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MINUTES of the third meeting of the Registration Committee of the Health Professions Council held on Friday 8 May 2002 at Park House, 184 Kennington Park Road, London SW11 4BU.

PRESENT :

Prof. R. Klem – Chairman
Miss P. Sabine – Vice-Chairman
Dr. R. Jones
Mr. P. Frowen
Mr. G. Sutehall (ex-officio)
Prof. N. Brook (ex-officio) – President, HPC

IN ATTENDANCE :

Mr. M. Seale – Chief Executive / Registrar, HPC
Miss G. Malcolm – Director of Operations, HPC
Dr. P. Burley – Director of Education and Policy, HPC
Miss L. Pilgrim – Director, HPC; Secretary to the Registration Committee
Mr. G. Ross-Sampson – Project Manager, HPC
Mr. J. Bracken – Bircham Dyson Bell
Mrs. C. Gooch – Newchurch

ITEM 1 APOLOGIES

Apologies were received from : Mr. T. Berrie, Miss M. Crawford, Mr. C. Lea, Miss E. Thornton, Dr. A. Van der Gaag, and Prof. D. Waller.

ITEM 2 MINUTES

It was **AGREED** that the minutes of the meeting held on 5 April 2002 be confirmed as a correct record and signed by the Chairman.

ITEM 3 MATTERS ARISING

- 3.1 Miss G. Malcolm referred to the penultimate paragraph of Item 4 of the minutes of the last meeting. She said that she had learned from the Department of Education & Skills that the Health & Safety Executive had experienced problems visiting sites because their resources could not cope.
- 3.2 Prof. Klem queried the present position in respect of the Standing Orders – Item 5. Mr. M. Seale confirmed that the amended Standing Orders would be put before Council at its meeting in May. Once they were agreed by Council the Committee would extract and adapt any relevant sections into its own Standing Orders.
- 3.3 Mr. G. Sutehall referred to Item 11 of the minutes of the last meeting and queried whether the Professional Bodies had been consulted. Dr. P. Burley confirmed that the minute was accurate; CPSM had consulted the Professional Bodies during the discussions on the first draft of the Order in Council in Autumn 2000.
- 3.4 Under Item 10 (f) of the last minutes the Chairman suggested that the fact that registrants would be asked for their National Insurance number be noted for future reference when developing registration forms. Prof Klem queried the position with regard to overseas applicants who may not have a N.I number. It was noted however that overseas applicants seeking to work in the U.K would need a N.I number . Prof Klem said that some overseas applicants became registered in the U.K but never practised. Miss Malcolm said that overseas applicants were asked for a copy of the relevant page of their passport.

ITEM 4 DRAFT CONSULTATION DOCUMENT

- 4.1 There was considerable discussion about the content, format and structure of the consultation document.
- 4.2 At para 1.8 it was noted that in fact it is the remit of the Education and Training Committee and not the Registration Committee to establish standards of proficiency.
- 4.3 Mrs. C. Gooch said that it should be made clear what the present access to the Register was and also the Council's plans for future access. It was important to ensure that those requesting access were "bona fide".
- 4.4 Mr. J. Bracken expressed concern about the proposed division of the Register agreed at the last Registration Committee meeting.
- 4.5 Prof. Brook said that the proposed division of the Register made clear a registrant's category of practice. To remain on the Register a registrant would need to show continuing competence in the relevant field i.e as practioner, academic or manager. Mr J. Bracken said that a registrant's name on the Register demonstrated his/her competence to practise. Prof Brook said that it was currently a requirement for physiotherapists who were academics to be state registered and in her view they should be clinically competent too within their scope of practice. Prof Brook said that this should apply across all professions.

- 4.6 Mr. M. Seale said that it should be made clear in the consultation document what options for division of the Register had been considered but rejected.
- 4.7 Mr. J. Bracken said that HPC's obligation was to ensure that a registrant was fit to practise and any information recorded must relate to that obligation. A professional group which had specialties over and above the norm could be identified as such, eg. an ability to prescribe drugs.
- 4.8 With respect to the division of the Register and the entries in it Dr. R. Jones said that the Committee should opt for simplicity, namely, that registrants were entitled to practise by virtue of being on the Register. This would also be easy for the public to understand. The registrants would have a duty to keep up their continuing professional development in order to remain on the Register.
- 4.9 Mr. J. Bracken said that professions on the Register could be divided but under an umbrella, eg. Radiographers could be sub-divided into (a) Diagnostic and (b) Therapeutic. He recommended that the Committee keep the "Parts" of the Register synonymous with the current 12 professions but identify divisions for any profession where necessary. The Committee could also sub-divide for specialisms/specific competences but the Committee was reminded that the HPC had an obligation to police what was recorded on the Register.
- 4.10 It was **AGREED** that the division of the Register would be achieved by maintaining the 12 Parts of the Register which were synonymous with the current 12 professions, with relevant sub-divisions where necessary and that designated titles would accord with the sub-divisions. With respect to divisions, the professions which would be divided were (a) Radiographer: (i) Diagnostic and (ii) Therapeutic; (b) Arts Therapist: (i) Arts Therapist; (ii) Drama Therapist, and (iii) Music Therapist.
- 4.11 With respect to protection of title it was noted that under the OIC it was not possible to protect the generic title of the profession itself. It was felt that the consultation document should state that the HPC would be seeking the approval of the Privy Council to extend the titles to be protected. The Committee **AGREED** that the words "practitioner" or "therapist" should be put after each profession where appropriate.
- 4.12 With respect to Article 13, transitional provision for admission to the Register ("Grandparenting"), the Committee discussed the position in respect of unregistered practitioners who could apply to get on to the Register within two years of the date of the OIC coming into force. Mr. J. Bracken referred to Article 13 of the Order drawing attention to the words "applies for admission to the register".
- He confirmed that an applicant had to apply within two years, rather than having to complete any necessary requirements within that time. However, an applicant who applied towards the end of the two year period ran the risk that if a title became protected before they were admitted to the Register they would not be able to practise using that title until they were on the Register.
- 4.13 Mr. J. Bracken emphasised that those applying as "grandparents" were exempt only from the requirement for educational qualifications. However, they were still required to show that they were competent and they would have to meet other proficiency standards to demonstrate that they could practise safely. Once admitted

to the Register “grandparents” would be in the same position as other registrants and would have to meet, for example, any CPD requirements.

- 4.14 Prof. Brook said that the phraseology in the consultation document should be consistent. Mrs. Gooch said that she would reference questions to the relevant matters to which they applied.
- 4.15 Mr. J. Bracken said that the Rules made provision for making amendments to the Register.
- 4.16 With respect to Item 1.67 on page 10 of Enclosure 2, a question had been raised as to whether the assessment of EEA, other overseas and grandfathering applications should be reviewed, with a view to providing more transparency to the processes. It was **AGREED** that the Committee Secretary would discuss this with Mr. T. Berrie to clarify that the issue raised was being addressed within the consultation document.
- 4.17 Mrs. Gooch identified for the Committee the areas on which she required clarification and agreement as to accuracy. She wanted the Committee to confirm that the substance of the document was correct, all relevant areas covered and that all titles/headlines were correct. Prof Klem said that technical terms like “protection of title” would mean little to a lay public. Mrs. Gooch said that she would include an explanation of such terms in the consultation document.
- 4.18 Mrs. Gooch said she would amend the relevant areas of the consultation document and e-mail it to relevant parties on 17 May. Prof. Brook had said that a further meeting would be needed before the consultation document went to the Education and Training Committee. However, the Committee felt that as the second draft of the consultation document had to be signed off by May 22 it would be very difficult to arrange a meeting between 17 May and 22 May. Prof. Klem said she would discuss the matter with Mr. Seale and Mr. Ross-Sampson and Prof. Brook.

ITEM 5 DRAFT REGISTRATION RULES

Mr. J. Bracken confirmed that the present rules as they stood were out of date. It was **AGREED** that the draft rules would be re-drafted by Mr. Bracken and he would check that they were consistent with the OIC. The Chairman said that comments from Committee members had been noted but not considered in detail at this stage and the Rules would be re-drafted.

ITEM 6 MEMORANDUM FROM MR. J. BRACKEN

With respect to competence in English Mr. Bracken said that for an EEA applicant who could not speak English there was nothing the HPC could do. However, for applicants outside the EEA the HPC could implement a standard test for competence in English. The Council could give a list of tests that it considered as providing adequate proof of competence in English or it could require an applicant to take a test. The Registration Committee should make a recommendation to the ETC who would then put the matter to Council. It was **AGREED** that the Registration Committee would determine what tests it considered acceptable and make a recommendation to the ETC.

- 6.2 In response to a question, Mr. Bracken offered the opinion that a UK national who applied for registration after qualifying in another non-EU country would not be eligible for consideration as an EEA national under the European Directives but as an applicant from the country in which the qualification was obtained. The Directives applied to other EEA nationals migrating to the UK but not to UK nationals who had a UK qualification.

ITEM 7 INTERIM PROCESSES AND PROCEDURES

- 7.1 Miss G. Malcolm referred to the matrix at Enclosure 5. She said that assessment procedures varied from profession to profession; she felt that these procedures should be consistent across all professions. Mr. M. Seale said that the old system should continue but that if some of the current anomalies could be tidied up at this stage the Registration Committee would need to make a recommendation to the ETC for subsequent referral to Council.
- 7.2 The Committee discussed the position of those who had volunteered their services on HPC committees and sub-committees (including PACs, if established). It was noted that clarification would be needed as to whether they could be visitors or assessors. Prof. Brook said that for the time being the system would continue to operate as it had been.
- 7.3 Mr. Seale confirmed that the old system would continue for the present. Those applying to be registration assessors should be interviewed by a relevant Council member (a member of that profession and the HPC Human Resources Director). He said that a paper should be put before Council requesting their agreement to this policy. Prof Brook suggested that this be put before Council at its May meeting under Any Other Business. Miss Malcolm agreed to prepare a brief paper.
- 7.4 Miss Malcolm said that MLT assessors were paid £60. As a result of this the application fee of £156 no longer covered assessors' fees. It was **AGREED** that if MLT numbers continued to increase the matter would be referred to the Registration Committee.

Miss Malcolm also said that as a result of a recent Inland Revenue inspection assessors were required to sign a contract. The contract had been set up by CPSM and sent out to assessors before 1 April 2002.

- 7.5 Mr. Bracken said that the contract was defective. New terms could not be imposed on assessors without consultation. The contract was of doubtful validity.

It was **AGREED** that a letter would be sent to assessors who had been sent the contract advising them to disregard it. It was further **AGREED** that the matter would be brought to Council's attention. Mr. Seale and Prof. Brook felt that the letter should go out as soon as possible and that a new contract should be drawn up. It was **AGREED** that Mr. Bracken would be given details of the terms to be incorporated into the contract and he would draft a new contract.

- 7.6 Miss Malcolm said that an Appeals procedure was needed to address appeals against assessors' decisions. Mr Bracken said that an Appeals body, similar to that for the

Investigating Committee, could be established. It was **AGREED** that a paper would be prepared for the June Council meeting.

- 7.7 With respect to Radiography overseas application forms B and C at Enclosure 7, Prof Klem explained that Questionnaire C had been developed in an attempt to limit unnecessary duplication of material submitted by educational institutions in response to Questionnaire B. Questionnaire C provided confirmation by an institution that an applicant had completed a specific course for which full course documentation had already been scrutinised. Miss Malcolm reported that difficulties had been encountered because some assessors did not agree with sending out Questionnaire C as it did not capture all the relevant information and that there had been difficulties with regard to a particular New Zealand course.
- 7.8 Prof. Brook suggested that Prof. Klem, Mr. S. Yule and Miss G. Malcolm meet with assessors to resolve the problem. Miss Malcolm agreed to prepare an Agenda for that meeting.
- 7.9 Prof. Klem agreed to (i) clarify the position with those who had been sent Questionnaire C; (ii) confirm that the old system would be continuing for the time being; and (iii) discuss the position with Mr. S. Yule and Miss Malcolm.

ITEM 8 ANY OTHER BUSINESS

- 8.1 A letter from the Chartered Society of Physiotherapy dated 21 March 2002 had been tabled. Dr. Jones said that prior to its demise the CPSM and the Chartered Society of Physiotherapy (CSP), via the Registration Committee of the Physiotherapists Board, had jointly operated as one Designated Authority. He said that the CSP continued to be a Designated Authority under its Royal Charter but was keen to continue working with the HPC but that appropriate arrangements would have to be put in place.
- 8.2 Mr. J. Bracken said that the position would have to be rectified as soon as possible as it constituted a breach of Community law. The matter would have to go to Council. It was **AGREED** that Mr. Bracken would talk to Miss Malcolm. It was also **AGREED** that Mr. Bracken would advise on the position and prepare a paper for Council's meeting in June. Dr. Jones said that he could contribute with respect to queries raised about CSP.

ITEM 9 DATE AND TIME OF NEXT MEETING

The Secretary to the Committee had provided Committee members with the following dates : 14 June; 18 / 19 July; 25 September; 13 November. It was **AGREED** that the Secretary would confirm availability of meeting rooms and thereafter contact Committee members to confirm the dates.

HPC\minutes\Minutes of 3rd meeting of HPC Registration Committee on 8 May 2002