

Unconfirmed

MINUTES of the meeting of the Conduct and Competence Committee of the Health Professions Council held at Park House, 184 Kennington Park Road, London SE11 4BU on 20th February 2003 at 11:00

PRESENT

Dr. A.Yule, Chairman

Prof. N Brook,
Mr. R Clegg,
Miss H. Davis,
Dr. R. Jones,

Mr. K Ross,
Prof. C Lloyd
Ms. P. Sabine,
Mr. G Sutehall

In Attendance: Mr T.C. Berrie, Secretary to the Committee
Mrs. A. Barnes, Director of Legal Services

03/01 Apologies for Absence

An apology was received from Dr. G Beastall, Ms. J. Manning, Mrs. B Stuart,

03/02 Conduct & Competence Implementation Working Party

2.1 Confirmation and Signature of Minutes of the meeting held of the Working Party on 7th January 2003

It was **AGREED** that the Minutes of the meeting of the Implementation Working Party held on 7th January 2003 be confirmed as a correct record and signed by the Chairman.

2.2 The Committee's Advisory Role in Relation to Standards of Conduct, Performance & Ethics – Working Party Minute 03/04

Regarding the likely training needs for members of the Conduct & Competence Committee, in ethical matters, Mr. Berrie reported that he had contacted several individuals who had agreed to send a copy of their cv's and would be contacting others, and was in the process of making contact with several relevant groups in the area of professional ethics and health ethics.

2.3 Requirements for evidence of good health and character – Working Party Minute 03/06

Mr. Berrie reported that the Education and Training Committee was currently fully occupied with the changes proposed in its arrangements to take effect in April of that year and he had not yet approached it on this matter. Indeed, upon reflection after the

meeting, he advised that it was probably better to approach the Registration Committee first. This recommendation was **AGREED**.

2.4 Confirmation of Work of the Implementation Working Group

The Committee had now been formally constituted and the Committee was asked to resolve to endorse formally the minutes, work and actions of the Shadow Committee and of the Implementation Working Party. It was **AGREED** that this recommendation be approved.

Mr. Berrie reported that Mr. J. Bracken had advised that, although the relevant provisions of the 2001 Order constituting the Committee had been brought into force, it could make any decisions until the relevant Privy Council rules constituting it had been brought into force. Members therefore had no power take decisions which were binding on the Committee or the Council until that time. He was seeking to expedite that process, which might require the present draft rules to be split so that the 'constitution' of the Committee was separate from its procedural and other rules.

The Committee discussed the question of cases which had been referred to the Disciplinary Committee but where the latter would not be able to meet before 1st April, and allegations that were now being received. It was **AGREED** that a meeting between the Committee Chairman and one other Committee member, Mr. J. Bracken and Mr. M. Caplan be arranged to take place before 17th March when the next Investigating Committee meeting was to be held to consider several allegations, to discuss this and come to a conclusion.

03/03 Production of Leaflets, Manuals, Guidance Notes, Job Descriptions and Processes (Ref. Working Party Minute 03/03.1)

The draft of the document setting out procedures had been further revised by Mr. Hill, following the working group which met on 16th January 2003. Members discussed the document in detail and were asked to send to Mr. Berrie any comments or changes they wished to recommend, to reach him by Thursday the following week.

A number of points of principle arose during the discussion. It was **AGREED** that for the time being, the panels appointed by the Committee must always be chaired by a member of the Committee, except in exceptional circumstances, where they could be chaired by an eligible member or alternate member of Council and that, normally, panels would have at least two members who were registered in the same part of the register as the registrant against whom the allegation had been made. Training in chairing panels for members was therefore urgently needed.

The Committee was still unclear as to the exact nature of the relationship between panels and the Committee. It was clear that the panels needed to be delegated the power to act on the Committee's behalf when looking into an allegation and holding hearings. The Order was not

clear on whether this was possible. Mr. Berrie commented that in May 2002, Mr. Bracken had expressed the view that the Order's wording suggested that they were simply a specially constituted element of the Committee rather than a body which it separately appointed. From this it would seem that therefore, all who were appointed to panels, whether Council members or not, were notionally members of the Committee. It was **AGREED** that Mr. Bracken be asked if this remained his view.

03/04 Draft Statement

4.1 Redrafting

The Council in January had considered the draft "Statement of Good Character, Conduct & Health" as prepared by the Working Party and a few amendments had been agreed. These had been included in the draft dispatched with the agenda. It was **AGREED** that these amendments be included in the final draft. The Council also had suggested that the bullet points in page 5 be aligned with the more detailed points in the rest of the document. This would require a redrafting of the page. Although it was recognized that the points listed needed re-ordering and adjustment to match the re-ordering carried out in a subsequent draft, members did not wish the points to be turned into or mistaken for a "list of contents", because the purpose of that page was to be more than simply a contents page but should itself contribute to the advice given, and it was **AGREED** that the Council be so informed.

Subsequent to the Council meeting, Mr. Berrie had had further discussion with Mr. Jonathan Bracken, which had revealed that the Privy Council would expect the Statement to have two elements as required in Articles 27 (a) (i) which referred to standards of conduct, performance and ethics expected of registrants and prospective registrants, and (ii) which referred to requirements as to good character and good health to be met by registrants and prospective registrants, and therefore would expect that there would be a separate "document" also containing i) and ii). Mr. Berrie had redrafted the Statement with this in mind, as sent after the main dispatch of the agenda. He had also extracted from it the above standards and requirements contained therein into another document, which had also been enclosed. Members were reminded that very early on, during its existence as a Shadow Committee, it had been agreed that both elements be combined into one published document, which encompassed 27(a)(i) and (ii), for the convenience of registrants, students, the public and employers, and because in their underlying principles and in professional practice they overlapped. It was **AGREED** that this decision be confirmed. Members discussed suitable titles for the document. Because the part of the Order under which it would be issued was called "Fitness to Practise", and in analogy with "Standards of Proficiency" and for brevity, it was **AGREED** that the title for recommendation to the Council be "Standards of Practice".

Mr. Berrie agreed to send a copy of the finalized draft of the Standards of Practice to all Committee members as soon as he had completed it.

It was **AGREED** that, in accordance with Article 27(a)(i) of the Health Professions Order 2001, the Council be **RECOMMENDED** to establish the standards of conduct, performance and ethics as set out in the “Standards of Conduct, Performance & Ethics and Requirements Relating to Good Character & Health”, and in accordance with Article 27(a)(ii), be **RECOMMENDED** to approve the requirements relating to good character & good health, as set out in that same document; and that the Council be **RECOMMENDED** to approve the document “Standards of Practice” for publication and distribution to all registrants, to education centres, employers and the public.

4.2 **Further Consultation: Department of Health**

Mr. Berrie reported that Mr. Bracken had stated that it was also likely that the Council would not receive approval of the Committee’s draft Rules until the Department of Health had had the opportunity to comment on the current draft Statement. He had therefore asked for a copy of the revised draft as soon as possible. Mr. Berrie commented that this was a matter for the Committee and, strictly speaking (as it was the Council’s Statement) the Council to decide. The draft Statement had been included with the Council’s consultation document and remained, apart from a very few minor changes, substantially the same document, and so the Council had discharged its formal requirements to consult in this matter. Whatever the decision on this, the Council would wish to retain its autonomy as an independent regulator and to assert that the Statement was entirely its own in the discharge of its own functions and not that of another organization.

03/04 Dates of Next Meetings

In autumn 2002, 22nd July and 15th October 2003 had been tentatively penciled in as dates for the Committee to meet. It was pointed out that 22nd July was on the same day as the Finance Committee and the Committee was asked whether it wished to choose another date. It was considered that the Finance Committee would finish by lunchtime and **AGREED** that the Committee wished to keep this date and start the meeting at 2:00, preceded by lunch. It was also **AGREED** that the Committee wished to hold a meeting before then to finalize the procedures and accompanying documents, on the same day as the Finance Committee in March, 19th March, starting at 2:00. In view of the current Council policy of not holding more than one major meetings on the same day, Prof. Brook agreed to discuss these dates with the Chief Executive & Registrar.

CHAIRMAN
19th March 2003