

unconfirmed
THE HEALTH PROFESSIONS COUNCIL

Chief Executive and Registrar: Mr Marc Seale

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MINUTES of the forty-seventh meeting of the Health Professions Council held at **10.30 am on Thursday 3 July 2008** at Park House, 184 Kennington Park Road, London, SE11 4BU.

Present: Dr A van der Gaag (President)
Mr P Acres
Mr O Altay
Ms P Blackburn
Professor K Bryan
Mrs M Clark-Glass
Mr R Clegg
Ms H Davis
Mr P Douglas
Mrs S Drayton
Ms E Ellis
Ms C Farrell
Ms D Haggerty
Professor T Hazell
Professor J Lucas
Miss M MacKellar
Mr A Mount
Ms P Sabine
Professor G Smith
Mrs B Stuart
Professor A Turner
Professor D Waller
Mr N Willis

In attendance:

Mr G Gaskins, Director of IT
Mr M Guthrie, Head of Policy and Standards
Ms K Johnson, Director of Fitness to Practise
Mrs J Ladds, Director of Communications
Mr S Leicester, Director of Finance

Miss N O'Sullivan, Secretary to Council
Mr S Rayner, Secretary to Committees
Mr G Ross-Sampson, Director of Operations
Mr M Seale, Chief Executive and Registrar

Dr T Chudleigh, Society and College of Radiographers
Ms G Dolbear, Society and College of Radiographers
Professor A Paterson, Society and College of Radiographers
Ms R Phillips. Society and College of Radiographers

Item 1.08/101 President's welcome and introduction

- 1.1 The President welcomed all members to the meeting and members of the public to the meeting.

Item 2.08/102 Apologies for absence

- 2.1 Apologies for absence were received from the following Council members; Mr J Donaghy, Prof J Harper, Mr W Munro, and Mr K Ross

Item 3.08/103 Approval of agenda

- 3.1 The Council approved the agenda. The Council noted updates on two of the papers included on the agenda had been tabled. These were (i) the declaration of persons elected to the Council (ii) amendments to the draft Health Professions Council annual report.

Item 4.08/104 Minutes of the 29 May 2008 Council meeting

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

Item 5.08/105 Matters arising

- 5.1 The Council received a paper from the Executive setting out the matters arising from the previous meeting.
- 5.2 The Council noted the actions list as agreed at the last meeting.

Item 6.08/106 President's report

- 6.1 The Council received a paper from the President.
- 6.2 At a recent meeting of the EU regulators, it was clear that the HPC was working proactively with regulators from European member states in relation to regulation issues across Europe.
- 6.3 The President also noted she had attended a meeting of the Higher Education Regulation Review Group. One of the key messages was that HERRG were seeking to reduce the burden of regulation on higher education. This 'light touch' approach was in line with HPC's own approach to approval of programmes leading to registration.

Item 7.08/107 Chief Executive's report

- 7.1 The Council received a paper from the Chief Executive.
- 7.2 The Chief Executive reported that continuing professional development audit letters had been sent out to 5% of registrants on the Chiropodists/Podiatrists register and that completed profiles were being received. A meeting to assess completed profiles had taken place the previous Friday. The assessment process to date was working well.
- 7.3 The Executive had had one of its regular meetings with the Department of Health in Leeds at the beginning of July. It appeared that the timetable for the recruitment of members to the restructured Council was being pushed back and that it was unlikely that the Council would be fully established before April or May of next year.
- 7.4 The Chief Executive noted that he would be attending a meeting with the Department of Health on 18 July 2008 at which a draft of the legislation relating to the regulation of practitioner psychologists would be discussed.
- 7.5 The Chief Executive noted that he had received a draft copy of the HPC's performance review report from the Council for Healthcare Regulatory Excellence for comment. The draft report had been very positive about HPC.
- 7.6 The Chief Executive noted that the Report to Ministers from the Department of Health Steering Group on the Statutory Regulation of Practitioners of Acupuncture, Herbal Medicine, Traditional

Chinese Medicine and Other Traditional Medicine Systems Practised in the UK had been published on 16 June 2008. The report's author Professor Mike Pittilo would be attending the Council meeting on 11 September 2008 to brief the Council.

- 7.7 The Chief Executive congratulated members of the HPC football team for their victory in a match with the General Medical Council.
- 7.8 The Chief Executive noted that the increased meeting room capacity at Park House and the increased staff in the Fitness to Practise Department would reduce the time taken to set hearings. It was important that Council and committees monitored the situation and asked the Executive to provide the necessary information so that they could reassure themselves that unnecessary delays were not occurring. The Fitness to Practise Forum and Fitness to Practise Committees had an important part to role to play in ensuring this information was provided.
- 7.9 The Chief Executive noted that the Fitness to Practise team had increased the number of staff dealing with complaints about use of protected title. This had decreased the number of cases outstanding.
- 7.10 The Chief Executive noted that the Executive would be meeting with members of the Executive at the Chartered Society of Physiotherapy to discuss issues which had arisen during the recent renewal cycle for Physiotherapists. The Council noted that it would be useful if a member of the Executive could provide an update at a meeting of the Allied Health Professions Forum.

Action: MJS – July 2008

- 7.11 The Chief Executive noted that work was underway on a major project that would allow registrants to apply and renew their registration on-line. This would help assist the Registrations Department deal with the increased workload during busy times. The Registrations Department recognised that the current call answer rate during busy periods was not acceptable.
- 7.12 The Chief Executive noted that the members of the Council should inform him if there was any additional information which they wished to be included in his report.

7.13 The Council noted that partner refresher training had taken place in June. The training session had provided a useful forum for discussion for partners. It would be useful if a report on the training could be provided to the Fitness to Practise Forum.

Action; KJ – September 2008

Strategy and Policy

Item 8.08/108 Regulation of new professions by HPC (Application from the society and college of Radiographers for the regulation of Sonographers)

- 8.1 The Council received a paper from the Executive for discussion/approval.
- 8.2 The Council welcomed the following representatives from the Society and College of Radiographers (SoR); Dr T Chudleigh, Ms G Dolbear, Professor A Paterson, Ms R Phillips.
- 8.3 The Council received a presentation from the Society and College of Radiographers.
- 8.4 The Council noted that an earlier application from the Society for the regulation of Sonographers had been delayed because of the Department of Health's view that the majority of sonographers were members of other regulated professions and that the risks to public safety were therefore not significant. The Society had held further discussions with the Department of Health at which they (the Society) had reiterated their view that they did not want to prevent practitioners who were on another register practising sonography but that there were many practitioners working as sonographers who were not regulated. It appeared that it was unlikely that the Department of Health would oppose the application but that they were also unlikely to see it as a priority.
- 8.6 The Council noted that further information regarding the number of unregulated practitioners was necessary and that there continued to be limited information about possible numbers who would apply to be regulated under grandparenting.
- 8.7 The Council expressed concern that unregulated practitioners of sonography might change their title if the title sonographer was protected.

- 8.8 The Council noted that the Royal College of Midwives had written to the Society stating that nurses who were practising Sonography should be regulated by the Nursing and Midwifery Council. The position of the Society was that nurses whose main body of practice was sonography should be regulated as part of a sonography register when that opened.
- 8.9 The Council noted that work on ultrasound competencies had begun last year. The fact that this was not mentioned in the application was due to timing.
- 8.10 The Council noted that the application had met six of the HPC's criteria for proceeding with a recommendation for regulation, but that four of the criteria were only partly met.
- 8.11 The Council expressed concern about the extent of overlap with groups who were already regulated and the extent to which sonographers were a distinct group.
- 8.12 The Council agreed to that the HPC Executive would contact the Society and College of Radiographers to ascertain when they would undertake additional work with regard to the concerns raised at the meeting.

Action: MG – September 2008

- 8.12 In the light of these discussions, the Council made no recommendation regarding the regulation of Sonographers.

Item 9.08/109 CHRE report on Nursing and Midwifery Council

- 9.1 The Council received a paper from the Executive for discussion/approval
- 9.2 The Council noted that on Monday 16 June the Council for Healthcare Regulatory Excellence (CHRE) had published a special report on the Nursing and Midwifery Council (NMC). This report was the outcome of a Ministerial request that CHRE undertake an independent review of the NMC to address the central question of whether the NMC was fulfilling its statutory functions.
- 9.3 The Council noted that in the light of this and in the interests of learning lessons about its own work, the HPC Executive had

reviewed each of the recommendations and had produced a draft analysis of HPC's position in relation to each of the issues raised in the CHRE report.

- 9.4 The Council noted that the situation at the Nursing and Midwifery Council was in large part a failure of governance. The HPC needed to be constantly vigilant to avoid any risk of facing a similar events.
- 9.5 The Council noted the importance of having robust systems and processes in place within the organisation as well as mechanisms to ensure ongoing review and risk assessment across all parts of the organisation
- 9.6 The Council noted the importance attached to training by the HPC. This culture of training and the work carried out by the internal and external auditors and the audits for ISO 9001:2000 reduced the possibility of HPC facing a similar crisis.
- 9.7 The Council noted that the a paper had been included on the agenda for the private part of the Council meeting which requested the Council to consider if there were any areas of risk that needed to be rectified because they were prejudicing the effective discharge of the Council's functions.
- 9.8 The Council also noted the importance of remaining committed at all times to openness and transparency in the culture of the HPC and the positive impact this culture had on the way in which the organisation carried out its activities and achieved its objectives.
- 9.9 The Council noted that providing challenge to the Executive was part of the governance role of the Council. As long as all parties were respectful of the views of others, discussions did not have to have a negative impact on relations within the organisation. The Council noted the importance of clarity about the difference between the non-executive and the executive roles to good governance.
- 9.10 The Council noted that the report prepared by the Executive had covered a number of areas which had not been internally audited. There was scope for consideration of audit of these areas when the report was considered by the Committees.

- 9.11 The Council noted that the stakeholder confidence in an organisation could be used as an indicator of potential problems. Stakeholder confidence in HPC was assessed as part of HPC's recent MORI polling. The results of the MORI polling were taken into consideration when designing HPC's stakeholder programme.
- 9.12 The Council noted that the draft report on CHRE's annual performance review of HPC had been sent to the Chief Executive. The Council would be provided with the final report when this became available.
- 9.13 The Council thanked the Executive for their work in preparing the report and agreed that this constituted a positive response to the CHRE review.
- 9.14 The Council approved the draft report.
- 9.15 The Council agreed that the report should be considered at the next meeting of all HPC's committees and that each committee should consider what actions it would request the Executive to take as a result of the report. A list of these actions would be brought back to the Council to agree on how they should be prioritised.

Action: MJS – September 2008 onwards

Item 10.08/110 Outcome of Consultation on amendments to the Standards of Proficiency for Chiropodists and Podiatrists

- 10.1 The Council received a paper from the Executive for discussion/approval
- 10.2 The Council noted that a consultation was held between 30 November 2007 and 7 March 2008 on proposed amendments to the standards of proficiency for chiropodists and podiatrists. The proposed amendments were that the standards relating to prescription only medicines (POM) and local anaesthesia (LA) should become compulsory.
- 10.3 The Council also noted that at its meeting on 10 June 2008, the Education and Training Committee agreed and recommended to Council that the standards relating to LA and POM should become compulsory from 1 September 2009. The Committee

also recommended to Council the text of the attached consultation responses document.

10.4 The Council agreed the following;

- (i) the Standards of Proficiency for Chiropodists and Podiatrists relating to prescription only medicines and local anaesthesia should become compulsory from 1 September 2009.
- (ii) the text of the consultation responses document.

Item 11.08/111 Counsellors and psychotherapists

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

11.2 The Council noted that at its meeting on 13 December 2007, the Council agreed to establish a Professional Liaison Group (PLG) to consider issues relevant to the statutory regulation of psychotherapists and counsellors.

11.3 The Council agreed the workplan for the PLG.

11.4 The Council agreed the following:

- (i) that a call for ideas should be held for three months from July 2008 to gather information to inform the PLGs work; and
- (ii) the text of the call for ideas document, included in the paper at appendix two (subject to minor editing amendments).

11.5 The Council also noted that Professor D Waller had been nominated to chair the Professional Liaison Group. The nomination was in accordance with the process agreed by Council as part of the revised professional liaison group operating manual. The Council agreed that Professor Waller should chair the Group.

Item 12.08/112 Hearing aid audiologists - Consultations

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

12.2 The Council noted that amendments had recently been made to the Health and Social Care Bill, which was before the UK Parliament. If the legislation was enacted, the Hearing Aid Council would be abolished, subject to the making and approval of an Order under section 60 of the Health Act 1999.

Responsibility for registration of hearing aid audiologists would be transferred to the HPC and it was anticipated that a new part of the Register would open in April – July 2009 (with protected titles of ‘hearing aid audiologist’ and ‘hearing aid dispenser’). It was therefore necessary for the HPC to consult on draft standards of proficiency, the threshold level of qualification for entry to the Register and the necessary amendments to the Registration and Fees Rules.

12.3 The Council noted that the paper proposed that the HPC should consult in conjunction with the Hearing Aid Council on the standards of proficiency and the threshold level of qualification for entry to the Register. Whilst the HPC would usually not undertake a consultation with another organisation, the paper proposed that it would be appropriate in this case because the Hearing Aid Council was the existing statutory regulator.

12.4 The Council agreed the following, which had also been agreed by the Education and Training Committee at its meeting on 10 June 2008;

(i) to consult in conjunction with the Hearing Aid Council on the standards of proficiency; and to consult in conjunction with the Hearing Aid Council on a proposal that the threshold level of qualification for entry to the hearing aid audiologists part of the Register should be set at a foundation degree;

(ii) to consult on a proposal that the Health Professions Council (Registration and Fees) Rules Order of Council 2003 be amended to provide for the registration cycle for hearing aid audiologists; and

(iii) to agree the text of the appended consultation documents (subject to minor editing amendments).

Item 13.08/113 Equality and diversity demographic data collection

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

13.2 The Council noted that the demographic data collected would be held in an anonymised form and that it would not be linked to the information held on the register.

13.3 The Council agreed the following:

- (i) to collect equality and diversity data from applicants for admission to the Register under the following headings:
 - age
 - disability
 - race
 - gender
 - religion
 - sexual orientation;
- (ii) the text of the monitoring form (subject to minor editing amendments)
- (iii) the arrangements for collecting and storing the data outlined in this paper.

13.4 The Council noted that the executive would provide an update on the progress of this project to the Council at a future meeting.

Item 14.08/114 Revised standards of education and training consultation

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

14.2 The Council noted that the draft revised standards had been agreed by the Education and Training Committee at its meeting on 10 June 2008. The Education and Training Committee had agreed that SET 3.13 should refer to a process for dealing with '..... concerns about students' professional conduct'.

14.3 The Council agreed the following;

- (i) to amend SET 3.13 to read 'concerns about students' profession related conduct'
- (ii) to consult on the revised standards of education and training and guidance; and

(iii) the text of the consultation document (subject to minor editing changes prior to publication for consultation).

(iv) the Council noted that consideration could be given to methods of seeking patient's views in the programme approval process.

Corporate Governance

Item 15.08/115 Restructured Council

- 15.1 The Council received a paper from the Executive for discussion/approval.
- 15.2 The Council noted that the working assumption had that the Constitution Order which would create the restructured Council would be laid in the Scottish Parliament before the summer recess and in the Westminster Parliament in the autumn of 2008. The Executive had met with the Department of Health on 1 July. At that meeting it had become apparent that the legislation had been delayed and that consequently the Constitution Order which would bring about the restructured Council was unlikely to be enacted until Spring 2009.
- 15.3 The President, Chief Executive and Secretary to Council had held a meeting with representatives from the Appointments Commission on 16 June. At that meeting a draft timetable for the recruitment of the Chair of Council and the members was discussed. Following the meeting the Appointments Commission commented on a draft set of competencies and experience for the Chair and members of Council. The draft competencies made reference to Council discussions in October 2007 and February 2008 and also to the Dickson Report.
- 15.4 The Council agreed the following subject to a number of amendments;
- (i) competencies for Chair
 - (ii) competencies for members of Council

Item 16.08/116 Appointment of new members following the election

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

- 16.2 The Council ratified the appointment of Mr J Seniviratne, Clinical Scientist, and Mr S Wordsworth, Operating Department Practitioner, who had been elected to the Council in the 2008 elections.
- 16.3 The Council noted that Dr A van der Gaag, Speech and Language Therapist, and Miss M MacKellar, Dietitian, had been re-elected to the Council unopposed.

Item 17.08/117 Resolution – President

- 17.1 The Council received a paper from the Executive for discussion/approval.
- 17.2 The Council noted that at its meeting on 29 May 2008 the Council agreed that the election of the President would be held at the 11 September 2008 Council meeting. In the interim the Council agreed that, at the 3 July 2008 Council meeting, it would appoint a member to exercise the functions of the President, until the election is held.
- 17.3 The Council agreed the following resolution;
- (i) that the election for President be conducted in accordance with the procedure for such elections adopted by Council on 11 May 2006 (revised March 2007) such procedure to commence on Friday 22 August 2008 and
 - (ii) until such time as that election had concluded Dr van der Gaag should, on an interim basis, exercise the functions of the President.

Item 18.08/118 Council members' performance and development review

- 18.1 The Council received a paper from the President for discussion/approval.
- 18.2 The Council noted this was the second year of the review system agreed at the Council meeting of 14 December 2006. The system provided, firstly, a mechanism for annual self appraisal, secondly, Council member appraisal of the President, and finally an opportunity for members to discuss their

experiences and views of the HPC with the President in a one to one setting.

- 18.3 The Council agreed that the process was working well and that the analysis and feedback was useful.

Item 19.08/119 Baker Tilly – Letter of representation

- 19.1 The Council received a paper from the Executive for discussion/approval.
- 19.2 The Council approved the Baker Tilly (UK) LLP Audit Findings Report 2007/08 and the attached Letter of Representation to Baker Tilly (UK) LLP.

Item 20.08/120 National Audit Office –Letter of representation

- 20.1 The Council received a paper from the Executive for discussion/approval.
- 20.2 The Council approved the National Audit Office (NAO) report of audit findings for 2007/08 and the attached Letter of Representation.

Item 21.08/121 Draft Health Professions Council annual report 2008

- 21.1 The Council received a paper from the Executive for discussion/approval.
The Council also received a tabled paper which included amendments which had been agreed at the Audit Committee.
- 21.2 The Council approved the 2008 annual report.
- 21.2 The Council noted the Audit Committee had asked for an explanatory note to be included in the report explaining why the figure for the President in the remuneration report and the figure for the President in the operating expenditure report were different. The auditors had advised that they were satisfied that the reason for the difference was that one figure related to remuneration actually paid to 31 March 2008, this included some attendance fees which related to 2006/7 which had not been paid during that year. The other figure referred to

attendance fees and operating expenses for the President's office paid to 31 March 2008.

- 21.3 The Council approved the 2008 annual report subject to a number of amendments.

Item 22.08/122 Draft Health professions Council Fitness to practise annual report

- 22.1 The Council received a paper from the Executive for discussion/approval.
- 22.2 The Council approved the draft 2007-08 Fitness to Practise Annual Report (subject to further editorial and legal amendments and the design stage).

Item 23.08/123 Revised Council standing orders

- 23.1 The Council received a paper from the Executive for discussion/approval.
- 23.2 The Council noted that in line with good practice regarding the regular review of governance documents the Executive had reviewed the Council standing orders. As part of this review the Executive had taken into consideration amendments made to other governance documents and also suggestions from members.
- 23.3 The Council noted that the proposed amendments related to quorum for Council meetings and procedures to be adopted in case of an emergency.
- 23.4 The Council agreed the amendments to the Standing Orders.
- 23.5 The Council noted that the Executive had sought advice from the HPC's Parliamentary Agent regarding the use of teleconferencing and other remote communication methods to enable members to participate in Council meetings. The Council noted the advice that 'teleconferencing and video-conferencing hinder participation in a meeting to some extent and thus diminish members' ability to contribute to the business being properly considered and debated, and decisions being reached in an open, transparent and accountable manner'. The

Council agreed that there was no need for the Executive to bring this advice to another meeting of the Council for consideration and agreed that there should be no reference to teleconferencing or other methods of remote communication in the standing orders.

Item 24.08/124 Appointment of lay members

- 24.1 The Council received the minutes of the Communications Committee meeting held on 25 February 2008.
- 24.2 The Council noted that the Appointments Commission had completed the process to recruit two lay members to the lay vacancies on the Council. An offer was made to one candidate however the candidate was also offered another non-executive role and as a consequence felt unable to commit sufficient time to HPC. No offer was made in respect of the other vacancy.
- 24.3 The Council agreed that as the recruitment exercise for the restructured Council was likely to start in autumn 2008 the two lay vacancies should not be filled. The Privy Council would be informed of this decision.

Action: NO'S – July 2008

Item 25.08/125 Minutes of the Finance and Resources meeting held on 24 April 2008

- 25.1 The Council received the minutes of the Finance and Resources Committee meeting held on 24 April 2008.

Item 26.08/126 Minutes of the Communication Committee held on 21 May 2008

- 26.1 The Council received the minutes of the Communications Committee meeting held on 21 May 2008.

The Council noted the following:

Item 27.08/127 Complementary and Alternative Medicine report

Item 28.08/128 Department of Health response to recommendations in Dickson report

Item 29.08/129 Confirmed minutes of Education and Training Committee meeting held on 26 March 2008

Item 30.08/130 Round up of Council actions for the year

Item 31.08/131 Reports from council representatives at external meetings

Item 32.08/132 Any other business

Item 33.08/133 Date & time of next meeting

Thursday 11 September 2008
Council (and annual meeting)

Wednesday 1 October 2008 - Council meeting and away day
(start time noon)

Thursday 2 October 2008 - Council away day (not open to the public)

Subsequent meetings at 10:30am on the following dates;

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: