

**Confirmed**  
**THE HEALTH PROFESSIONS COUNCIL**

Chief Executive and Registrar: Mr Marc Seale

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MINUTES of the forty-fourth meeting of the Health Professions Council held at **10.30 a.m. on Wednesday 20 February 2008** at the John Major Room, Oval Conference Centre, Kennington Oval, Kennington, SE11 5SS

**Present:** Dr A van der Gaag (President)

Mr P Acres  
Mrs P Blackburn  
Mrs M Clark-Glass  
Mr R Clegg  
Ms H Davis  
Mr P Douglas  
Miss E Ellis  
Miss C Farrell  
Mrs S Griffiths  
Professor J Harper  
Mrs D Haggerty  
Professor T Hazell  
Professor J Lucas  
Professor C Lloyd  
Miss M MacKellar  
Mr A Mount  
Mr W Munro  
Mrs J Pearce  
Mr K Ross  
Miss P Sabine  
Mrs J Sheridan  
Professor G Smith  
Professor A Turner  
Professor D Waller  
Mr M Woolcock

**In attendance:**

Mr J Bracken, HPC Solicitor and Parliamentary Agent  
Miss N O'Sullivan, Secretary to Council  
Mr M Seale, Chief Executive and Registrar  
Ms R Tripp, Director of Policy and Standards (part)

### **Item 1.08/01 President's welcome and introduction**

- 1.1 The President welcomed all members to this additional meeting of the Council. The President noted that the Council had taken the decision to have an annual strategic discussion meeting in February and that this year's discussion focused on the actions following on from the White Paper 'Trust, Assurance and Safety – the Regulation of Health Professionals in the 21<sup>st</sup> Century.

### **Item 2.08/02 Apologies for absence**

- 2.1 Apologies for absence were received from the following Council members; Professor K Bryan, Mr J Donaghy, Mrs S Drayton, Ms H Patey, Mr D Proctor, Mrs B Stuart, Miss E Thornton, Mr N Willis.

### **Item 3.08/03 Approval of agenda**

- 3.1 The Council approved the agenda.

### **Item 4.08/04 Update Section 60 Orders**

- 4.1 The Council received a paper from the Executive to note.
- 4.2 The Council noted that a consultation on the Health Care and Associated Professions (Miscellaneous Amendments) No 2 Order 2008 was published in December 2007. The consultation would close on 22 March 2008 and would be discussed as an item later on the agenda.
- 4.3 The Council noted the Section 60s draft programme plan which indicated that the legislation would be in force by 2010. There would be a further review of the legislation in 2011.

### **Item 5.08/05 HPC's Constitution Order**

- 5.1 The Council received a paper from the Executive to note.
- 5.2 The Council noted the new structure of the Council was set out in Schedule 1 of Part 1 of the draft statutory instrument 'Health Care and Associated Professions (Miscellaneous Amendments) (No. 2) Order 2008. The draft legislative timetable was attached to the paper.
- 5.3 The Council noted that the changes to the composition of the Council would be brought about by means of a Constitution Order and that the Department of Health was currently planning to consult on the Constitution Order in late April 2008.

- 5.4 The Council noted that if the draft Section 60 Order was currently the law there would be no need to hold elections to the Council in 2008. However until the law was changed the HPC was bound to act in accordance with the law as it stood and therefore the Council had begun the process for running the 2008 elections but with a timetable which was based on the minimum time requirements set out in the rules so that if it proved necessary to cancel the elections because of changes to the legislative timetable, the costs would be minimised.
- 5.5 The Council noted that it was very important that the material which was sent to registrants regarding the elections made it very clear that there was a possibility that the elections might not take place and the reasons for this.
- 5.6 The Council noted that the importance of having an appropriate number of applicants from minority and home country groups on the Council and agreed that minority groups and also potential members in Scotland, Wales and Northern Ireland should be targeted in the upcoming recruitment campaign which would be run by the Appointments Commission. The Council agreed that the Executive should contact the four country governments regarding the recruitment campaign.

**Action: MJS/NO'S - ongoing**

**Item 6.08/06 Recommendations to the Department of Health relating to the new structure of the Council**

- 6.1 The Council received a paper from the Executive for discussion/approval.
- 6.2 The Council noted that the Department of Health was seeking the views of the Health Professions Council on a number of options relating to the new constitution of the Council.
- 6.3 In addition, the Niall Dickson report<sup>1</sup> on recommendations that would enhance public confidence in the healthcare professional regulators had been made available on 8 February 2008. The relevant recommendations from the Dickson report were set out in the paper and a paper setting out all the recommendations had been tabled at the meeting.
- 6.4 The Council considered the questions set out in the paper and made the following recommendations;

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<sup>1</sup> Implementing the White Paper, Trust, Assurance and Safety: Enhancing confidence in healthcare professional regulators.

## **Size of Council**

- 1 The number of Council members should be twenty. The Council noted that this number was appropriate for a multi-professional regulator and that the smaller Council would retain a critical mass to enable it to perform its duties and to continue to deliver effective professional regulation.
- 2 The change to the size of the Council should be undertaken in one step.
- 3 There should be parity of registrant and lay Council members.

## **Home countries**

- 4 There should be a minimum of one lay and one registrant Council member from each of the four home countries.

## **Terms of office**

- 5 Council members should be able to hold office for a maximum of two terms of up to four years per term.
- 6 In calculating the maximum term, any time served as a member of the existing Council should be disregarded.
- 7 The first term of office:  
1/3 of Council members will be appointed for two years  
1/3 for three years  
1/3 for four years
- 8 Except for the first term of office after the coming into force of the Constitution Order, all the terms of office should be for four years.

## **Appointment of chair**

- 9 The chair of the Council should be appointed by the Appointments Commission before other members of the Council were appointed.
- 10 The first term of appointment for the chair should be for four years.
- 11 The chair would remain a separate appointment made by the Appointments Commission every four years.
- 12 The maximum period for which a person may serve as chair of the Council should be the same as for other Council members (i.e. a maximum of eight years).

### **Deputising arrangements in respect of the chair**

- 13 The existing deputising arrangements provided for in the Council's Standing Order (for the members present to elect one of their number to preside if the chair is absent from, or otherwise unable or unwilling to preside at a meeting) should continue.

### **Quorum**

- 14 The quorum should be not less than half the members of the Council but without any requirement for a minimum proportion of those members to be registrant members or lay members.

### **Cease, remove or suspend from office**

- 15 The Constitution Order should reflect the existing arrangements under Schedule 1 to the Health Professions Order 2001 in respect of the removal of members but the power in Paragraph 9(2)(f) of that Schedule for the Council to remove a member because of a "serious and persistent deficiency in his attendance at meetings or in his conduct or performance at meetings" should be widened to conduct or performance generally. (see appendix 1)

### **Attendance**

16. The Constitution Order should reflect the existing arrangements under the Health Professions Order 2001 and Standing Orders in respect of the attendance of members at meetings of the Council.  
(see appendix 1)

### **Council vacancies**

- 17 Any vacancies among the members of the Council should be filled by the Appointments Commission following open competition.

### **Qualifications, competencies and experience**

- 18 Specific qualifications, competencies and experience for members should not be included on the face of the Constitution Order but should be contained within Directions given by the Privy Council to the Appointments Commission. The Council has agreed to undertake further work in this area, in collaboration with the Appointments Commission.

## Membership

- 20 There should be no more than one registrant from any of the HPC professions on the Council at the same time. This would extend to the Chair (where the Chair is a registrant).

### **Item 7.08/07 Draft HPC Response to Department of Health consultation on 'Health care and Associated Professions (Miscellaneous Amendments) No 2 Order 2008**

- 7.1 The Council received a paper from the Executive for discussion/approval.
- 7.2 The Council noted that the Department of Health was consulting on the 'Health Care and Associated Professions (Miscellaneous Amendments) No 2 Order 2008' until 22 March 2008.
- 7.3 The consultation document included proposals relating to the regulation of practitioner psychologists, as well as other amendments to the Health Professions Order 2001 relating to the implementation of other legislation, and the governance and accountability of the Council.
- 7.4 The Council noted that the British Psychological Society (BPS) had provided a detailed response to the consultation. In response to question 4 the BPS had stated that it was still of the opinion that all 7 domains should be statutorily regulated by HPC. The Council agreed that HPC's response should state that HPC was of the opinion that all 7 domains should be regulated but that the HPC noted the BPS response to the consultation and the issues raised therein.
- 7.5 The Council agreed that only those registered with the HPC should be allowed to use a protected title and that the response to questions 2 and 12 should be redrafted to reflect this.
- 7.6 The Council noted the need to indicate in the response to the consultation that the HPC would wish to raise the possibility of merging the Fitness to Practise Committees in the future.

**Action: RT – by 22 March 2008**

### **Item 8.08/08 Any other business**

- 8.1 There was no other business.

**Item 9.08/09 Date and time of next meeting**

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

Thursday 27 March 2008

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    Council

Tuesday 10 February 2009      Council strategy meeting

Wednesday 25 March 2009      Council

Wednesday 20 May 2009        Council

Monday 6 July 2009              Council

**President:**

**Date:**

## Appendix 1

Current arrangements in respect of the following;

### **Cease, remove or suspend from office**

#### **Schedule 1, Part 1, paragraph 9 (2) (a-g)**

9. —(1) Each member's term of office will be for a period of 4 years.

(2) A person shall be removed from office as a Council member if—

- (a) there is a change in his qualifications, interests or experience such that it appears to the Privy Council that he will no longer contribute to the Council's exercise of its functions in such a manner as justifies his continued membership;
- (b) he ceases to live or work wholly or mainly in the United Kingdom or, if he has been appointed as a member in respect of one of the countries of the United Kingdom, in that country;
- (c) he ceases to be registered in the part of the register in respect of which he was appointed;
- (d) he ceases to be wholly or mainly engaged in the practice, teaching or management of the profession for which he is registered and in respect of which he was appointed or in the research mentioned in paragraph 2(2)(a)(iv);
- (e) an order has been made against him by a Practice Committee;
- (f) he is removed by a majority of at least two-thirds of the other members of the Council because of a serious and persistent deficiency in his attendance at meetings or in his conduct or performance at meetings;
- (g) such other circumstances as may be provided for by the Council in standing orders occur.

## **Attendance**

### **Council Members' Code of Conduct - Attending meetings**

Council members should endeavour to attend all Council meetings, and any meetings of committees of which they are a member.

There may be circumstances in which Council members are unable to attend a meeting, in which case they should send their apologies as soon as

possible to the Secretary of the Council or the relevant committee. Registrant members who are unable to attend a Council meeting should inform their alternate, giving them as much notice as possible.

Where a Council member is unable to fulfil their role over a prolonged period, they will be asked to discuss their position on the Council with the President.

Council members' attendance records will form part of the Council members' annual performance review and particular consideration will be given to meetings where a Council member has not attended and has not given notice of their absence.