

THE HEALTH PROFESSIONS COUNCIL

Chief Executive and Registrar: Mr Marc Seale

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MINUTES of the sixteenth meeting of the Health Professions Council held at
12 noon on Tuesday 2 March 2004 at Park House, 184 Kennington Park Road,
London, SE11 4BU.

PRESENT: Professor N Brook (President)
Mr J Camp
Mrs S Chaudhry
Mr R Clegg
Miss M. Crawford
Ms C Farrell
Prof. J. Harper
Professor T Hazell (part)
Mr C Lea
Ms R Levenson
Miss M MacKellar (part)
Mrs C McGartland
Ms J Manning
Mr W Munro
Dr J Old
Mr K Ross
Miss P Sabine
Mrs J Stark
Mrs. B. Stuart
Miss E Thornton
Dr A Van Der Gaag
Professor D Waller
Mr N Willis

IN ATTENDANCE:

Mr P Baker, Finance Director
Mrs A Barnes, Director of Fitness to Practise
Mr T Berrie, Director
Mr. J. Bracken, Bircham, Dyson, Bell
Mr R Dunn, Director of Information
Mr C Middleton, Director of Communications
Ms N O'Sullivan, Secretary to Council
Miss L Pilgrim, Director
Mr M Seale, Chief Executive and Registrar
Ms C Savage, Director
Ms D Thompson, Human Resources Director

Item 1.04/01 INTRODUCTION AND WELCOME

- 1.1 Professor Brook welcomed all members to the meeting, and in particular Ms Levenson who was attending her first meeting of the Health Professions Council. She also welcomed all and non members, who were attending the meeting.

Item 2.04/02 APOLOGIES FOR ABSENCE

- 2.1 Apologies for absence were received from the following Council members: Dr R Jones (Miss Thornton attending), Professor J Lucas, Dr S Yule.

Item 3.04/03 APPROVAL OF AGENDA

- 3.1 The Council approved the agenda.

Item 4.04/04 MINUTES

- 4.1 It was agreed that the minutes of the fifteenth meeting of the Health Professions Council be confirmed as a true record and signed by the President.

Item 5.04/05 MATTERS ARISING

- 5.1 Item 3 Health Professions Council Strategic Intent
 - 5.1.1 The Council noted that the Health Professions Council Strategic Intent was now available on the website.
- 5.2 Item 5 – Structure of the Register
 - 5.2.1 The Council noted that the consultation paper on the structure of the register would be issued in parallel with the consultation on the Standards of Education and Training and the Approvals Process.
- 5.3 Item 5 Minutes of the Registration Committee held on 10 September 2003
 - 5.3.1 The Council noted that a meeting to discuss issues surrounding health and disability had been held at Park House on 1 March 2004. A draft framework on disabilities, health and registration had been discussed and would be amended in the light of comments received. The amended document would be discussed at meetings of the Fitness to Practice Committees and the Education and Training Committee.
Action: GLM&NO'S
 - 5.3.2 The Council noted the importance of ensuring the HPC documents could be understood by people with disabilities and that the building was accessible to all.

- 5.4 Item 7.4.2 Annual General Meeting
- 5.4.1 The Council noted that the HPC Annual General Meeting would be held on 16 July at Park House.
- 5.5 Item 7.4.3 Summer Event
A summer event to which other UK Regulators of Healthcare Professions would be invited would be held at the Globe on 15 July 2004.
- 5.6 Item 9.3 Deputy-Chairman of the Health Committee
- 5.6.1 A nomination for the Deputy-Chairmanship of the Health Committee had been included on the agenda.
- 5.7 Item 10 Service Standards/Performance Indicators
- 5.7.1 The Council noted that a paper on the review of service standards/performance indicators would be considered at the July meeting.
Action: MJS
- 5.8 Item 11 Dates of Committee Meetings 2004-2005
- 5.8.1 The Council noted that the dates of committee meetings for the coming year had been finalised and circulated to members. A calendar of meetings would be published shortly.
Action: NO'S
- 5.9 Item 14 Minutes of the Communications Committee held on 20 November 2003
- 5.9.1 The Council noted that the Communications Committee had agreed a draft advertising campaign which would be aimed at the general public. This was now being finalised and would be presented to the May Council meeting.
Action: CM
- 5.10 Item 20 HPC Response to the Council for the Regulation of Healthcare Professionals
- 5.10.1 The Council noted that comments were still being received on the Section 29 consultation document.
- 5.11 Item 28 Council Membership
- 5.11.1 A paper on the process for appointing non-Council members to statutory and non-statutory committees would be considered at the May 2004 meeting of Council.
Action: NO'S

Item 6.04/06 PRESIDENT'S REPORT

- 6.1 Professor Brook noted that meetings had been organised with the Presidents and Chief Executives of a number of the Professional Bodies i.e. the Institute of Biomedical Scientists, the Society of Radiographers and the British Association of Prosthetists and Orthotists. The aim of these meetings was to explain the new system for setting the Standards of Education and Training and the Approvals Process to them.
- 6.2 Professor Brook also noted that she and the Chief Executive, Mr Seale had attended a meeting of the Council of Deans at which they had given a presentation regarding the HPC. This had been well received

and there had been much interest in the proposed new process for setting standards of education and training and approvals.

- 6.3 Professor Brook had also attended a conference on a vision for the Allied Health Professionals Workforce. Discussions surrounding issues raised were ongoing. A number of interesting issues had been discussed and there would be further discussions.
- 6.4 There had been another meeting of the Council for the Regulation of Healthcare Professionals which Professor Brook had attended. The main focus of discussions was the cases being referred to the courts under Section 29 of the National Health Service Reform and Health Care Professions Act 2002.
- 6.5 A former Council member Professor Sir John Lilleyman who was currently President designate of the Royal Society of Medicine had invited Professor Brook and Mr Seale to lunch at the Royal Society. The Royal Society had conference facilities and accommodation which it could make available to the Health Professions Council. Members of the Allied Health Professions could apply for membership of the Society as either an associate or a fellow member and could benefit from their Continuing Professional Development Schemes. Further information was available on the Royal Society website.
- 6.6 Professor Brook had attended a Health Professions Council Listening Event in Nottingham on 17 February 2004. The event had been well attended and a wide range of questions had been asked. The questions were very different to those asked during the 2002 consultation.
- 6.7 Professor Brook also noted that the consultation document arising from the Department of Health group on Framework for Professional for Healthcare Education would be going out to consultation shortly.
- 6.8 Finally Professor Brook noted that she had attended Health Professions Council two day Fitness to Practise training course. The feedback she had received from all those who attended, especially lay members, was that the training was extremely valuable and compared very favourably with training they had received from other organisations.

Item7. 04/07 CHIEF EXECUTIVE'S REPORT

- 7.1 Mr Seale noted that the individual directors were preparing a separate section of the Chief Executive's Report for their departments. Council members who wished to discuss the reports should contact the director concerned.
- 7.2 Mr Seale also noted that the International Department had now achieved a 24 hour turnaround on applications. Applications to the International Registration Department were either rejected as being

incomplete or were sent to assessors within 24 hours of arriving at Park House.

7.3 The Department of Health had that morning issued a consultation document on the regulation of health care staff in England and Wales. The consultation document laid out three options but stated that the Department of Health favoured the option of regulating these staff by means of a Statutory Committee within the Health Professions Council – the Health Occupations Committee. Mr Seale agreed that each Council member should be sent a copy of the consultation document.
Action: NO'S

7.4 The Council noted that the service levels had been reduced in UK Registration Department. Physiotherapists were currently going through their registration period and there were three more professions to register in the current registration year. There would be a break of a year before all the professions would be re-registered and it was anticipated that service levels would improve significantly.

7.5 The Council noted that the number of grandparenting applications was lower than anticipated. The reasons for this were unclear and it was possible that there could be a significant increase in applications towards the end of the second transitional period. A practitioner who could demonstrate lawful, safe and effective practice for three out of the five years prior to the opening of the Register had the right to come onto the Register. There was no requirement for applications which met these requirements to be assessed by assessors. Applicants who had been working in a supervised position in a profession were not eligible to grandparented onto the register in that profession.

Item 8.04/08 REGULATION OF NEW PROFESSIONS BY THE HPC
(Application and Presentation from the Association of Dance Movement Therapy)

8.1 The Council received an application for regulation from the Association of Dance Movement Therapy (ADMT).

8.2 The Council received a presentation from Ms S Scarth, Chairperson of the Association of Dance Movement Therapy. Dr B Meekums, Ms S Holden, Dr V Karkou, Ms P Best were also in attendance.

8.3 The Council noted that a number of ADMT members were also members of the United Kingdom Council for Psychotherapy (UKCP). However Dance Movement Therapists wished to be regulated alongside Arts and Drama Therapists at the HPC.

8.4 Evidence based practice and evidence based research was carried out by means of questionnaires to patients and at departmental level by analysis of treatment. Therapists regularly evaluated the effectiveness of the treatment given to different client groups.

- 8.5 Regulation was important in order to ensure that those in the profession met recognised standards in their work with vulnerable clients. There was approximately 200 practitioners practising as Dance Movement Therapists.
- 8.6 The Council noted that Dance Therapists would be regulated as a module of the Arts Therapists part of the Register.
- 8.7 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.
- 8.8 The Council agreed that the Dance Movement Therapists should be recommended for regulation.

Action: MJS

Item 9.04/09 HEALTH PROFESSIONS COUNCIL'S ELECTION RULES

- 9.1 The Council received a paper regarding the Health Professions Council's Election Rules.
- 9.2 The Council received a presentation from Ms H Duys and Mr N Goodman from Electoral Reform Services (ERS).
- 9.3 The Council noted that the requirement for home country representation was set out in the Order. The Council noted the need for a communications campaign to ensure that the electorate understood the home country requirement and the importance of ensuring that there were adequate candidates from each of the home countries.
- 9.4 The Council expressed concern that a situation could arise whereby all the home country representatives were alternate members on Council and therefore would be unlikely to attend Council on a regular basis.
- 9.5 The Council also noted that a situation could arise for professions such as Prosthetists and Orthotists and Radiographers whereby only part of the Register was represented on Council.
- 9.6 The Council noted the advantages of internet voting and the security measures which ERS had in place to prevent multiple voting and hacking.
- 9.7 The Council noted that they were being asked to take a decision regarding the principle of whether similar sized professions should be grouped together in the elections following the first election in July 2005 and not on the order in which these elections should be held.

- 9.8 The Council noted that the issue of the ongoing costs of the election would need further consideration.
- 9.9 The Council agreed the following;
- (1) To approve the Rules including the use of electronic voting and the method for dealing with the home country requirement. The Council noted that the Rules would be amended to include a description of the method for dealing with the home country representation requirement.
 - (2) To make a recommendation to the Privy Council that similar sized professions should be grouped together in the elections following the first election in July 2005. The Council would decide at a later date the order in which these elections would be held.
 - (3) To request the Executive to develop a communications strategy for approval by the Communications Committee by November 2004.
Action: MJS/CM/NO'S
- 9.10 The Council noted that there would be a public consultation on the Rules in June and July 2004 and that the draft consultation document would be considered at the May 2004 meeting of Council.
Action: NO'S

Item 10.04/10 STANDARDS OF EDUCATION AND TRAINING AND THE APPROVALS PROCESS

- 10.1 The Council received the consultation paper on the Standards of Education and Training and the Approvals Process.
- 10.2 The Council agreed;
- (i) the Standards of Education and Training for consultation,
 - (ii) the Approvals and Annual Monitoring Processes for consultation
 - (iii) the consultation plan
 - (iv) the consultation document

Item 11.04/11 PUBLICISING FITNESS TO PRACTISE HEARINGS

- 11.1 The Council received a paper regarding the publication of the results of fitness to practise hearings.
- 11.2 The Council noted that permission would be required from a registrant before the outcome of a hearing at which the allegation was found to be not well-founded could be publicised. It was agreed that the document should be amended to reflect this.
Action: RT

11.3 The Council also noted transcripts of hearings would be made available on the HPC website however only the transcripts of hearings from Health Panels which had been held in public would be available.

11.4 The Council agreed that the document would be amended so that references to staff at the HPC referred to the title of the post held i.e. Communications Officer.

Action: RT

Item 12.04/12 PROCESS FOR NOMINATION OF CHAIRMAN AND VICE/DEPUTY-CHAIRMAN OF COMMITTEES

12.1 The Council received a paper on the process for the nomination of Chairman and vice/deputy-chairman of committees.

12.2 The Council noted that the process had been discussed at the 8 October 2004 meeting and that the purpose of the paper was to formalise the process which had been agreed for previous nominations.

12.3 The Council agreed to the process as outlined in the paper.

Item 13.04/13 NOMINATION FOR THE DEPUTY-CHAIRMAN OF THE HEALTH COMMITTEE

13.1 The Council noted that the Health Committee had nominated Dr J Old as Deputy-Chairman of the Health Committee.

13.2 The Council agreed the nomination.

Item 14.04/14 MEMBERSHIP OF COMMITTEES

14.1 The Council received a paper from the Executive regarding the membership of committees.

14.2 The Council agreed that membership of committees would continue as it was until 8 July 2005 and that after that date committee members would be appointed for a renewable term of two years.

14.3 The Council agreed that the situation for replacement Council members would remain as it was in that they would normally be expected to fill the vacancies created by the Council member they were replacing, unless doing so would be contrary to the Order.

14.4 The Council agreed that those wishing to resign from or join a committee should make their request in writing to the President.

Item 15.04/15 EX-OFFICIO MEMBERSHIP OF COMMITTEES

- 15.1 The Council received a paper from the Executive regarding ex-officio membership of committees.
- 15.2 The Council noted that membership of the statutory and non-statutory committees was agreed after the establishment of the Shadow Council in July 2001. At that time the President and Vice-President became ex-officio members of a number of committees and the Chairman and Vice-Chairman of the Education and Training Committee became ex-officio members of the Registration Committee.
- 15.3 The Council agreed that this situation should be reviewed and that in future the President should receive papers for all committee meetings and should have the right to attend however that she would not be a member of the committee and her attendance would not count towards the numbers required to ensure that the meeting was quorate. Chairmen and Vice-Chairmen of all committees would be entitled to attend meetings of committees of which they were not members only on the specific invitation of that committee.
- 15.4 The Council agreed that Mr Lea should become a full member of the Finance and Resources Committee and that Mr Sutehall should become a full member of the Registration Committee.

Item 16.04/16 PROCESS FOR RECRUITMENT OF SCREENERS

- 16.1 The Council received a paper from the Executive.
- 16.2 The Council noted that the function of Screeners was to consider allegations made against registrants and establish whether in their opinion power was given by the Health Professions Order 2001 to deal with allegations if they proved well founded. They were then sent to the appropriate Fitness to Practise Committee.
- 16.3 The sifting of allegations was initially undertaken by the Chief Executive and was now undertaken by a rota of members of Council from the Investigating Committee. However, due to the increasing number of allegations this temporary arrangement was no longer appropriate and it was proposed that powers given to the Health Professions Council by the Order should be adopted.
- 16.4 The Council noted that Practice Committee members and panel members could not act as screeners.
- 16.5 The Council agreed to the appointment of screeners.
- 16.6 The Council also agreed that screeners should be paid £15 per case and that cases should be sent to screeners in batches of 4 cases. The advertisement should be drafted to reflect this.

16.7 The Council also agreed that the Executive should report back to Council on progress.

Action: MJS

Item 17.04/17 STANDING ORDERS FOR STATUTORY AND NON-STATUTORY COMMITTEES

17.1 The Council received a paper from the Executive.

17.2 The Council noted that the standing orders for the Finance and Resources Committee the Audit Committee, the Registration Committee and the Communications Committee had been redrafted to bring them into line with those of Council and the Education and Training Committee and that these now included common elements relating to standards of conduct, interests and tenure.

17.3 The Council agreed that the Finance and Resources should have oversight of the Council's finance and resources and that it should also act as a remuneration committee.

Item 18.04/18 EDUCATION AND TRAINING COMMITTEE STANDING ORDERS

18.1 The Council received the revised standing orders for the Education and Training Committee.

18.2 The Council noted that the revised standing orders for the Education and Training Committee would;

(i) enable the Education and Training Committee to establish sub-committees;

(ii) fix the term of office of the Chairman and Vice-Chairman.

18.3 The Council

RESOLVED(i) that the following additions were inserted in the Education and Training Committee standing orders as Standing Order 2,3,4,5

2. The following committees (the sub-committees) shall be established as sub-committees of the Committee:

(1) the Registration Committee; and

(2) the Approvals Committee.

3. The Council shall appoint from among its members a chairman for each of the sub-committees.

4. Subject to the 2001 Order or any other enactment, the Committee shall delegate to or confer upon the sub-committees such functions as the Committee may, with the consent of the Council, determine.
5. The Council shall by standing orders provide for the composition, procedure, performance of functions and standards of members of the sub-committees.

RESOLVED (ii) that the following text be substituted for standing orders 11 and 13

11. The Council shall appoint one of its members to be the Chairman of the Committee and the person appointed shall serve as Chairman for a period of two years (but shall be eligible for re-appointment).
13. The Council may appoint a member to be Vice Chairman of the Committee to preside at any meeting of the Committee at which the Chairman is absent and the person appointed shall serve as vice chairman for a period of two years (but shall be eligible for re-appointment).

RESOLVED (iii) that the revised Education and Training Committee Standing Orders were adopted.

Item 19.04/19 APPROVALS COMMITTEE – STANDING ORDERS

- 19.1 The Council received the standing orders for the approvals committee.
- 19.2 The Council noted that at its meeting on 11 February 2004 the Education and Training Committee agreed to the formation of an Approvals Committee. This will be a sub-committee of the Education and Training Committee and will discharge duties in relation to the approval and annual monitoring of programmes leading to registration.
- 19.3 Under the Health Professions Order it is for Council to set up sub-committees of HPC Committees.
- 19.4 The Council

RESOLVED: that the Approvals Committee was established and that the Approvals Committee standing orders were adopted. The Standing Orders also included terms of reference for the Committee.

- 19.5 The Council is also requested to approve the membership of the committee as follows;

Norma Brook
Shaheen Chaudhry
Paul Frowen
John Harper
Tony Hazell
Carol Lloyd

Gill Pearson
Pam Sabine
Barbara Stuart
Eileen Thornton
Diane Waller

Item 20.04/20 MINUTES OF THE REGISTRATION COMMITTEE HELD ON 28 JANUARY 2004

- 20.1 The Council received the minutes of the Registration Committee held on 28 January 2004.

Item 21.04/21 NOTES OF THE FINANCE AND RESOURCES COMMITTEE HELD ON 12 FEBRUARY 2004

- 21.1 The Council received the notes of the Finance and Resources Committee held on 12 February 2004.
- 21.2 The Council agreed to the appointment of Mr Michael Barham as a member of the Audit Committee, the Sub-Committee of the Finance and Resources Committee.
- 21.3 The Council agreed that Miss Niamh O'Sullivan be included on the Bank Mandate in place of Dr Peter Burley.
- 21.4 The Council agreed that Professor Brook should become a full member of the Finance and Resources Committee.
- 21.5 The Council noted that the Finance Director Mr Paul Baker, the Management Accountant Mr Richard Ballard and the Financial Accountant Miss Manj Cheema had been authorised to make electronic enquiries of the bank and use the automated 'payaway' system, when the electronic banking system came on-line in April 2004.
- 21.6 The Council also noted that the HPC's investment brokers had divested the investment fund of its interest in BOC Group for ethical reasons.

Item 22.04/22 PROPOSED DEPARTMENT OF HEALTH FRAMEWORK FOR PROFESSIONAL HEALTHCARE EDUCATION

- 22.1 The Council noted the proposed department of health framework for professional healthcare education.
- 22.2 The Council noted that the document had been discussed at the Professional Liaison Groups for Standards of Education and Training and Approvals. It had also been discussed at the meeting of the Education and Training Committee on 11 February 2004 and had been substantially revised as a result of the comments made at that meeting. The HPC Standards of Education and Training and the Approvals Process Consultation paper made reference to this document and

likewise this document referred to the HPC consultation. The language of both documents was different but the standards were essentially the same.

- 22.3 The Council also noted the Department of Health would be holding a public consultation on the framework. As a stakeholder the HPC would have another opportunity to comment when the document went out to consultation.

Item 23.04/23 PARTNERS ANNUAL CONFERENCE

- 23.1 The Council noted that the first annual conference for HPC partners was scheduled for 23 and 24 September 2004.
- 23.2 The Executive were investigating the possibility of using the Cresta Court Hotel in Altrincham, Manchester.
- 23.3 The Chairmen of Committees would be welcome to attend.
Action: CM

Item 24.04/24 MINUTES OF THE HEALTH COMMITTEE HELD ON 28 JANUARY 2004

- 24.1 The Council received the minutes of the Health Committee held on 28 January 2004.

Item 25.04/25 MINUTES OF THE INVESTIGATING COMMITTEE HELD ON 5 FEBRUARY 2004

- 25.1 The Council received the minutes of the Investigating Committee held on 5 February 2004.

Item 26.04/26 MINUTES OF THE EDUCATION AND TRAINING COMMITTEE HELD ON 11 FEBRUARY 2004

- 26.1 The Council received the minutes of the Education and Training Committee held on 11 February 2004.

Item 27.04/27 COUNCIL MEMBERSHIP

- 27.1 The Council noted that Ms Ros Levenson and Mr John Camp had been appointed to Council by the Privy Council in place of Professor Sir John Lilleyman and Miss Ann Foster who had resigned in December 2003.
- 27.2 The Privy Council was expected to make an announcement regarding a replacement alternate paramedic member following the resignation of Mr Michael Collins.

Item 28.04/28 ANY OTHER BUSINESS

28.1 There was no other business.

Item 29.04/29 DATE AND TIME OF NEXT MEETING

29.1 The next meeting of the Council would be held at 11am on Thursday 13 May 2004.

29.2 Further meetings would be held on the following dates;

Thursday 15 July 2004

Tuesday 14 September 2004

Wednesday 6 October 2004 and Thursday 7 October 2004
- 'away day' -

Tuesday 7 December 2004

Wednesday 2 March 2005