven working groups which had been set up to consider the recommendations in Trust, Assurance and Safety, Enhancing Confidence in Healthcare Professional Regulators were being wound down.
- 9.6 The Council noted that it was likely that the legislation for the regulation of practitioner psychologists would be approved by the Privy Council before November 2008 and that therefore the HPC would open that part of the register sometime in 2009. The Council noted that the Department of Health had awarded HPC a grant of £150,000 for the costs incurred in preparing to regulate practitioner psychologists. This grant reinforced the principle that existing registrants would not be required to fund the costs of regulating a new profession.
- 9.7 The Council noted that the government had indicated that the Hearing Aid Council would be shut down by March 2008 and that HPC would open the register for hearing aid practitioners by that date. The HPC would consult on the standards of

proficiency and the standards of education and training for hearing aid practitioners. There would be no grandparenting for hearing aid practitioners as this group was already statutorily regulated.

At 1pm Professor John Harper joined the meeting by telephone. The President noted that the meeting was now quorate.

Strategy and Policy

Item 10.08/19 Annual budget 2008/9

- 10.1 The Council received a paper from the Executive for discussion/approval
- 10.2 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 10 March 2008.
- 10.3 The Council noted the key assumptions on which the Executive had based the budget this included a commitment to continued investment in IT systems.
- 10.4 The Council agreed the annual budget for 2008/9.

Item 11.08/20 Regulation of new professions by HPC (Application from the Society and College of Radiographers for the Regulation of Sonographers)

- 11.1 The Council received a paper from the Executive for discussion/ approval.
- 11.2 The Council noted that the regulation of new professions was a unique and important role for HPC. Each aspirant profession was assessed against ten agreed criteria. In accordance with the usual process the Council could agree to invite the Society and College of Radiographers (SoR) to present on their application at the next or subsequent Council meeting.
- 11.3 The Council noted that sonographers were imbedded in many professions and therefore many were regulated by both the HPC and other regulators under a number of different protected titles.
- 11.4 The Council expressed concern that unregulated practitioners were carrying out sonography procedures and were potentially putting the public at risk.

- 11.5 The Council asked the SoR to include further information on the following in their presentation to Council;
- (i) information on the number of sonographers who were not regulated using another protected title,
 - (ii) the potential for harm to the public from unregulated practitioners,
 - (iii) information on subject benchmarks,
 - (iv) any differences between the four home countries,
- 11.6 Once again, the Council expressed concern at the delay in the regulation of the professions which the HPC had recommended for regulation to the Department of Health.
- 11.7 The Council noted that the HPC was independent of government and that public protection was paramount in any decision taken by HPC regarding the regulation of a new profession.
- 11.8 The Council agreed to invite the Society and College of Radiographers to present on their application at the next or subsequent Council meeting.

Action: MG – 29 May 2008

Item 12.08/21 Draft policy and standards workplan 2008

- 12.1 The Council received a paper from the Executive for discussion/approval.
- 12.2 The Council approved the policy and standards workplan 2008.

Item 13.08/22 Draft fee rise consultation document

- 13.1 The Council received a paper from the Executive for discussion/ approval.
- 13.2 The Council noted that the draft document had been considered by the Finance and Resources Committee on 6 February 2008 and the Education and Training Committee on 26 March 2008.
- 13.3 The Council agreed the following;
- (i) the text of the consultation document (subject to minor editing changes prior to being published on the HPC website)

(ii) the method of consultation as outlined in the paper.

Action: SL/MG – April 2008

Item 14.08/23 Revised standards of conduct, performance and ethics

- 14.1 The Council received a paper from the Executive for discussion/ approval.
- 14.2 The Council noted that the revised standards had been considered by all three Fitness to Practise Committees.
- 14.3 The Council agreed the following;
 - (i) the text of the consultation responses document
 - (i) the text of the revised standards pending further editing necessary to achieve the Plain English Campaign Crystal Mark
 - (iii) that the revised standards should be effective from 1 July 2008.

Action: CU – April 2008

Item 15.08/24 Confidentiality guidance

- 15.1 The Council received a paper from the Executive for discussion/ approval.
- 15.2 The Council noted that the guidance had been considered by the Conduct and Competence Committee.
- 15.3 The Council noted that it was important to stress to registrants that issues concerning confidentiality could effect their registration. The HPC would ensure that the confidentiality guidance contained references to other relevant guidance issued by other bodies.
- 15.4 The Council agreed the following;
 - (i) the text of the consultation responses document
 - (ii) the text of the revised guidance pending further editing necessary to achieve the Plain English Campaign Crystal Mark
 - (iii) that the revised guidance should be effective from 1 July 2008.

Action: CU – April 2008

Item 16.08/25 Consultation on amendment to the Standards of Proficiency for Radiographers

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

- 16.2 The Council noted that the Society and College of Radiographers had informed the Executive that one of the profession-specific standards for diagnostic radiographers reflected emerging rather than threshold safe and effective practice.
- 16.3 The Council noted that the issue had been considered by the Education and Training Committee at its meeting on 26 March 2008 and that the Committee had agreed that further explanation of the context for this proposal would be included in the consultation paper.
- 16.4 In line with the recommendation of the Education and Training Committee the Council agreed the following;
- (i) to hold a consultation on amending profession-specific standard 2b.4 of the radiographers standards, as outlined in the document under consideration
 - (ii) the text of the consultation document.

Action: MG – April 2008

Item 17.08/26 Outcome of consultation on standards of proficiency for operating department practitioners

- 17.1 The Council received a paper from the Executive for discussion/ approval.
- 17.2 The Council noted that in line with the decision taken at the October 2007 Council meeting a consultation had been undertaken on revised profession specific standards for operating department practitioners.
- 17.3 The Council considered the consultation responses document.
- 17.4 The Council agreed the following;
- (i) the text of the consultation responses document subject to any minor editing necessary before the consultation responses, and standards, were published.
 - (ii) the text of the revised standards for publication.

Action: MG – June 2008

Corporate governance

Item 18.08/27 Updated risk register

- 18.1 The Council received a paper from the Executive for discussion/ approval.
- 18.2 The Council approved the latest risk register update.

Item 19.08/28 Nomination of chairman and vice-chairman to the Communications Committee

- 19.1 The Council received a paper from the Executive for discussion/ approval.
- 19.2 The Council ratified the nomination of Professor A Turner as Chair, and Mr M Woolcock as Vice Chair, of the Communications Committee.

Item 20.08/28 Ratification of appointment to the Health Committee

- 20.1 The Council received a paper from the Executive for discussion/ approval.
- 20.2 The Council ratified the appointment of Dr S H Khan as a non-Council member of the Health Committee with immediate effect.

Item 21.08/29 Partner appointments (Drama Therapists) ratification

- 21.1 The Council received a paper from the Executive for discussion/ approval.
- 21.2 The Council approved the appointment of partners as set out in the paper.

Item 22.08/30 Partner appointments (CPD Assessors) ratification

- 22.1 The Council received a paper from the Executive for discussion/ approval.
- 22.2 The Council approved the appointment of partners as set out in the paper.

The Council noted the following items:

Item 23.08/31 Recommendations to the Department of Health relating to new structure of Council agreed at 20 February 2008 Council Meeting

Item 24.08/32 Implementing the White Paper, Trust Assurance and Safety- Niall Dickson Report

Item 25.08/33 Minutes of the Education and Training Committee meeting held on 4 December 2007

Item 26.08/34 Minutes of the Health Committee meeting held on 5 February 2008

Item 27.08/35 Unconfirmed minutes of the Investigating Committee meeting held on 12 February 2008

Item 28.08/36 Unconfirmed minutes of the Conduct and Competence Committee meeting held on 19 February 2008

Item 29.08/37 Reports from council representatives at external meetings

Item 30.08/38 Any other business

30.1 There was no other business.

Item 31.08/39 Date and time of next meeting

The next meeting of the Council will be held at 10.30am on the following dates:

Thursday 29 May 2008

Thursday 3 July 2008

Thursday 11 September 2008
Council (and annual meeting)

Wednesday 1 October 2008
Council meeting and away day

Thursday 2 October 2008 Away day

Thursday 11 December 2008

Tuesday 10 February 2009 Council strategy meeting

Wednesday 25 March 2009

Wednesday 20 May 2009

Monday 6 July 2009

President:

Date:

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2008-03-28	a	CNL	MIN	Councilminutes28March2008	Final DD: None	Public RD: None