

Council

Public minutes of the 56th meeting of the Health Professions Council held as follows:-

Date: Thursday 10th September 2009

Time: 10:30am

Venue: The Council Chamber, Health Professions Council, Park House, 184 Kennington Park Road, London SE11 4BU

Present:

Anna van der Gaag (Chair)

Patricia Blackburn

Mary Clark-Glass

Malcolm Cross

John Donaghy

Julia Drown

John Harper

Richard Kennett

Jeff Lucas

Arun Midha

Penelope Renwick

Deep Sagar

Eileen Thornton

Annie Turner

Joy Tweed

Diane Waller

Neil Willis

Mr G Butler, Director of Finance

Mrs D Dawkins, Partner co-ordinator

Mr G Gaskins, Director of Information Technology

Mrs A Gorringe, Director of Education

Mr M Guthrie, Director of Policy and Standards

Ms L Hart, Secretary to Council

Ms T Haskins, Director of HR

Mrs J Ladds, Director of Communications

Mrs K Neuschafer, Partner Manager

Mr S Rayner, Secretary to Committees

Mr G Ross-Sampson, Director of Operations

Mr M J Seale, Chief Executive and Registrar
Ms E Seall, Head of Case Management, Fitness to Practise

Item 1.09/136 Chair's welcome and introduction

- 1.1 The Chair welcomed all members and members of the public to the meeting.
- 1.2 The Chair congratulated Michael Guthrie on his recent appointment as Director of Policy and Standards.

Item 2.09/137 Apologies for absence

- 2.1 Apologies for absence were received from the following Council Members: Sheila Drayton, Morag MacKellar and Keith Ross.

Item 3.09/138 Approval of agenda

- 3.1 The Council approved the agenda.

Item 4.09/139 Declaration of Members' Interest

- 4.1 There were no interests declared.

Item 5.09/140 Minutes of the Council meeting of 6 July 2009 (report ref:- HPC108/09)

- 5.1 It was agreed that the minutes of the 55th meeting of the Health Professions Council be confirmed as a correct record and signed by the Chair.

Item 6.09/141 Matters arising (report ref:- HPC109/09)

- 6.1 The Council noted the actions list as agreed at the last meeting.

Item 7.09/142 Chair's report (report ref:- HPC110/09)

- 7.1 The Council received a paper from the Chair.
- 7.2 The Council noted the report.

Item 8.09/143 Chief Executive's report (report ref:- HPC111/09)

8.1 The Council received a paper from the Chief Executive.

8.2 During the course of discussion, the following points were raised:-

- That there had been an increase in Fitness to Practise cases in the last month as a result of the transfer of the Practitioner Psychologists onto the HPC Register;
- The Registrations Department should be congratulated on their achievement of answering 99.7% of calls within 30 seconds;
- A suggestion was made that service standards should be reviewed and members were informed that service levels were being looked at across the board. The introduction of online renewals was likely to have an impact on service response rates in due course;
- In response to a question about the involvement of members at external meetings, Council were informed that members were called upon depending on the type and requirements of particular meetings;
- Council noted that 71 approved programmes transferred over when the HPC Register was opened up to Practitioner Psychologists in July. These 71 programmes would be visited over the next three years. In addition, a request for an approval visit for a new Doctorate programme had been received from the University of Nottingham and a further request for a new programme approval had been received since publication of the Council papers;
- Council noted that despite the increase in workload, the HPC were currently on budget and this was as a result of having introduced systems that could grow, together with good forward planning. However, a balance would need to be struck in future years between the current economic climate and those resources required to deliver the service.

8.3 The Council noted the report.

Strategy and Policy

Item 9.09/144 Revalidation Project Update (report ref:- HPC112/09)

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

- 9.2 The Director of Policy and Standards introduced the report and explained that the grant received from the Department for Health was to enable the HPC to explore the issues and feasibility of revalidation rather than cover the costs of the introduction of any new revalidation processes.
- 9.3 Members expressed support for the two-streamed approach to the project i.e. research and feasibility together with the evidence and risk-based approach;
- 9.4 During the course of the debate, the following points were made:-
- The links between the work of analysing the CPD profiles and any work on revalidation was recognised;
 - That the work should include exploration of patient feedback tools;
 - That the research should be 'future-proofed' to ensure that any model adopted would be applicable to additional professions coming onto the Register;
 - It was noted that the work should take account of international perspectives, including the US/Canadian models. The challenge was to create a model that was proportionate and resource-efficient as well as one which enhanced public protection;
 - In response to a question about member involvement in the project, the Executive confirmed that Council would be regularly informed of the progress of the project through Council report updates and that this would provide opportunities to input into the project.
- 9.5 The Council agreed to receive a further paper at a future Council meeting.

Item 10.09/145 CHRE Performance Review (report ref:- HPC113/09)

- 10.1 The Council received a paper for discussion/approval from the Executive.
- 10.2 The Director of Policy and Standards briefly introduced the report.
- 10.3 The Council noted the positive comments made about the HPC's performance within the CHRE review.
- 10.4 Council noted that the issue of disclosure of complaints was one that was being followed up by the CHRE through follow-up analysis across the regulators.

10.5 There was discussion on the CHRE performance:-

- Council noted that the HPC's position in relation to non disclosure of information to the complainant of a case was supported by the Information Commissioner's Office;
- Council emphasised the need to portray a clear message regarding the importance of public protection in all its endeavours;
- In response to a question concerning good practise sharing across regulators, it was noted that the CHRE had a good practise officer. In addition, there are ongoing cross-regulatory meetings between various departments;
- Concern was expressed with regards to page 14 of the report which referred to whether a regulator should receive every outcome of education providers' student fitness to practise committees in order to help regulators' assess an applicant's health and character on application to the Register. It was agreed that this issue should be discussed in more detail at the Education and Training Committee;

10.6 The Council noted the CHRE Performance Review and requested that the Education and Training Committee consider further the issue of student fitness to practise committees as outlined in 10.5.

Item 11.09/146 The Calman Report "Serving Scotland Better: Scotland and the United Kingdom in the 21st Century" (report ref:- HPC114/09)

- 11.1 The Council received a paper for discussion/approval from the Executive.
- 11.2 The Council noted the continued engagement with Northern Ireland, Scotland, Wales and England and stressed that this work should not be underestimated.
- 11.3 The Council noted the report.

Item 12.09/146 Application for the Regulation of Sonographers from the Society and College of Radiographers (report ref:- HPC115/09)

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

12.2 The Director of Policy and Standards briefly introduced the report and explained the process for aspirant professions seeking statutory regulation.

12.3 During the course of discussion, the following points were raised:-

- That the protection of the public was paramount and so a form of regulation would provide reassurance for patients;
- There was some concern expressed over where sonographers would sit on the Register, the use of the title and the issue of dual registration. Council were informed that there was a degree of flexibility within the Health Professions Order which would allow for some renaming within the Register if it meant avoiding confusion to the public;
- Further concern was expressed over those practitioners using ultrasound for lifestyle diagnosis and the Executive noted that this was a broader issue which could lead to the regulation of services as opposed to the profession;
- Whilst members were in support of a form of regulation for sonographers, they were keen to convey some further issues that they felt worthy of exploration when considering the regulation of sonographers. These were:- Firstly, to look at whether it would be appropriate for this profession to be regulated by the Care Quality Commission. Secondly, whether there was a more pragmatic, cost-effective route other than statutory regulation and, thirdly, whether the licensing model would be a more appropriate form of regulation for this profession.

12.4 The Council:-

- (i) Agree to recommend a form of regulation of the aspirant profession to the Secretary of State for Health under Article 3(17) (a) of the Health Professions Order 2001; and
- (ii) Requested that the Executive report back to the October Council meeting, setting out the text of the letter to be sent to the Secretary of State for Health which outlined the issues raised during the course of debate.

Item 13.09/147 Application for the Regulation of Genetic Counsellors from the Association of Genetic Counsellors and Nurses (report ref:- HPC116/09)

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

- 13.2 Council members were in support of the application although there was concern relating to the use and protection of title given that the HPC were currently working with the Department for Health on the Regulation of Counsellors and Psychotherapists.
- 13.3 The Council agreed to invite the Association of Genetic Counsellors and Nurses to present their application at the next available Council meeting.

Item 14.09/148 Extending Professional and Occupational Regulation (report ref:- HPC117/09)

- 14.1 The Council received a paper for discussion/approval from the Executive.
- 14.2 Council were in agreement that this was an extensive paper which warranted longer discussion. It was agreed therefore agreed that this should be considered at the February 2010 meeting of Council which included a strategy session.
- 14.3 Council agreed that the various Committees should consider the issues detailed in the report that were pertinent to their remit and then this could inform the more strategic discussion to be held in February 2010.
- 14.4 The Council agreed to discuss the report in more detail at the February 2010 Strategy Session. However, in the meantime, Committees would consider the specific issues pertinent to their remit detailed in the report.

Item 15.09/149 Partner Recruitment (report ref:- HPC118/09)

- 15.1 The Council received a paper for discussion/approval from the Executive.
- 15.2 The Council agreed the recommendations as set out in appendix 1 of the report, to appoint those people listed as partners of HPC.

Corporate Governance

Item 16.09/150 Nomination of Chair of the Finance and Resources Committee and the Interim Education and Training Committee (report ref:- HPC119/09)

- 16.1 The Council received a paper for discussion/approval from the Executive.
- 16.2 The Council endorsed the decision of the Finance and Resources Committee to appoint Richard Kennett as Chair and the decision of the

interim Education and Training Committee to appoint Eileen Thornton as Chair.

Item 17.09/151 Audit Committee Observer (report ref:-HPC120/09)

- 17.1 The Council received a paper for discussion/approval from the Executive.
- 17.2 It was noted that greater consideration needed to be given in all reports to the financial implications of the proposals outlined.
- 17.3 The Council endorsed the decision of the Finance and Resources Committee to appoint Richard Kennett as the observer of the Audit Committee on their behalf.

Item 18.09/152 Public Minutes of the Finance and Resources Committee held on 23 June 2009 (report ref:-HPC121/09)

- 18.1 The Council received a paper for discussion/approval from the Executive.
- 18.2 The Council approved the recommendations therein.

Item 19.09/153 Public Minutes of the Finance and Resources Committee held on 30 July 2009 (report ref:-HPC122/09)

- 19.1 The Council received a paper for discussion/approval from the Executive.
- 19.2 With regards to minute 7.2, the Council noted that the Financial information would be presented in a different format at the next meeting.
- 19.3 The Council approved the recommendations therein.

Item 20.09/154 Public Minutes of the Audit Committee held on 24 June 2009 (report ref:-HPC123/09)

- 20.1 The Council received a paper for discussion/approval from the Executive.
- 20.2 The Council approved the recommendations therein.

The Council noted the following papers:

Item 21.09/155 Compulsory Professional Indemnity Insurance (report ref:-HPC124/09)

Item 22.09/156 CHRE reports (report ref:-HPC125/09)

Item 23.09/157 Café Conversations Feedback (report ref:-HPC126/09)

Item 24.09/158 Reports from representatives at external meetings (report ref:-HPC127/09)

Item 25.09/159 Public Minutes of the Education and Training Committee held on 29 July 2009 (report ref:-HPC128/09)

Item 26.09/160 Any other business

26.1 There was no other business.

Item 27.09/161 Date and time of next meeting

27.1 Wednesday 7 October 2009 at 1pm at the Stormont Hotel, Upper Newtownards Road, Belfast, BT4 3LP

Subsequent meetings on:

Thursday 10 December 2009

Tuesday 11 February 2010

Thursday 25 March 2010

Thursday 20 May 2010

Wednesday 7 July 2010

Resolution

The Council agreed to adopt the following resolution:-

“The Council hereby resolves that the remainder of the meeting shall be held in private, because the matters being discussed relate to the following;

- (i) information relating to a registrant, former registrant or application for registration;
- (ii) information relating to an employee or office holder, former employee or applicant for any post or office;
- (iii) the terms of, or expenditure under, a tender or contract for the purchase or supply of goods or services or the acquisition or disposal of property;

- (iv) negotiations or consultation concerning labour relations between the Council and its employees;
- (v) any issue relating to legal proceedings which are being contemplated or instituted by or against the Council;
- (vi) action being taken to prevent or detect crime to prosecute offenders;
- (vii) the source of information given to the Council in confidence; or
- (viii) any other matter which, in the opinion of the Chair, is confidential or the public disclosure of which would prejudice the effective discharge of the Council's functions.

Item	Reason for Exclusion
28	Vii
29	-
30	I
31	Iii
32	Iii
33	Viii
34	Viii

Summary of those matters considered whilst the public were excluded

Item 28.09/162 Minutes of the Private part of the Council meeting held on 20 May 2009 (report ref:-HPC129/09)

- 28.1 The Council considered and approved the minutes of the private part of the Council meeting held on 6 July 2009.

Item 29.09/163 Matters arising

- 29.1 The Council noted that there were no matters arising from the private part of the Council minutes of 6 July 2009.

Item 30.09/164 Fitness to Practise Matter

- 30.1 The Council considered and decided upon a private fitness to practise issue that had arisen.

Item 31.09/164 Minutes of the Private part of the Finance and Resources Committee held on 23 June 2009 (report ref:- HPC130/09)

- 31.1 The Council considered the private minutes of the Finance and Resources Committee held on 23 June 2009 and agreed the recommendations therein.

31.2 The Council noted that contained within the Chief Executive's Report was an update concerning Stannary Street which stated that a verbal agreement on the final account for Phase 1 had been reached and the HPC were awaiting written confirmation of this.

Item 32.09/165 Minutes of the private part of the Finance and Resources Committee held on 30 July 2009 (report ref:-HPC131/09)

32.1 The Council considered the private minutes of the Finance and Resources Committee held on 30 July 2009 and agreed the recommendations therein

Item 33.09/166 Minutes of the private part of the Audit Committee held on 24 June 2009 (report ref:- HPC132/09)

33.1 The Council considered the private minutes of Audit Committee held on 24 June 2009 and agreed the recommendations therein.

Item 34.09/167 Minutes of the Private part of the Education and Training Committee held on 25 July 2009 (report ref:- HPC133/09)

34.1 The Council noted the minutes of the private part of the Education and Training Committee held on 25 July 2009.

Chair:

Date: