

**Council**

**Public minutes of the 62nd meeting of the Health Professions Council held as follows:-**

**Date:** Wednesday 7 July 2010

**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)

Mary Clark-Glass

Malcolm Cross

John Donaghy

Sheila Drayton

Julia Drown

Richard Kennett

Jeff Lucas

Morag Mackellar

Arun Midha

Penelope Renwick

Keith Ross

Deep Sagar

Annie Turner

Joy Tweed

Diane Waller

Neil Willis

Mr O Ammar, Acting Director of Education

Ms N Aumeerally, Case Manager

Mr G Butler, Director of Finance

Mr N Cohen, Customer Services Manager

Ms A Dittmer, Policy Officer

Mr R Dunn, Head of Business Process Improvement

Mr G Gaskins, Director of Information Technology

Mr M Guthrie, Director of Policy and Standards

Ms L Hart, Secretary to Council

Mr R Houghton, Head of Registration

Ms K Johnson, Director of Fitness to Practise

Mr J Jones, Publications Manager  
Mr D Knight, Communications Officer  
Ms J Ladds, Director of Communications  
Mr J Malcolm, Case Support Officer  
Ms S Oliver, PA, Director of Policy & Standards, PA, Director of  
Communications  
Mr S Rayner, Secretary to Committees  
Mr G Ross-Sampson, Director of Operations  
Mr J Rowbottom, Hearings Officer  
Ms T Samuel-Smith, Acting Head of Education  
Ms M Scott, Policy Manager  
Mr M J Seale, Chief Executive and Registrar

#### **Item 1.10/104 Chair's welcome and introduction**

- 1.1 The Chair welcomed all Council members and members of the public to the meeting. The Chair gave particular welcome to Mr Paul Grace, the President of the National Board of Certification for Occupational Therapy (NBCOT) in the US and David Pink, Chief Executive of the UKCP.

#### **Item 2.10/105 Apologies for absence**

- 2.1 Apologies for absence were received from Patricia Blackburn, John Harper and Eileen Thornton.

#### **Item 3.10/106 Approval of agenda**

- 3.1 The Council approved the agenda, subject to the inclusion of a tabled paper which detailed the amendments to the HPC's Annual Report (item 16) and a tabled paper relating to the presentation given under item 21.

#### **Item 4.10/107 Declaration of Members' Interest**

- 4.1 Keith Ross declared an interest under item 9 as his wife is a Council member of CHRE.

#### **Item 5.10/108 Minutes of the Council meeting of 20 May 2010 (report ref:- HPC79/10)**

- 5.1 The Council considered the minutes of the 61<sup>st</sup> meeting and the following amendments were made:-

- Under 9.4, it should read “details of practice histories” not “practise;”
  - The last bullet point under paragraph 11.3 should end at “or ignoring a serious issue;”
  - Bullet 17.3 required a numbering correction.
- 5.2 It was agreed that the minutes of the 61st meeting of the Health Professions Council be confirmed as a correct record and signed by the Chair, subject to the amendments detailed above.

**Item 6.10/109 Matters arising (report ref:-HPC80/10)**

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

**Item 7.10/110 Chair’s report (report ref:-HPC81/10)**

- 7.1 The Council received a paper from the Chair.
- 7.2 The Council noted that the Chair had attended the listening events in Cheltenham and Rugby and there had been a good turnout with positive feedback received.
- 7.3 The Chair wished to place on record her thanks to the Director of Communications and her team for the delivery of these successful events.
- 7.4 The Council noted that the Fitness to Practise workshop on the Expectations of Complainants was very well attended and the feedback received at the event had informed the report that Council would consider under item 12: Fitness to Practise: What does it mean?
- 7.5 The Chair wished to congratulate the Director of Fitness to Practise and her team on the success of the event.
- 7.6 In response to a question, the Council noted that the meeting with the General Social Care Council (GSCC) had been diarised some time ago in response to the previous government’s proposals that the HPC would run a pilot project to look at the regulation of support workers in England. The Chair noted that, whilst it was a useful meeting and the GSCC were supportive of the proposal, the intentions of the new government on this matter were still not known.
- 7.7 The Council noted the report.

### **Item 8.10/111 Chief Executive's report (report ref:-HPC82/10)**

- 8.1 The Council received a paper from the Chief Executive.
- 8.2 The Chief Executive informed Council that the HPC were still awaiting direction from government on their proposals regarding statutory regulation.
- 8.3 The Council noted that the online renewals systems continued to grow in terms of usage.
- 8.4 During the course of discussion, the following points were made:-
- That we should be looking at reducing the time taken for Fitness to Practise cases to be heard since within the criminal justice system, the average length of time for a case to be heard is currently 6 months;
  - In response, the Council noted that whilst the Fitness to Practise Committee were continually looking at ways of reducing the time taken for a case to be heard, HPC was limited by time constraints prescribed by the legislation. Currently, on average cases are being heard within 14 months of receiving the initial complaint and this constitutes a reduction in time taken on previous years;
  - That the number of international applicants had declined in recent times and this was due in part to the NHS concentrating on employing UK-trained professionals but also due to agreements in place with other countries so that the UK do not "poach" their health professionals;
  - That there was a reference within the Secretariat report relating to the change in travel policy for Council members and it was hoped that international travel would be treated with the same sensitivity;
  - That page 3 of the statistics showed the unsolicited feedback received between April 2009 and May 2010 and this was considered by the Executive on a monthly basis to identify any emerging trends which may need addressing; and
  - That there was an unusually low number of cases heard by the Investigating Committee between April and May of this year. Normally, some 60 cases would be heard each month.
- 8.5 The Council noted the report.

## Strategy and Policy

### **Item 9.10/112 The HPC Register – suspended and struck off registrants (report ref:- HPC83/10)**

- 9.1 The Council received a paper for discussion/approval from the Executive.
- 9.2 The Council noted the legal advice with regards to the inclusion in the HPC Register of the names of registrants who are the subject of a suspension order or striking off order.
- 9.3 During discussion, the following points were raised:-
- That it would be possible to find out if someone had been struck off the Register by searching the HPC website where details of Fitness to Practise hearing decisions were recorded;
  - That details of the unequivocal legal advice would be fed back to the CHRE;
  - That we would share our legal advice with other regulators through the good practise seminars;
  - That a single portal for healthcare regulation was being looked into whereby there would be clear signposting to the relevant regulator so that a complaint could be directed accordingly;
  - That to increase accessibility and for the purposes of public protection, it may be worth considering maintaining a list of the names of all those registrants that had been struck off in one place.
- 9.4 The Council agreed that:-
- (i) suspended and interim-suspended registrants should appear in the public-facing HPC Register, albeit with the suspended status made very clear to differentiate from registrants in practice; and;
  - (ii) struck off registrants should not appear in the public-facing HPC Register.

**Item 10.10/113 Consultation on proposed changes to the generic standards of proficiency (report ref:- HPC84/10)**

- 10.1 The Council received a paper for discussion/approval from the Executive.
- 10.2 The Council noted that the consultation paper had been prepared following approval of the recommendations of the Generic Standards of Proficiency Review Group at the Council meeting in March. It was further noted that this paper had been agreed by the Education and Training Committee at their meeting on 8 June 2010.
- 10.3 The Council agreed the text of the consultation document.

**Item 11.10/114 Removing the health reference requirement for registration (report ref:- HPC85/10)**

- 11.1 The Council received a paper for discussion/approval from the Executive.
- 11.2 The Council noted that the consultation was carried out between 4 January and 9 April this year and around 400 stakeholders gave feedback.
- 11.3 The Council noted that whilst there was some concern that those registrants who might not have the insight to recognise that they had a health issue would be missed through the self-declaration method, the evidence suggested that this was a very low risk.
- 11.4 The Council noted the difficulty faced by one of the respondents in applying for a health reference under the current system owing to their physical disability and hoped that their particular consultation response would assist the HPC in the future.
- 11.4 The Council agreed:-
  - (i) That the existing requirement for a health reference at point of entry to the Register should be removed (subject to amendments to the Health Professions Council (Registration and Fees) Rules Order of Council 2003) and;
  - (ii) The text of the consultation responses document (subject to minor editing amendments and legal scrutiny) be submitted for publication on the HPC website.

**Item 12.10/115 Fitness to Practise: What does it mean? (report ref:- HPC86/10)**

- 12.1 The Council received a paper for discussion/approval from the Executive.
- 12.2 The Council noted that a seminar had been held in June to discuss the Ipsos MORI report on “Expectations of the Fitness to Practise Process” and the feedback received from the attendees had informed this paper.
- 12.3 During the course of discussion, the following points were raised:-
- That the document had been subject to legal scrutiny;
  - That this document would be of great use to university admission tutors; and
  - There was some discussion on the section entitled “What is the purpose of a fitness to practise process?” since it talked more in terms of what the FtP process was not. After discussion, it was agreed that the Executive would look again at the opening paragraphs of the document.
- 12.4 The Council agreed the document setting out the meaning of Fitness to Practise for the HPC, subject to the Executive reviewing the presentation of the opening paragraphs of the document.

**Item 13.10/116 Practice Notes (report ref:- HPC87/10)**

- 13.1 The Council received a paper for discussion/approval from the Executive.
- 13.2 The Council noted that the practice notes were kept under regular review and updated to take into account relevant case law, legislation and good practise.
- 13.3 The Council agreed the following practice notes:
- (i) Review of Striking Off Orders: New Evidence and Article 30 (7);
  - (ii) Conducting Hearings in Private;
  - (iii) Finding Fitness to Practise Impaired;
  - (iv) Case Management and Directions; and
  - (v) Hearing Venues.

**Item 14.10/117 Review of the Health Professions Council (HPC) Admission Forms (report ref:- HPC88/10)**

- 14.1 The Council received a paper for discussion/approval from the Executive.
- 14.2 The Council noted that the admission forms had been updated to ensure consistency with the wording used on HPC's approved programme list on the website. Subject to approval, the revised admission forms would come into effect in September 2010.
- 14.3 The Council noted that in the past, all changes to the admission forms had to be agreed by the Privy Council but this had now been delegated to the Health Professions Council.
- 14.4 The Council approved the changes to the admission forms.

**Corporate Governance**

**Item 15.10/118 National Audit Office (NAO) Audit Completion Report (including management letter) on the 2009/10 financial statement audit (report ref:- HPC89/10)**

- 15.1 The Council received a paper for discussion/approval from the Executive.
- 15.2 The Council noted that two observations and recommendations were identified during the audit. These related to:-
  - (i) The quality of the draft accounts presented for audit; and
  - (ii) Two instances related to authorisation levels for processing of payments.
- 15.3 The Chair of the Audit Committee noted that this was the first time that the HPC had been audited by the NAO and so both parties had to adjust to different ways of working. As a result, some of the comments and observations made related to different styles of auditing and were considered by all parties to be minor issues.
- 15.4 In response to a question regarding the valuation of HPC's artwork, the Council noted that these assets would need to be separately valued.
- 15.5 The Council approved the National Audit Office (NAO) report of audit findings for 2009/10 and management letter.



**Item 16.10/119 Draft Health Professions Council Annual Report (Report ref:-HPC90/10)**

- 16.1 The Council received a paper for discussion/approval from the Executive. An additional paper outlining some minor amendments was tabled.
- 16.2 The Council noted that the report had been reviewed by the Finance and Resources and Audit Committees at their meetings on 17 June 2010 and 24 June 2010 respectively.
- 16.3 The Council noted that the figure on page 28 of the report relating to the total operating income in 2009-10 should read £14873.
- 16.4 During the course of discussion, the following points were made:-
- That the write-down figure on page 64 relating to the transfer of 22-26 Stannary Street was an accounting exercise and had no effect on the HPC accounts in real terms; and
  - That the NAO had not reduced their fee but they did not charge VAT and so this cost had been removed from the original budget allocation.
- 16.5 The Council approved the Health Professions Council 2009-2010 Annual report, subject to minor amendments.

**Item 17.10/120 Draft Health Professions Council Fitness to Practise Annual Report (report ref:-HPC91/10)**

- 17.1 The Council received a paper for discussion/approval from the Executive.
- 17.2 The Council noted that the Fitness to Practise Committee had approved the draft report (subject to editorial amendments) at their meeting on 3 June 2010.
- 17.3 During the course of discussion, the following points were made:-
- In response to a suggestion that the report could be shortened in future, Council noted that the requirement to produce an annual report was within the HPC's legislation and the detailed report had always been very well received by registrants;
  - That the Register was opened up to the Practitioner Psychologists in July 2009 and so consideration needed to be given to how the statistics were reflected in the report, particularly since HPC inherited a number of existing cases;

- That page 10 states that “there was an increase of 37% in the number of cases received by the HPC in 2009-10...” and this figure could be misleading since the number of cases per registrant still remained less than 0.5%; and
- The Executive needed to consider whether it was more appropriate to use percentages or figures within the annual report and this would depend upon the context.

17.4 The Council approved the 2009-2010 Fitness to Practise Annual report (subject to editorial amendments).

**Item 18.10/121 Council members travel policy (report ref:-HPC92/10)**

- 18.1 The Council received a paper for discussion/approval from the Executive.
- 18.2 The Council noted that whilst the expenses policies had only recently been reviewed, this amendment to rail policy had been introduced since a number of other public organisations had curtailed their policy of allowing first class rail travel for senior staff.
- 18.3 The Council further noted that there would be some grounds for making exceptions to this approach, for example on health or disability grounds.
- 18.4 The Council agreed that the members’ expenses policy be amended so that it was clear that HPC would only reimburse the cost of standard class rail travel.

**Item 19.10/122 Public Minutes of the Fitness to Practise Committee held on 2 June 2010 (report ref:-HPC93/10)**

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

**Item 20.10/123 Public Minutes of the Finance and Resources Committee held on 17 June 2010 (report ref:-HPC94/10)**

- 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 21.10/124 Revalidation Update (report ref:-HPC95/10)**

21.1 The Council received a presentation from Dr Jan Illing of Durham University on the progress to date, methodology being used and expected outcomes of the research projects currently being undertaken to inform the revalidation project.

Council members were given the opportunity to ask questions and helpful feedback was given on the nature of the selection of participants and the implications of this for the study. Suggestions and comments would be followed up with the research team over the coming months.

**Item 22.10/125 Council members' performance and development review (report ref:-HPC96/10)**

22.1 The Council noted the report on Council members' performance and development review and made the following points:-

- That the paper reflected the current high level of cohesion amongst the members;
- That individual areas for improvement would be followed up by the Executive;
- A suggestion was made that members be requested to reaffirm their commitment to the Code of Conduct by asking them to sign each year, a suggestion that Council concurred with.

22.2 The Council agreed that members be requested to sign the Code of Conduct in July of each year.

**Item 23.10/126 Getting more for less from public bodies: 10 lessons from the abolition of the Hearing Aid Council (report ref:- HPC97/10)**

**Item 24.10/127 Reports from Council representatives at external meetings (report ref:-HPC98/10)**

**Item 25.10/128 Round up of Council Actions for the year (report ref:- HPC99/10)**

**Item 26.10/129 Public Minutes of the Education and Training Committee held on 8 June 2010 (report ref:-HPC100/10)**

### **Item 27.10/130 Any other business**

27.1 There were no additional items for consideration this day.

### **Item 28.10/131 Date and time of next meeting**

28.1 Friday 17 September at 10.30am

### **Item 29.10/132 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.

<b>Item</b>	<b>Reason for Exclusion</b>
30	ii, iii, iv, v, vii
31	-
32	iii, iv, viii
33	iv, viii
34	v, vii, viii
35	-

**Summary of those matters considered whilst the public were excluded**

**Item 30.10/133 Minutes of the Private part of the Council meeting held on 20 May 2010 (report ref:-HPC101/10)**

- 30.1 The Council considered and approved the minutes of the private part of the Council meeting held on 20 May 2010.

**Item 31.10/134 Matters arising**

- 31.1 The Council noted that there were no matters arising from the private part of the Council minutes of 20 May 2010.

**Item 32.10/135 Minutes of the private part of the Finance and Resources Committee held on 17 June 2010 (report ref:-HPC102/10)**

- 32.1 The Council considered the private minutes of the Finance and Resources Committee held on 17 June 2010 and agreed the recommendations therein.

**Item 33.10/136 Update on the five year plan and fee rise project (report ref:-HPC103/10)**

- 33.1 The Council received an update on the revised five year plan and fee rise.

**Item 34.10/137 Minutes of the private part of the Education and Training Committee held on 8 June 2010 (report ref:-HPC104/10)**

- 34.1 The Council noted the minutes of the private part of the Education and Training Committee held on 8 June 2010.

**Item 35.10/136 Any other business for consideration in private**

- 35.1 There were no items for consideration in private.

Chair: .....

Date: .....