

unconfirmed
THE HEALTH PROFESSIONS COUNCIL

Chief Executive and Registrar: Mr Marc Seale

Park House
184 Kennington Park Road
London SE11 4BU
Telephone: +44 (0)20 7840 9711
Fax: +44 (0)20 7840 9807
e-mail: niamh.osullivan@hpc-uk.org

MINUTES of the thirty-ninth meeting of the Health Professions Council held at **10.30 a.m. on Thursday 5 July 2007** at Park House, 184 Kennington Park Road, London, SE11 4BU.

PRESENT: Dr A van der Gaag (President)

Mr P Acres
Professor K Bryan
Mrs M Clark-Glass
Mr R Clegg
Ms H Davis
Mr M Davies
Mr P Douglas
Miss E Ellis
Ms C Farrell
Mrs D Haggerty
Professor T Hazell
Miss M MacKellar
Mr P McFadden
Mr A Mount
Mr K Ross
Miss P Sabine
Professor G Smith
Professor A Turner
Professor D Waller

IN ATTENDANCE:

Mr R Dunn, Director of Information
Mr M Guthrie, Policy Manager
Miss L Foster, Human Resources Director
Mr R Houghton, Registration's Manager
Miss K Johnson, Director of Fitness to Practise
Mrs J Ladds, Director of Communications
Mr S Leicester, Director of Finance
Mr S Mars, Policy Officer
Miss N O'Sullivan, Secretary to Council
Ms C Phillips, Project Manager
Miss A Roberts, Team Administrator - Secretariat
Mr G Ross-Sampson, Director of Operations
Mr M Seale, Chief Executive and Registrar

Ms R Tripp, Director of Policy and Standards
Ms C Urwin, Policy Officer

Item 1.07/88 INTRODUCTION AND WELCOME

- 1.1 The President welcomed all members and non-members to the meeting, this included Mr T Muir from the Council for Regulatory Healthcare Excellence and Ms C Settle from the Nursing and Midwifery Council.
- 1.2 The President noted that Mr Davies and Mr McFadden were attending their last meeting of Council following the recent Council elections. The President thanked Mr Davies and Mr McFadden to their service and commitment to the work of Council during their two year periods of office. Mr Davies and Mr McFadden both thanked the Council for the welcome which had been extended to them as new members and for the support they had received during their time in office.
- 1.3 The President extended her congratulations and the congratulations of the Council to Professor Waller on her recent award of an O.B.E in the Queen's Birthday Honours. The Council noted that Dr G Beastall, a former Council member, had been awarded a C.B.E and extended its congratulations to Dr Beastall on this award.

Item 2.07/89 APOLOGIES FOR ABSENCE

- 2.1 Apologies for absence were received from the following Council members; Mrs S Drayton, Professor J Harper, Professor J Lucas, Mr W Munro, Mrs B Stuart.

Item 3.07/90 APPROVAL OF AGENDA

- 3.1 The Council approved the agenda.

Item 4.07/91 MINUTES

- 4.1 It was agreed that the minutes of the thirty-eighth meeting of the Health Professions Council be confirmed as a true record and signed by the President subject to the following amendments;
- 4.2 10.2 – The Council noted that this was a useful paper which could assist the HPC in learning lessons from the grandparenting process and which could usefully be shared with other bodies.

- 4.3 20.4 – The Council had ratified the decision of the Fitness to Practise Committees and noted that ultimately there could be one Fitness to Practise Committee subject to the required changes in legislation.

Item 5.07/92 MATTERS ARISING

- 5.1 There were no matters arising.

Item 6.07/93 PRESIDENT'S REPORT

- 6.1 The Council received a paper from the President.
- 6.2 The President noted that she had held meetings with members of the House of Lords with regard to the regulation of the Psychological professions. The HPC was making every effort to input into the debate regarding this issue and was also always open to discussions with the BPS.
- 6.3 The President noted that she had attended a meeting in June with Baroness Ashton at which they had discussed the imbedding of human rights principles in public service. The Baroness had subsequently agreed to come and speak to the Council on this matter.
- 6.4 On 22 June she and the Presidents of other regulatory bodies had met with Mr J Hall, Senior Advisor to the Chancellor to discuss a number of issues including the likely change in emphasis once the new government was in place. These included a focus on outcomes of care in the health service, a recognition that there was a feeling of alienation amongst some sections of the workforce, and that there needed to be a new look at ways of engaging patients. The issue of protected time for healthcare workers, particularly non medical professionals, undertaking Continuing Professional Development (CPD) was also raised
- 6.5 The President noted that Mr H Cayton, formerly the DH in England's Patient 'Czar', had been appointed as the new Chief Executive of the Council for Regulatory Healthcare Excellence (CHRE) and that she looked forward to working with him.

Item 7.07/94 CHIEF EXECUTIVE'S REPORT

- 7.1 The Council received a paper from the Chief Executive.
- 7.2 The Chief Executive noted the Chief Executives of the health regulators had been meeting with the Department of Health to

discuss the White Paper. He noted that there was now an assumption that there would be a three month slippage in the timetable for the implementation of the White Paper.

- 7.3 Following the recent Cabinet reshuffle Lord Hunt was no longer the Health Minister and his replacement had not yet been announced.
- 7.4 The Chief Executive noted that a meeting had taken place with the Society of Radiographers and that an application for the regulation of sonographers was likely to be put to the Council in December 2007. The Council noted that Skills for Health had organised a number of meetings to determine competencies for sonographers.
- 7.5 The Chief Executive noted that building work was scheduled to start at 22/26 Stannary Street on 23 July and that the contractors had made a commitment that they would complete the work by the end of December 2007.
- 7.6 The Chief Executive noted that the final application under the grandparenting arrangements for 12 professions originally regulated by HPC had been finalised the previous day. He thanked all members of the Registrations Department and all partners who had been involved in the process, for their hard work in relation to grandparenting.
- 7.7 The Chief Executive noted the numbers of registrants with supplementary prescribing rights was now increasing.

Item 8.07/95 THE HEALTH PROFESSIONS COUNCIL – REVISED STRATEGY

- 8.1 The Council received a paper from the Executive for discussion/approval.
- 8.2 The Chief Executive noted that the first page of the document detailed the HPC's planning process and showed how each document linked together. The strategy was an outward looking document – looking out towards the White Paper. The document highlighted what the HPC wished to achieve in terms of the education and the European agendas and also laid out key operational areas in which the HPC would concentrate its resources over the coming years until 2011. The strategy was a living document and would change over time.

- 8.3 The Council noted that there was a need for further strategic discussions in order to more clearly delineate the strategic direction from the operational details. The Council needed to agree what its vision and role was in protecting the public and how it measured whether it had been successful in doing this.
- 8.4 The Council approved the document but noted that further discussions regarding the HPC strategy would take place at the Council away day.

Action: MJS/NO'S – October 2007

Item 9.07/96 STANDARDS OF PROFICIENCY FOR PSYCHOLOGISTS

- 9.1 The Council received a paper from the Executive for discussion/approval.
- 9.2 The Council noted that the Department of Health had indicated that Psychologists would be regulated by the HPC and that this was clearly outlined in the White Paper . It was therefore important that the Council proceed with preparations for regulation. The British Psychological Association had been in favour of regulation by the HPC but had changed its view since the original submission for application had been considered and approved by Council.
- 9.3 The Council noted that the paper proposed that a PLG should be established to draft standards of proficiency for Applied Psychologists. This work of the PLG would build upon previous work undertaken and would make reference to existing documentation from a number of sources.
- 9.4 The Council noted that at its meeting on 12 June that the Education and Training Committee had agreed to recommend to the Council that a PLG should be established and agreed to the workplan laid out in the paper.
- 9.5 The Council noted that Profession J Lucas would be chairing the PLG and noted its endorsement of this appointment.
- 9.6 The Council agreed the following;
- (i) to establish a Professional Liaison Group (PLG) to draft the standards of proficiency for Applied Psychologists;
 - (ii) the contents of the attached workplan;
 - (iii) that Professor Lucas should chair the PLG; and

- (iv) to pass a resolution that the standards can be approved for consultation by chair's action of the chair of the Education and Training Committee, without reference to Council.

9.7 The Council also agreed that the membership of the PLG would be agreed by the Chair of the PLG with reference to the HPC President.

Action: MG - ongoing

Item 10.07/97 CONTINUING FITNESS TO PRACTISE

- 10.1 The Council received a paper from the Executive for discussion/approval.
- 10.2 The paper under consideration outlined proposals for work in the area of continuing fitness to practise. The paper proposed that that a Professional Liaison Group (PLG) should be established to explore issues in this area. The PLG would report back to Council in October/ November 2008 with the outcomes of the work and any recommendations for next steps.
- 10.3 The Council noted that it was important for the HPC to reach its own conclusions with regard to revalidation/continuing fitness to practise and whether and how this process would assist the HPC to protect patients.
- 10.4 The Council agreed the following;
 - (i) that a professional liaison group (PLG) should be established to explore the area of continuing fitness to practise;
 - (ii) the workplan for the PLG's work
- 10.5 The Council agreed that, in view of the importance of this work to the Council, the HPC President should chair this PLG.

Action: MG - Ongoing

Item 11.07/98 DIRECTIVE 2005/36EC – PROFESSIONAL QUALIFICATIONS DIRECTIVE

- 11.1 The Council received a paper from the Executive for discussion/approval.
- 11.2 The Council noted that Directive 2005/36EC established rules for holders of a professional qualification in a member state to have access to, and pursue their profession, in another member

state. The UK government was consulting on the discretionary elements of the directive. The Executive had prepared a draft response to the consultation which the Education and Training Committee had approved at its meeting on 12 June 2007. The Committee had recommended the response to Council for approval.

- 11.3 The Council approved the response to the consultation and noted that it would be useful if a training session in European legislation which was relevant to HPC could be organised for members.

Action: SM – July 2007

Item 12.07/99 COUNCIL MEMBERS AS REGISTRATION ASSESSORS

- 12.1 The Council received a paper from the Executive for discussion/approval.
- 12.2 The Council noted that following the Council's decision to no longer use Council members as Fitness to Practise Panel members or visitors the Education and Training Committee had agreed to recommend to Council that the HPC should no longer use Council members, alternates or committee members as registration assessors, unless in exceptional circumstances.
- 12.3 The Council agreed that the HPC should no longer use Council members, alternates or committee members as registration assessors, unless in exceptional circumstances (for example, in a small profession where there was a shortage of partners). This exception should only hold until replacement partners were appointed.
- 12.4 The Council noted that it was a requirement of the Health Professions Order 2001 that Council members chaired Registration Appeals panels.
- 12.5 The Council noted its thanks to all members who had acted as registration assessors.

Item 13.07/100 CO-OPERATION AND WORKING TOGETHER (CAWT) EMERGENCY PLANNING DOCUMENT

- 13.1 The Council received a paper from the Executive for discussion/approval.
- 13.2 The Council noted that the Cooperation and Working Together (CAWT) was a cross border partnership formed in 1992 with the

objective of cooperating to improve the health and social wellbeing of the resident populations in the border region of Northern Ireland and the Republic of Ireland.

- 13.3 CAWT had drafted a range of proposals outlining how regulated health professionals and their respective regulators would respond in the event that a major incident was to occur in the border region.
- 13.4 The General Medical Council (GMC) and the Nursing and Midwifery Council (NMC) had already agreed to the proposals.
- 13.5 The Council agreed to establish appropriate arrangements with CAWT via an exchange of letters.

Action: MJS – July 2007

Item 14.07/100 FUTURE GOVERNANCE OF COUNCIL

- 14.1 The Council received a paper from the Executive for discussion/approval.
- 14.2 The Council noted that comments from Council members had suggested that while the existing format of Council papers and the layout of the Council Chamber was appropriate for business matters, they were not always conducive for discussions concerning strategic issues.
- 14.3 Although the Council have previously discussed governance proposals outlined in the White paper, , this paper proposed that it would be an appropriate time for the Council to discuss the subject in a more informal context and work towards making further key decisions.
- 14.4 In line with the proposals contained in the paper the Council agreed the following;
 - (i) The governance issues would be discussed in the afternoon
 - (ii) For this session, the seating in the Council chamber would be set out in a workshop format
 - (iii) The meeting would remain open to the public
 - (iv) The Council would still be able to make formal decisions

- 14.5 The Council noted that a feedback form had been prepared and would be circulated to members for feedback of their comments on this format for strategic discussions of Council.

Action: NO'S – July 2007

Item 15.07/101 FITNESS TO PRACTISE DEPARTMENT – RE-ORGANISATION

- 15.1 The Council received a paper from the Executive for discussion/approval.
- 15.2 The Council noted that under the Council's Scheme of Delegation re-structuring the Council's staff where the changes involve ten or more employees was a matter reserved to the Council.
- 15.3 The Council agreed the re-organisation of the Fitness to Practise Department as outlined in the paper.
- 15.4 The Council noted that consideration should be given to a revision of the Council's Scheme of Delegation in the future, as it was not thought necessary to bring such decisions to the Council in future.

Item 16.07/102 REGISTRATION DEPARTMENT – RE-ORGANISATION

- 16.1 The Council received a paper from the Executive for discussion/approval.
- 16.2 The Council noted that under the Council's Scheme of Delegation re-structuring the Council's staff where the changes involve ten or more employees was a matter reserved to the Council.
- 16.3 The Council agreed the re-organisation of the Registration Department as outlined in the paper.
- 16.4 The Council noted that consideration should be given to a revision of the Council's Scheme of Delegation in the future, as it was not thought necessary to bring such decisions to the Council in future.

Item 17.07/103 FEEDBACK FROM COUNCIL MEMBER SELF-APPRAISAL

- 17.1 The Council received a paper from the President for discussion/approval.
- 17.2 The President noted that at its meeting on 14 December 2006 the Council had agreed to pilot a new appraisal system to be undertaken by all members. To date all but two members had had either a telephone conversation or a meeting with the President.
- 17.3 The President noted that the conversations themselves had been extremely valuable, and that the paperwork was secondary to this. However, the President had discussed the value of bringing some analysis to some aspects of the conversations, notably Council member's views on the HPC and any issues of concern. The paper under consideration therefore was an attempt to extract any recurring themes. The paper did not attempt to evaluate the format of the review system nor was it an account of members' review of the President. The evaluation of the review system would be undertaken at a later date
- 17.4 The Council noted that the paper was extremely useful and that a similar paper should be included on the Council agenda on an annual basis. The Council noted that a number of the points raised in the paper would be covered in future discussions of governance and that individual requests for training would be followed up by the Secretariat over the next six months.

Action: NO'S – July 2008

Item 18.07/104 BAKER TILLY – LETTER OF REPRESENTATION

- 18.1 The Council received a paper from the Executive for discussion/approval.
- 18.2 The Council noted that the Audit Committee had approved the Baker Tilly letter of representation.
- 18.3 The Council approved the Baker Tilly letter of representation.

Item 19.07/105 NATIONAL AUDIT OFFICE – LETTER OF REPRESENTATION

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

- 19.2 The Council noted that the Audit Committee had approved the National Audit Office letter of representation.
- 19.3 The Council approved the National Audit Office letter of representation.
- 19.4 The Council noted that positive feedback had been received from the auditors and expressed its thanks to the Executive, in particular members of the Finance Team for their work in regard to the audit work of the organisation. Considerable progress had been made over the last year in all aspect of the audit work

Item 20.07/106 FUTURE GOVERNANCE OF COUNCIL

- 20.1 The Council noted, that in line with the actions agreed under minute 14.4 discussions regarding this paper would be held in the afternoon session of the Council meeting. Minutes of that meeting would be produced. (See appendix 1 of these minutes)

Item 21.07/107 MINUTES OF THE COMMUNICATIONS COMMITTEE HELD ON 24 MAY 2007

- 21.1 The Council received the minutes of the Communications Committee held on 24 May 2007.
- 21.2 The Council noted that the planned change in HPC's visual identity would be implemented soon and thanked the Communications team for their work with regard to this.

Item 22.07/108 BRITISH PSYCHOLOGICAL SOCIETY- COMPETENT AUTHORITY STATUS

- 22.1 The Council received a paper for note from the Executive.
- 22.2 The Council noted that the British Psychological Society (BPS) was the Competent Authority for certain psychologists. Following a number of complaints by non-UK psychologists, the European Commission had issued an infraction order against HM Government. To address this situation, the Department of Health and the Department for Education and Skills had instructed the BPS to amend their processes and register the said applicants by Friday 29th June. If this instruction was not complied with the Competent Authority status would be transferred to the HPC probably within 28 days. The situation was still uncertain. The number of applicants was likely to be low however operationally this would be a challenge for HPC.

- 22.3 The Council noted that the HPC would have the right to charge a scrutiny fee of £400 to all EEA applicants who were applying to come onto the BPS register in this way.

Items to Note

The Council noted the following items;

- (i) Return of Election Expenditure
- (ii) Draft Health Professions Council Annual Report
- (iii) Council Membership
- (iv) Annual Review of Actions Agreed at 2006/7 Public Meetings
- (v) Reports from Council Representatives at External Meetings
- (vi) Minutes of the Education and Training Committee held on 12 June 2007

Item 23.07/109 ANY OTHER BUSINESS

- 23.1 There was no other business.

Item 24.07/110 DATE AND TIME OF NEXT MEETING

Monday 9 July 2007

Tuesday 11 September 2007 (and annual meeting)

Wednesday 3 October and Thursday 4 October 2007 Council meeting and 'away day'

Thursday 13 December 2007

Thursday 27 March 2008

Thursday 29 May 2008

Thursday 3 July 2008

PRESIDENT:

DATE:

Appendix 1

Notes of discussion on the future governance of Council held at the Council meeting on Thursday 5 July 2007 at Park House, 184 Kennington Park Road, London, SE11 4BU

Present:

Anna van der Gaag (President)
 Paul Acres
 Karen Bryan
 Mary Clark-Glass
 Robert Clegg
 Morgwn Davies
 Helen Davis
 Peter Douglas
 Elizabeth Ellis
 Christine Farrell
 Daisy Haggerty
 Tony Hazell
 Morag MacKellar
 Pat McFadden
 Alan Mount
 Keith Ross
 Pam Sabine
 Graham Smith
 Annie Turner
 Diane Waller

Apologies: Sheila Drayton, John Harper, Jeff Lucas, William Munro, Barbara Stuart

In Attendance:

Colin Bendall - Secretary to Committees
 Sophie Butcher - Secretary to Committees
 Michael Guthrie - Policy Manager
 Simon Leicester – Director of Finance
 Sam Mars - Policy Officer
 Niamh O’Sullivan – Secretary to Council
 Marc Seale – Chief Executive and Registrar

Introduction

1. The Group noted that the February Council workshop had provided an opportunity for initial debate, the March meeting of Council had been concerned with considering some specific elements of the White Paper's proposals and the May meeting was to consider each of the 8 proposals detailed in the White Paper more closely.

2. Today's meeting had been convened to achieve the following objectives:

- to agree the size of Council
- to consider specific and generic skills of Council
- consider a model for recruitment of professional members
- consider how to populate the committees

3. For clarification, the President reported that she had provided the spectrum model for Council in Appendix 2 to the papers circulated for the meeting. This model illustrated the range of skills and experience that the professions might be could be mapped against; from psycho- social interventions at one end to scientific/ technical interventions at the other. This model was one option when considering the recruitment of professional members of the new Council.

4. A number of Council members offered the following comments: was the Council was clear enough on the strategy that the HPC should pursue, and in particular its vision and values.

5. The HPC did not need to make a commitment to any decisions until after the away day in October 2007. Suggestions therefore needed to be made based upon a clearly agreed rationale.

6. The HPC needed to start with the composition of the Council followed by how members were selected by skills etc.

Group 1

Professor Tony Hazell
Miss Morag MacKellar
Ms Pam Sabine (Facilitator)
Professor Graham N Smith
Professor Diane Waller

1. Recruitment and appointment process

The Group made the following points:

- HPC lay member specification was lengthy but included all necessary detail.
- HPC should avoid specifying specific skills but should require members to commit to the seven principles of public life. The Skills for Justice documentation offered helpful generic skills.
- HPC should avoid a "big bang" where all council members stepped down at the same time as this would risk losing corporate memory, be costly and create a lot of work. Members should be subject to reappointment in small groups as per the current terms of office.
- Specify maximum representation for each part of the register.
- Ensure that members have a mixture of backgrounds - especially, there was a need for members with experience of current practice (this could be done by specifying that Council would have a minimum percentage of members in current practice - perhaps 50%). The appointments process would also need to pay due regard to the different arenas in which registrants practice.
- Advertising for new members should be as wide as possible, e.g. more than one mainstream newspaper, professional bodies' journals, HPC website, professional bodies' websites, all electronic means possible. One member suggested a directing mailing to the registrant group affected as not everyone used the internet, but other members disagreed due to cost and risk of some registrants not getting the letter.
- Appointments process should be as per the existing Appointments Commission process.

2. Committee structure

- Suggestion that alternates could have a staggered leaving period to ensure some continuity and to populate committees. There was a need to get the mix right on committees
- Committees should always be chaired by a non-executive member (a Council member) as this had governance, communication and reporting advantages when reporting to Council

- The Council should have a board-like approach but the terminology should not be changed.
- Non-Council Committee members should be appointed via the same process as Council members.
- Skills required for Audit Committee: Monitor and evaluate behaviour and activities, ask questions, it was useful to have a co-opted member with financial background and this should continue.
- Skills mix for each committee could be selected from the skills listed by Skills for Justice.
- Education and Training Committee currently worked well, with a range of skills and backgrounds but there should be no requirement for a representative of each profession.
- There was a need for a broad brush mix of skills, but HPC needed to make sure every profession could contribute. There was a suggestion that perhaps HPC could draw on professional expertise via the existing PLG system, which worked well.
- Education and Training Committee members would need to include those with knowledge/experience of education but this should span the academic side and practice side

3. Council size

- Minimum size of 20. 22 members would be ideal, 24 would be the maximum.
- Supernumerary President.
- Opposed name change of HPC but there was a need to distinguish between the governing body and the administration/operational side when using the term "HPC".

Group 2

Professor Karen Bryan
 Ms Helen Davis
 Mrs Daisy Haggerty
 Mr Marc Seale
 Professor Annie Turner (Facilitator)

1. Composition of Council

The Group made the following points:

- A diverse range of Council members was important
- high risk of going off into the ether if the criteria was wrong and not having suitable skills
- avoid gulf between Council & Registrant members
- external perceptions were important
- keep Council grounded
- experience of range of professionals but acknowledged difficulties of getting right people to be released from work to attend meetings
- danger of losing clinical currency on Council
- changes to the Scheme of Delegation would need to be made
- anticipation that the Education and Training Committee would get bigger and the Council would reduce in size. The HPC was currently actively engaged in the European health professional debate and this was where it was important to have registrant Council members.
- there were currently 7 extra professions waiting in the wings to be regulated by the HPC – how was HPC going to cater for their representation on a newly formed Council?
- there was a need for members that were currently working in multi-disciplinary professions as they had invaluable influencing and negotiating skills.
- Spectrum model was problematic in that the profession didn't necessarily address the expertise required of a Council member. Less than 1% of registrants voted in the HPC elections, therefore how important was professional representation?
- structure that HPC would end up with had to be defensible. Every profession could take their turn on Council on a term by term basis, however if you appointed someone based upon their skills and expertise then some professions might never be represented.
- Fitness to practise cases could be affected by lack of professional representation on Council and come under criticism
- NHS and Private practitioners – need members from both spectrums
- need Educationalists who are professionals

- need to analyse why Council members resign?
- need to be wary of losing a vast amount of knowledge which was currently contained within Council by advocating the big bang perspective

2. Skills and experience

Generic and core skills

- senior committee experience / non-executive experience
- governance and professional standards
- ability to deal with complex issues and debates with commitment and diplomacy
- working at a strategic level
- health and social care delivery experience
- education (Higher Education) (no less than 40%)
- currency of skills and experience

Specific Skills

- Would be an added advantage but not compulsory. A specific skill which was highlighted was service delivery. The additional specific skills given as examples such as finance, audit, higher education, public relations, human resources management, consumerism, legal expertise etc were deemed to be advantageous but not compulsory as the HPC officers would already bring these skills to the organisation in their day to day roles.

Health professional skills needed:

- need a mix of professionals, no more than 1 representative per profession
- preferred balance of 'big' and 'small' professional
- balance of statutory and non-statutory employment
- balance of practice and education
- UK representation

Should the Chief Executive also be a member of Council?

- No, but there should be the mechanism available for dialogue between the Chief Executive and the Council.

Group 3

Morgwn Davies
 Elizabeth Ellis
 Christine Farrell (Facilitator)
 Alan Mount

1. Size of the Council

- After much discussion, the consensus was that the Council should be formed of 16 members which should include the chair. The suggestions for size had ranged from 12 to 18 members.
- The reasons given for the consensus figure were a desire to balance a small council with the need to retain the skills necessary for robust discussion. There also needed for sufficient council members to populate the committees.
- There was also a recognition that 100% attendance may not always be possible and that the size council needed to recognise that often not all members would be able to be present.
- The group agreed a general desire for the Council be more strategic and to have less involvement in operational matters.
- Arguments put forward for a smaller council included the need to pick a size which clearly demonstrated that it was not necessary for all professional groups to be represented – i.e there were concerns that a council of 22 for example would leave only three professions unrepresented and cause difficulties of perception.
- Some argued that a council that was too small would leave to possible antagonism with professional bodies, a lack of breadth of expertise and therefore insufficiently robust discussion.
- There was some discussion about the composition and recruitment of Council members. In particular, there was a general feeling that the spectrum outlined in the papers was not that helpful and that it was preferable to attempt to achieve, through competencies, a spread of skills across the different constituencies.

2. Committee membership

- The group agreed that the committees should be chaired by a council member in the interests of good governance.
- As part of a desire to become more strategic, it was felt that more day-to-day decisions should be taken at committee level.
- It was initially suggested that committees should consist of between 8 and 10 members.
- It was also initially suggested that each committee should have no more than 4 non council committee members (NCCMs) and that they should not form a majority.
- The group discussed whether such numbers were necessary and whether other ways (a reference panel or pool of people with appropriate expertise, etc) could be used to ensure that additional expertise is brought into a committee as and when needed.
- The group agreed that the existing composition of the Education and Training Committee made it unwieldy and that it was not necessary to have a representative from each profession. The group thought that appropriate skills were much more important than expertise could be sought through various avenues (including PLGs) if the Committee needed profession-specific input.

Group 4

Mr Paul Acres
 Mrs Mary Clark-Glass (facilitator)
 Mr Peter Douglas
 Mr Pat McFadden
 Dr Anna van der Gaag

Role of the council

- To set the strategic direction
- Governance responsibility
 - Control and monitoring
- Audit responsibility
- Communication
- Setting values

- The group felt it was important to have a discussion about the role of council and whether this should be operational or more strategic before looking at the specific questions.
- They felt that by looking at and analysing the historical and current skill sets required an informed decision could then be made about the future direction of the council. Once these skill sets and the proportion of people required to meet them had been identified and analysed the group felt it would be possible to apportion out responsibility.
- The group stated that role of the council was to protect the public by directing and controlling the register. The central role of council is to develop faith, trust and belief in the register.

1. Composition of council

- Lay members felt that the composition should be no more than 50/50 lay and registrant. Majority lay preferred. They also stated that the White Paper made clear that the council did not need to have a representative from all the professions and there is a suggestion that the composition should be all lay.
- The registrant members of the group felt that a 50/50 split was appropriate and that the professions represented should be key stakeholders. They argued that health professionals are trusted highly by the public and any movement towards a lay majority should be gradual.
- It was agreed that registrant members were not members of council to look after the interests of their own profession but brought valuable professional insight in to the process of regulation. The links to the professions are in the interest of the public and professionals are served because there is a “buy in” from the professions when they feel represented, one member of the group questioned whether this was “professional protectionism?”. The rest of the group disagreed arguing that without registrant involvement there would be an increase in disenfranchisement and a subsequent absence of self-regulation.
- The group discussed the rationale for having a smaller, “more board like” council. This should include identifying the skills that would be required by council members. They felt that it is important to remember that unlike the other 8 healthcare regulators the HPC is multi-professional
- The group agreed that all council members should meet all the generic skills identified and then have a balance across the other competencies with specific skills for specific committees. The group felt that the best way

to achieve the balance was for all appointments to be made through the public appointment system. The group also felt strongly that the approach to the appointments should not be staggered because it would disadvantage and imbalance the council. The group also agreed that the executive should not sit on the council because it is the role of the executive to implement the strategy of the council and the executive cannot be accountable to itself.

2. Size of council

- The group insisted that there needed to be a scientific rationale to decide the size of council. They felt that to meet all the specific skills and building in a 50/50 lay registrant split would require 20 council members and up to an additional 4 so that the 4 home countries would be represented.
- The group then went on to discuss the composition of committees and the skills required for different committees. The group agreed that there were some specific skills that could be brought into committees from outside the council but that the committees should also be reflective of council so that council would not find it difficult to understand the decisions of committees and feel able to ratify committee decisions from an informed position.

Appointment of the chair

- The group felt that the council chair should be elected by the council rather than by the Appointments Commission. However, if the Commission was to appoint the chair they felt this should be done in a period of 6-12 months before any existing chair finished their period in office, this would allow the incoming chair to ease themselves into the position, bring consistency to the process and to understand the values of the organisation. The group felt that the Chief Executive and President should be involved in any appointment interviews.

Feedback session

Group 1

1. Recruitment process

- HPC lay member specification was lengthy but necessary detail.
- Avoid specifying specific skills but require members to commit to the seven principles of public life. Skills for Justice documentation offered helpful generic skills.

- Avoid a "big bang" where all council members stepped down at the same time as this would risk losing corporate memory, be costly and create a lot of work.
- HPC should specify maximum representation for each part of the register.
- HPC should ensure that members have a mixture of backgrounds - there was especially a need for members with experience of current practice.
- Advertising should be as wide as possible, e.g. more than one mainstream newspaper, professional bodies' journals, HPC website, professional bodies' websites, all electronic means possible. One member suggested a direct mailing to the registrant group affected as not everyone uses the internet, but other members disagreed due to cost and risk of some registrants not getting the letter.
- Appointments process as per existing Appointments Commission process.

2. Committee structure

- Suggestion that alternates could have a staggered leaving period to ensure some continuity and to populate committees.
- Committees should always be chaired by a non-executive member (a Council member) as this had governance, communication and reporting advantages
- Council should have a board-like approach but the terminology should not be changed.
- Non-Council Committee members should be appointed via the same process as Council members.
- Skills required for Audit Committee: Monitor and evaluate behaviour and activities, ask questions, it was useful to have a co-opted member with financial background and this should continue.
- Skills mix for each committee could be selected from the skills listed by Skills for Justice.
- Education and Training Committee currently worked well, with a range of skills and backgrounds but there should be no requirement for a representative of each profession.
- Need for broad brush mix of skills, but HPC needed to make sure every profession can contribute. There was a suggestion that HPC could draw on professional expertise via the existing PLG system, which worked well.

Group 2

1. Composition of Council

- There should be no gulf between lay and registrants. Council members need to keep grounded. The external perceptions of

Council and its composition were very important. The composition would need to be defensible and with a good rationale.

- HPC needed a range of professionals with currency of experience but it might be difficult to find individuals who could get release from their day job.
- No more than one representative of any one profession
- Preferred balance of big and small professions
- Difficult to use continuum even in one profession
- Balance between statutory and non-statutory services
- Balance between practise and education background
- Need for home country representation

2. Skills

- Generic list was very good starting place
- Some registrants would find it difficult to gain experience of non-executive work; it would be better to say that member should have "senior committee experience"
- Members needed a high reputation amongst their peers
- Needed experience in government, upholding standards, needed experience at some strategic level but this was difficult to define
- Needed a mix of people with health and social care experience
- Minimum of 40% of Council should have education experience
- Needed a mix of people with multi-professional experience
- 40% of registrant members should have current experience in service delivery

Group 3

1. Size of Council

- decided Council of 16, balance between smaller size and balance of skills
- the Council should not alienate professional bodies
- 16 should include chair elected by Council members
- more strategic, less operational

2. Committee membership

- Committees should be chaired by Council members
- about 8-10 members on committees
- make more decisions without reference to Council
- possible equality of non-council members and council members
- bring in expertise to committees using PLG model

- ETC too unwieldy, did not need to have every profession represented, skill set was more important

Group 4

Role of Council: board-like, sets strategic direction, control and monitoring, set values, audit, communicate, set standards

1. Skills

- Should use the tried and tested public appointments system
- Skills for Justice list of skills was useful

2. Composition of Council

- Should not group professions, instead have a range of scientific, technical and psychological skills
- No executive membership
- 10 registrant members, but with requirement for specific skills and four home country representation, minimum of 20 members and maximum of 24 members
- Appointments Commission should be involved in all selection
- Communication to professions was key, we needed to make it clear that not all professions may be represented on Council
- Big bang change was essential to get right skills mix quickly, although existing members could reapply and the expectation would be that many would be re-appointed, based on merit
- Chair might be appointed by Council or a public appointment. If it was a public appointment, could an existing Council member apply? There would be a need for succession planning.
- Could co-opt representatives of registrant groups to make them involved in a situation where there was a smaller Council.

General conclusions

- There was fundamental difference of views on the appointments process between a "big bang" change and gradual change which required further discussion
- Council was moving towards agreement on the number of Council members and skills required, but there was still a big gap between 16 and 22.
- Council agreed that the Executive should not have a place on the new Council

The President concluded by saying that a core aspiration for the new Council would be that it was strong, effective, inclusive and peaceful. There would be discussions with the Appointments Commission before the Council away day in October and following further discussions at the away day a decision would be paper would be considered at a future Council meeting.

UNCONFIRMED

Date
2007-07-10

Ver.
a

Dept/Cmte
SEC

Doc Type
MIN

Title
HPC Council governance
discussion 5 July 2007 - combined
notes

Status
Draft
DD: None

Int. Aud.
Internal
RD: None