

# THE HEALTH PROFESSIONS COUNCIL

Chief Executive and Registrar: Mr Marc Seale

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MINUTES of the eleventh meeting of the Health Professions Council held at **11.00am on Wednesday 2 April 2003** at Park House, Kennington Park Road, London, SE11 4BU

PRESENT: Professor Norma Brook (President)  
Mr R Clegg  
Miss M Crawford  
Miss H Davis  
Miss C Farrell  
Miss A Foster  
Professor J Harper  
Dr R Jones  
Professor R Klem  
Mr C Lea  
Miss M MacKellar  
Mr I Massey  
Dr J Old  
Miss P Sabine  
Mrs B Stuart  
Miss A Van der Gaag  
Mr N Willis

## IN ATTENDANCE:

Mr P Baker, Finance Director  
Mrs A Barnes, Director of Legal Services  
Mr T Berrie, Director (Part)  
Dr P Burley, Director of Education and Policy  
Mr S Hill, Newchurch Healthcare  
Mr C Middleton, Director of Communications (Part)  
Mr G Milch, Director  
Ms N O'Sullivan, Secretary to Council  
Miss L Pilgrim  
Miss C Savage, Director  
Mr M Seale, Chief Executive and Registrar  
Miss D Thompson, Human Resources Director  
Miss J Tuxford, PA to Chief Executive and Registrar (Part)

### **Item 1.03/43 INTRODUCTION AND WELCOME**

Professor Brook welcomed Dr B Bale, Ms D Beaven, Mr D Bird, Ms H Booth, Mr S Hill, Miss C Holmes, Mr R King, Ms H Kitchen, Mr M Murray, Miss P Saunders, Mr M Smith, Ms S Stirling, Miss G Woods, non-Council members, who were attending the meeting.

### **Item 2.03/44 APOLOGIES FOR ABSENCE**

Apologies for absence were received from the following Council members: Mrs S Chaudhry, Professor A Hazell, Professor Sir John Lilleyman, Mr J Lucas, Miss J Manning, Mrs C McGartland (Miss Davis attending) Mr W Munro, Mr K Ross, Mrs J Stark, Professor D Waller, Dr A Yule (Professor Klem attending)

### **Item 3.03/45 APPROVAL OF AGENDA**

The Council agreed that item 11 on the agenda 'Your Duties as a Registrant: Standards of Conduct, Performance and Ethics' should be discussed after item 7 'Draft Rules'. Item 9 would be considered as the last item on the agenda as Professor Waller had been delayed due to problems with transport.

### **Item 4.03/46 MINUTES**

It was agreed that the minutes of the tenth meeting of the Health Professions Council be confirmed as a true record and signed by the President subject to the addition of Mr R Clegg to the list of apologies for absence.

### **Item 5.03/47 MATTERS ARISING**

- 5.1 Item 5 - Minutes of the Communications Committee held on 18 November 2002
- 5.1.1 Professor Brook reminded members that the Executive had requested volunteers from Council to attend listening events. Members should contact Eleanor Price, Events Manager at the HPC.
- 5.1.2 A booklet containing the standing orders for the non-statutory committees would be presented to the June meeting of Council.

**Action: LP**

- 5.2 Item 5 – Chief Executive's Report

Council noted that a core group of partners would be in place by 1 May 2003. A further recruitment exercise would be undertaken to cover any shortfalls.

**Action: DT**

5.3 Item 6 – President’s Report

- 5.3.1 Professor Brook reported that the working party on the approval, monitoring and reapproval of course held its first meeting on 20 March 2003. The working party would meet again in June and planned to complete its work by end of September. The membership of the working party would be circulated by the Council Secretary.

**Action: NO’S**

5.4 Item 11 - HPC and Mediation

- 5.4.1 Further information regarding various schemes for mediation would be presented to the June meeting of Council.

**Action: CS**

5.5 Item 13 – Minutes of the Registration Committee held on 29 January 2003

- 5.5.1 A number of meetings had taken place to develop the criteria for assessing applicants for entry to the register against the Standards of Proficiency. The Council noted that lay members had not been invited to the meetings because of the profession specific nature of the work and the short timescales involved. This would not be taken as a precedent. It was agreed that the criteria for assessment would be circulated to all members of Council for comment. Council expressed thanks to all those who had taken part in the meetings.

**Action: PB/LP**

5.6 Item 14 – Minutes of the Registration Committee held on 13 February 2003

- 5.6.1 The Council noted that the Finance and Resources Committee had discussed a document on risk assessment. This would be presented at the June meeting of Council.

5.7 Item 16 – Minutes of the Communications Committee held on 18 February 2003

- 5.7.1 The Council noted that 190 acceptances to the relaunch on 9 April in Edinburgh had been received. Anne McGuire, Parliamentary Under-Secretary of State for Scotland would make a presentation at the event.
- 5.7.2 Twenty four brochures would be published in time for the relaunch including a brochure on the role of the visitor and an introduction to the Education and Training Committee.

### **Item 6.03/48 PRESIDENT'S REPORT**

- 6.1 Professor Brook noted that a number of meetings had been held with professions interested in applying for regulation by the HPC.
- 6.2 Professor Brook was continuing to give presentations to a variety of bodies, all of whom expressed interest and support for the work of the HPC.
- 6.3 The Executive was organising a drinks party to take place at 6pm on Tuesday 3 June at the Globe Theatre. Members of all the Regulatory Bodies would be invited. The invitations would be dispatched in the week beginning 21 April 2003.

### **Item 7.03/49 CHIEF EXECUTIVE'S REPORT**

- 7.1 The Council noted that the Chief Executive's Operational Report for the period 28 February – 20 March would be included in the Report that would be presented at the June meeting of Council.

### **Item 8.03/50 DRAFT RULES**

- 8.1 The Council received an oral report from the Chief Executive.
- 8.2 Mr Bracken noted that the Rules would be formally approved by Council and would be signed off by the by the Privy Council.
- 8.3 The Council noted a number of points arising from the Rules.
- 8.4 The Council agreed that the Executive should redraft a question which had been included on the registration/readmission form which asked whether an applicant was working or intended to work in the NHS.
- 8.5 The Council noted that due to the difficulty in estimating the number of applicants for grandparenting the Council had included a disclaimer regarding the amount of time it would take to process an application. The Council agreed that the disclaimer should be amended to remove the words 'will try' and that the Chief Executive would provide a full report to Council within 6 months regarding the number of applications and the length of time it was taking to process them.

**Action: MS**

**Item 9.03/51 REGULATION OF NEW PROFESSIONS BY THE HPC**

(Application from the Operating Department Practitioners)

- 9.1 The Council received an application for regulation from the Association of Operating Department Practitioners (AODP).
- 9.2 The Council received a presentation from Mr Martin Smith, AODP. (Text attached at appendix one)
- 9.3 The Council questioned the emphasis on evidence based practice in the documentation supporting the application. An emphasis on the evaluation of research was important at Diploma in Higher Education level. Students undertook 3,000 hours of clinical theory and practice and there was a clinical component to the course from the first year of the course. Students were offered free membership of the AODP.
- 9.4 The Council noted the lay involvement in the Association's disciplinary procedures. The Association worked in partnership with the public.
- 9.5 The Council noted that Operating Department Practitioners (ODPs) worked as part of a team. The main body of their work which was unsupervised was in the post-operative phase when the patient was emerging from the anaesthetic.
- 9.6 The Association of Operating Department Practitioners had held discussions with the Nursing and Midwifery Council (NMC) however it had been decided that registration with the NMC was not appropriate as ODPs did not undertake a primary nursing qualification.
- 9.7 A similar professional existed in other countries but practised in a narrower field.
- 9.8 Patients would be unprotected if the ODPs were not regulated. The Department of Health (DH) had recommended that NHS Trusts only employ staff on the voluntary register. All those on the voluntary register would transfer automatically onto the register opened by the HPC.
- 9.9 There were a few in number who were not on the voluntary register and would therefore be 'grandparented' onto the register.
- 9.10 The Council noted the research which the HPC had undertaken in the summer of 2002 with regard to protected titles. It had been clear from this research that the public wanted clear and understandable titles. The title Operating Department Practitioner was felt to meet these requirements.

- 9.11 The Chief Executive agreed to prepare a paper on the structure of the register and the implications of new professions for the Council for the next meeting of Council in June.

**Action: MS**

- 9.12 The Council agreed that a discussion of the inclusion of evidence based practice as one of the criteria inclusion on the register would form part on the agenda of the Council 'away day' in October.

**Action: NO'S**

- 9.13 The Council noted that any suggestions for improving the process whereby new professions applied for regulation should be notified to the Executive.
- 9.14 The Council noted that the comments made regarding the application could be raised again when the DH consulted on the application for regulation. The Council would agree a formal response to that consultation.
- 9.15 The Council noted that the Health Professions Order Part 11 Article 3(17) stated that: (17) the Council may (a) make recommendations to the Secretary of State concerning any profession which in its opinion should be regulated pursuant to section 60(1)(b) of the Health Act 1999.
- 9.16 The Council agreed that the Operating Department Practitioners should be recommended for regulation.

**Item 10.03/52 STANDARDS OF PROFICIENCY**

In the absence of Professor Waller this item was deferred until the June meeting of Council.

**Item 11.03/53 ALLEGATIONS**

- 11.1 The Council received a paper from Mr Bracken, Bircham, Dyson, Bell.
- 11.2 The Council noted that Article 22(5) of the Health Professions Order 2001 required the Council, where it received an allegation against a health professional, to refer it as soon as reasonably practicable to the Investigating Committee, Screeners or the Conduct and Competence or Health Committee.
- 11.3 This task was not one which it was feasible for the Council as a whole to perform. As the Registrar received all allegations and checked them, in order to verify that the allegation concerned an HPC registrant, it was suggested that the Council's function under article

22(5) was delegated to the Registrar, subject to him reporting on the exercise of that function to the Council.

- 11.4 The Council resolved that the function of the Council under Article 22(5) of the Health Professions Order 2001 be delegated to the Registrar SUBJECT TO The Registrar reporting to the Council from time to time on the exercise of that function.

**Item 12.03/54 YOUR DUTIES AS A REGISTRANT: STANDARDS OF CONDUCT, PERFORMANCE AND ETHICS**

- 12.1 The Council received a document entitled 'Your duties as a registrant: standards of conduct, performance and ethics'.
- 12.2 The Council approved the document and agreed that it would be reviewed at the Council's 'Away Day' in October.

**Action: NO'S**

**Item 13.03/55 MINUTES OF THE REGISTRATION COMMITTEE HELD ON 6 MARCH 2003**

- 13.1 The Council received the minutes of the Registration Committee held on 6 March 2003.
- 13.2 The Council noted that the Registration Committee had agreed the continued use of the IELTS test at grade 8 for Speech and Language Therapists and grade 5 for all other professions.
- 13.3 The Council noted concerns that a minimum of grade 5 would be too low particularly in those professions where a high level of oral communication was required.
- 13.4 The Council agreed that the Registration Committee should reconsider this matter.

**Item 14.03/56 MINUTES OF THE FINANCE AND RESOURCES COMMITTEE HELD ON 19 MARCH 2003**

- 14.1 The Council received the minutes of the Finance and Resources Committee held on 19 March 2003.
- 14.2 The Council noted that the Audit Committee would meet in private but would report to the public part of the Council meeting.
- 14.3 The Council also noted that a Risk Assessment Plan would be put to Council at the June 2003 meeting.
- 14.4 The Council agreed the proposed expenses policy for Council members, Partners and Staff.

- 14.5 The Council noted the introduction of an allowance of up to a maximum of £30 a day as a contribution to the cost of childcare and also the care of elderly dependents for Council members and partners working on behalf of the HPC. A receipt would be required when this allowance was claimed.

**Item 15.03/57 REGISTRATION SYSTEM**

The Council noted that there would be a demonstration of the new registration system (BETA version) in the UK Registration Dept, 1<sup>st</sup> Floor, Park House before and after the Council meeting.

**Item 16.03/58 PROFESSIONAL LIAISON GROUPS OPERATING MANUAL**

- 16.1 The Council received the Professional Liaison Group Operating Manual.
- 16.2 The Council noted that it had been agreed that a Professional Liaison Groups (PLG) would be established to consider Continuing Professional Development (CPD). Another PLG would consider the approval and re-approval of courses. The Education and Training Committee was beginning the process for the setting up of these groups.
- 16.3 The Council agreed that the Professional Liaison Group Operating Manual would be distributed to the Professional Bodies and would be added to the HPC website.

**Action: PB**

**Item 17.03.59 ANY OTHER BUSINESS**

- 17.1 The Council received a paper from the Chief Executive on the process for the appointment of Council members as visitors.
- 17.2 The Council noted that in appointing visitors it was important that the HPC adhered to Nolan principles and was seen to make fair appointments on the basis of merit.
- 17.3 The Council noted that a registrant assessor was a defined term used in article 36 of the Health Professions Order (HPO). Registrant Assessors performed a similar role to Legal Assessors, giving advice on issues of professional practice to all parties at hearings before practice committees etc. A person could not be a registrant assessor if he or she was a Council member.
- 17.4 The Council also noted that a registration assessor was a term used by HPC to describe registrants who would assess registration applications from EEA, international and grandparenting applicants. The



appointment of these assessors was a matter for HPC and, if necessary, there was no statutory bar to Council members performing this function.

- 17.5 The Council approved a formal application and appointment process for Council members wishing to apply to be visitors as set out in the paper.

**Item 18.03/60 DATE AND TIME OF NEXT MEETING**

- 18.1 The next meeting of the Council would be held at 11am on Wednesday 4 June 2003.

- 18.2 Further meetings would be held on the following dates:

**Wednesday 17 September 2003 (11am)**

**Wednesday 8 October 2003 and Thursday 9 October 2003 - 'away day' – (start time tba)**

**Thursday 11 December 2003 (start time tba)**

**Tuesday 2 March 2004 (11am)**