

THE HEALTH PROFESSIONS COUNCIL

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MINUTES of the eighteenth meeting of the Health Committee held at **11a.m. on Tuesday 16 January 2007** at The Brit Oval, Kennington, London, SE11 5SS.

Professor T Hazell (Chairman)

Mr M Davies

Mr P Douglas

Mrs S Drayton

Dr C Kenny

Mrs J Pearce

Mrs A Turner

IN ATTENDANCE:

Miss S Butcher, Secretary to Committees

Mr M Guthrie, Policy Officer

Miss K Johnson, Director of Fitness to Practise

Mrs J Ladds, Director of Communications

Mr M Seale, Chief Executive and Registrar

Dr A van der Gaag, President

Item 1.07/01 WELCOME AND INTRODUCTION

- 1.1 The Chairman welcomed Mr Peter Douglas to his first Health Committee meeting who had been appointed as the Committee's lay member. The Chairman also welcomed Mrs J Ladds, Director of Communications to the meeting.

Item 2.07/02 APOLOGIES FOR ABSENCE

- 2.1 One apology for absence was received from the following committee member; Mrs P Blackburn. Mr O Altay was absent from the meeting.

Item 3.07/03 APPROVAL OF AGENDA

- 3.1 The Health Committee approved the agenda subject to an amendment to the ordering of the papers. The paper 'Website Information' would now be taken for discussion/approval after enclosure 4 'The Fitness to Practise Work Plan and Process Document'.

**Item 4.07/04 MINUTES OF THE HEALTH COMMITTEE MEETING HELD
ON THURSDAY 7 NOVEMBER 2006**

- 4.1 It was agreed that the minutes of the seventeenth meeting of the Health Committee be confirmed as a true record and signed by the Chairman.

Item 5.06/05 MATTERS ARISING/ACTIONS LIST

- 5.1 Item 8.3 – Matters Arising – Fitness to Practise Workplan and Process Document
The Committee noted that this was on the agenda for discussion/approval.
- 5.2 Item 10.4 & 10.15 – Matters Arising – Draft Standards 1-16
The Committee noted that the draft Standards of Conduct, Performance and Ethics (SCPE) was on the agenda for discussion/approval.

Item 6.07/06 CHAIRMAN’S REPORT

- 6.1 The Chairman reported that he had recently taken part in the short-listing process for providers of legal services to the Health Professions Council (HPC). The President, the Chief Executive, the Director of Fitness to Practise, the three Fitness to Practise Committee Chairmen and the Finance and Resources Committee Chairman had all been involved in this process. A total of 32 applications had been received, out of which 6 law firms were identified and invited to tender for the provision of legal services to Council. 6 further law firms were invited to tender for the provision of legal services in HPC fitness to practise cases.

Item 7.07/07 DIRECTOR OF FITNESS TO PRACTISE REPORT

- 7.1 The Committee received the Director of Fitness to Practise Report.
- 7.2 The Committee noted that two health cases had been heard in November 2006 which resulted in both registrants being suspended. The case to answer rate had been reduced to 60%.
- 7.3 The Director of Fitness to Practise clarified that the years listed in the sanctions statistics of 2006-07 were representative of the financial year and not the calendar year. The Committee noted that as this was the case, proportionately the number of registrants that had been struck off and or received cautions had increased whilst those registrants that had been suspended had decreased. The Committee discussed the reasons for this. The Conduct and Competence Committee would shortly be reviewing what cases had been considered to date whilst the statistics and trends would be analysed in the fitness to practise annual report 2007.

- 7.4 The Committee discussed the gender differential in fitness to practise cases in that more males were involved in ftp cases than females. Given that the health professions attracted a predominantly female workforce, the Committee agreed that it would be interesting to analyse this statistic more closely to look for further correlations. The Council for Healthcare Regulatory Excellence (CHRE) had also identified similar gender differentials in an audit of their fitness to practise cases.
- 7.5 The Committee discussed the rise in employers reporting allegations to the HPC.
- 7.6 The Committee noted that the average length of a case was 14 months from start to finish. The fitness to practise team was currently undertaking training so that more of the legal processes could be administered in-house rather than incurring fees from external legal providers.

Item 8.07/08 FITNESS TO PRACTISE WORKPLAN AND PROCESS DOCUMENT

- 8.1 The Committee received a paper from the Director of Fitness to Practise for discussion/approval.
- 8.2 The Committee noted that at its last meeting it had requested a summary of the fitness to practise work plan for the next financial year. It was anticipated that the fitness to practise tracking system would be completed by 26 January 2007. The Committee would be provided information relating to risk assessment in April 2007.

ACTION: KJ – by Thursday 12 April 2007

- 8.3 Fitness to practise employee training was currently underway.
- 8.4 The Fitness to Practise Chairmen and Deputy-Chairmen would be meeting on the 12 February 2007 for their annual meeting to discuss the content of the ftp annual report. The first draft of the report would be made available to the Committee in April 2007.

ACTION KJ – by Thursday 12 April 2007

- 8.5 The Committee agreed that it would be useful if issues around accessibility and information provision for ftp matters were linked to the work currently being undertaken in the communications department.
- 8.6 A review of the Health and Character process would begin in June 2007.

Item 9.07/09 WEBSITE INFORMATION

- 9.1 The Committee received a paper from the Director of Fitness to Practise for discussion/approval.
- 9.2 The Committee noted that a number of concerns had been raised with regard to the nature and scope of the information provided on the HPC website about ftp cases. The current approach was to give the name, particulars, date of case, copy of transcript, place of hearing and interim order details online. Some cases could be online for more than a year before an actual hearing date was fixed. The HPC was also obliged to publish the declaration and notice of decision order. The Committee agreed that a balance needed to be struck between public access to information and the registrant's human rights.
- 9.3 The Committee agreed that there needed to be consistency in approach across all of the healthcare regulators in the publication of hearing details on their respective websites. The Director of Fitness to Practise reported that she was to attend a ftp forum which was made up of representatives from the 9 healthcare regulators on the 16 February 2007 and provided the ideal opportunity to address this issue.
- 9.4 The Committee was asked to agree to one of the following options:
- (a) Remove all cases where a hearing has not been fixed from the website,
 - (b) All cases where a hearing date has been fixed placed on line as soon as the date is for hearing is fixed; or
 - (c) Hearing dates to be placed on line four weeks in advance of the date fixed for hearing.
- 9.5 The Committee agreed that it would be unwise to make a firm recommendation until the other fitness to practise committees; Investigating and Conduct and Competence had reviewed these options too. The ftp committees' feedback on this matter would be taken to Council at their meeting in March 2007 for further discussion and approval.

Action: KJ – by Thursday 29 March 2007

- 9.6 The Committee agreed to the recommendation that transcripts should not be placed on the HPC website and all historic transcripts should be removed. Transcripts would still be made available upon request but not as a routine matter.

Item 10.07/10 DRAFT STANDARDS OF CONDUCT, PERFORMANCE AND ETHICS (SCPE)

- 10.1 The Committee received a paper from the Policy Officer for discussion/approval.

- 10.2 The Committee noted that this was the final draft of the Standards of Conduct, Performance and Ethics (SCPE) for their review. The SCPE would also be considered by the Education and Training Committee in March as they needed to approve any new guidance that was issued and then subsequently by Council.
- 10.3 The Committee noted some typographical errors in the document. The final set of standards would be proof read prior to publication.
- 10.4 The Committee agreed to the following revisions:
- P2 – to make the third bullet point the first and the first bullet point the third.
 - P2 - Revise the introductory sentence prior to the bullet points.
 - P3 – remove text which states ‘should not’ and last bullet point; ‘they should not seek to cover every situation which may arise in a registrant’s professional life or in fitness to practise proceedings.’
 - P10 – Remove reference to the department of health (in the grey box) and replace with appropriate government.
- 10.5 The Committee discussed Standard 8 and the appropriateness of the term ‘delegation’, the preference in an increasingly multi-disciplinary environment was for the term ‘referral’. The Committee noted that health professionals/registrants, co-workers and students had different scopes of practice and that this distinction needed to be accounted for. The Committee was in agreement that a consultation question was included on this issue as it required further discussion.

ACTION: MG – by Thursday 12 April 2007

Item 11.07/11 CEPLIS STATEMENT OF COMMON VALUES OF THE REGULATED PROFESSIONS OF THE EUROPEAN UNION

- 11.1 The Committee received a paper from the Policy Officer for information.
- 11.2 The Committee noted that it was unclear which professions the European Council of the Liberal Professions (CEPLIS) was referring to. The liberal professions were taken to imply ‘all’ of the regulated health professions. The Committee’s attention was directed to the European Union (EU) website/department of Education and Skills which provided a link to every profession that was regulated throughout the EU.

Item 12.07/12 ANY OTHER BUSINESS

- 12.1 There were no items of any other business.

Item 13.07/13 DATE AND TIME OF NEXT MEETING

- 13.1 The next meeting of the Health Committee will be held at 11:00am on Thursday 12 April 2007 at the Oval Cricket Ground.