

THE HEALTH PROFESSIONS COUNCIL

Chief Executive and Registrar: Mr Marc Seale

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MINUTES of the second meeting of the Health Professions Council held at **12.00 noon on Tuesday 14 May 2002** at Park House, Kennington Park Road, London, SE11 4BU

PRESENT: Professor N Brook (President)
Mr R Clegg (items 1 –24)
Mrs M Crawford
Ms C Farrell
Professor R Klem
Mr C Lea (in the Chair)
Professor J Lilleyman
Miss M MacKellar
Mrs Clare McGartland
Mr W Munro (items 1-18)
Dr J Old
Mr K Ross (items 1-20)
Miss P Sabine (items 9 – 25)
Mrs J Stark
Mrs B Stuart (items 1 – 18)
Professor D Waller (items 1-14)
Mr N Willis

IN ATTENDANCE:

Mr P Baker, Finance Director
Mrs A Barnes, Director of Legal Services (Items 8-25)
Dr P Burley, Director of Education and Policy (items 1-15)
Ms J Fox, Department of Health
Ms C Goff, Department of Health
Ms G Malcolm, Director of Operations
Mrs N McArdle (NIA)
Ms N O’Sullivan, Secretary to Council
Ms C Savage, Director (Items 7-15)
Mr M Seale, Chief Executive and Registrar
Mr G Ross-Sampson, Project Manager (Items 8 – 25)
Ms Denise Thompson, Human Resources Director
Mr Michael Caplan, QC Kingsley Napley

Item 1.02/31 INTRODUCTION

- 1.1 The President asked Mr Lea to chair this meeting and he agreed.
- 1.2 Mr Lea introduced Ms Thompson who had recently taken up the newly created position of Human Resources Director at the Health Professions Council (HPC).
- 1.3 He also welcomed Ms Goff and Ms Fox who were representing the Department of Health at the meeting and also Mr Caplan, QC.
- 1.4 He asked Council to note that members who wished to circulate documents to Council should do so through the Secretariat.

Item 2.02/32 APOLOGIES FOR ABSENCE

- 2.1 Apologies for absence were received from Mrs S Chaudhry, Ms A Foster, Professor J Harper, Professor A Hazell, Dr R Jones (and alternate Miss E Thornton), Professor J Lucas, Ms J Manning, Dr A Van Der Gaag (and alternate Mrs J Pearce), Mr Sandy Yule.
- 2.2 Apologies for absence were also received from Mrs M Barrett SEHD, Ms M Gilbert NAW and Ms R Mead, Department of Health.

Item 3.02/33 APPROVAL OF AGENDA

The Council agreed the agenda.

Item 4.02/34 MINUTES

- 4.1 It was agreed that the minutes of the inaugural meeting of the Health Professions Council be confirmed as a true record and signed by the President subject to the following amendment:

Mr Paul Baker should be added to the attendance list.

Item 5.02/35 MATTERS ARISING

- 5.1 Change Management Group (Wales)
 - 5.1.1 Mr Lea reported that the Health Professions Wales had now been established and that Mr David Ravey, the acting chief executive, had written to the President, Professor Brook and the Chief Executive, Mr Seale, suggesting a meeting. This was likely to take place in July 2002.
- 5.2 Dates of Council Meetings
 - 5.2.1 The Council noted that the two-day meeting scheduled for 9 and 10 October 2002 would be held in the Lake District. Council members should provide the Secretariat with details of their accommodation requirements as soon as possible.

- 5.2.2 The Council also noted that it would be beneficial to all if alternate members on Council could attend one Council meeting per year. Alternate members could not vote or propose motions on these occasions if the full member was present at the meeting. On these occasions all Council members attending the meeting would have the right to claim expenses.
- 5.2.3 It was agreed that the Secretariat should make the necessary arrangements to invite alternates to the two day meeting on 9 and 10 October 2002 and should report back to the next meeting of Council regarding this matter.
- 5.3 Declaration and Registration of Private Interests
- 5.3.1 Mr Lea reminded all those Council members who had not completed and returned the form declaring and registering their private interests to return the forms to the Secretariat as soon as possible.
- 5.4 Interim Investigation and Disciplinary Arrangements
- 5.4.1 The Council noted that 24 panels, one investigating panel and one disciplinary panel for each profession had been set up.

Item 6.02/36 PRESIDENT'S REPORT

- 6.1 The President noted that the period leading up to the official launch of the HPC on 17 April 2002 had been extremely busy with many recorded and live interviews with the various media. The launch had been very successful and feedback received had been extremely positive. There had been much coverage of the launch in the health professionals' journals and the regional press. Work was in hand to develop contacts with the national press to publicise the HPC and the importance of the 12 professions covered by the HPC. Professor Brook extended her thanks to the Communications Committee for all their work in planning the event. She thanked the staff at Harvard Healthcare for their extremely professional approach. She thanked Mr Seale and the staff at the HPC for their input and also thanked those members of Council who attended on the day for their efforts in hosting the event.
- 6.2 Professor Brook noted that she had attended a meeting with the Quality Assurance Team at the Department of Health in Leeds to discuss the Department of Health's quality assurance plans. Representatives of the Nursing and Midwifery Council (NMC) had also attended. She had been involved in a meeting with the Institute of Biomedical Sciences (IBMS) to discuss issues surrounding the issuing of Certificates of Competence for Medical Laboratory Scientific Officers (MLSOs). She was the Chairman of the Consultation Steering Group which had been meeting regularly in the lead up to the publication of the consultation document on 1 July 2002. On 15 May she would be involved in another meeting with Chiropractors from the unregulated sector.

- 6.3 Professor Brook also noted that she had been giving presentations all around the country and among others had spoken to the Health and Care Tutors Conference, the Association of Operating Department Practitioners Conference, the British Orthoptic Society Conference and also a conference entitled 'Recruitment and Retention of Professionals Allied to Medicine'. However she noted that it was not possible to communicate with the majority of registrants or the public in this way and that all means of getting the message across must be considered.

Item 7.02/37 CHIEF EXECUTIVE REPORT

- 7.1 The Council received a report from the Chief Executive as attached. (Annex 1)
- 7.2 Mr Seale noted that interim arrangements had been established to enable the IBMS to issue Certificates of Competence until such time as the HPC's own rules had been finalised.
- 7.3 Plans were in hand for meetings with all the professional bodies to present the consultation document. The appropriate registrant and alternate member on Council would be involved in these meetings.

Item 8.02/38 MINUTES OF THE REGISTRATION COMMITTEE HELD ON 5 APRIL 2002

- 8.1 The Council received the minutes of the Registration Committee held on 5 April 2002.
- 8.2 Professor Klem noted that the meeting had focused on the identification and discussion of the information required for the consultation document.
- 8.3 The Council noted that the Registration Committee was a non-statutory committee of Council and reported to the Council via the Education and Training Committee. Effective liaison between the two Committees was important. The possibility of joint meetings of the two committees to discuss important issues such as CPD was considered and it was agreed that the Executive would arrange these as requested.
- 8.4 The Council noted that Professor Lilleyman was the Chairman of the Academy of Medical Royal Colleges' Directors of CPD and in that capacity was a member of the GMC CPD Board. It was agreed that Professor Lilleyman should make a presentation regarding CPD to the Council 'away day' on 9 October 2002.
- 8.5 The Council noted that the Sectoral Directives of the European Economic Area had harmonised the training of doctors and other

professions across the member states by agreeing a common curriculum. There was no list of approved qualifications for the professions currently regulated by the HPC as these were not covered by the Sectoral Directives but were included in the general systems directive 89/48. Paramedics, the only non-degree course regulated by the HPC was included in directive 92/51. There were proposals for major changes in all the Directives in response to the enlargement of the union. The Council would be kept informed of them, but in the meantime the concerns being expressed in medicine and general nursing did not apply to HPC.

Item 9.02/39 MINUTES OF THE COMMUNICATIONS COMMITTEE HELD ON 22 APRIL 2002

- 9.1 The Council received the minutes of the Communications Committee held on 22 April 2002.
- 9.2 In the absence of Ms Foster, Mrs Stark reported on the minutes of the Communications Committee.
- 9.3 The Committee wished to express its thanks to the staff at the HPC for their work on the official launch event on 17 April 2002. There had been a number of representatives of the media at the event and there had been coverage in the professional journals and regional newspapers.
- 9.4 Mrs Stark noted that a number of Council members were on the editorial boards of journals. It would be useful if relevant copy could be provided regarding the HPC for inclusion in these publications.
- 9.5 The Committee had agreed that documents should be sent to the Plain English Society for advice on how to make them accessible to their target audience.
- 9.6 Mrs Stark noted that she had received feedback from some members regarding the publication of the HPC telephone number and email address on the business cards rather than the contact details of individual members of Council. She explained that this had been a deliberate policy to safeguard the privacy of Council members. It was noted that it would be useful to have the address of the HPC website on the business cards.
- 9.7 The Council noted the findings of the market research carried out among registrants, which had concluded that although registrants were generally satisfied with the service provided information was required regarding the role of the HPC. The research had been carried out with a view to designing appropriate changes in the operational procedures and structure of the HPC to facilitate communication with registrants and members of the public.

**Item 10.02/40 MINUTES OF THE FINANCE AND RESOURCES
COMMITTEE HELD ON 30 APRIL 2002**

- 10.1 The Council received the minutes of the Finance and Resources Committee held on 30 April 2002.
- 10.2 Trustees of the Scottish Life Pension Scheme
- 10.2.1 The Council agreed the appointment of Mr Lea and Mr Seale as Trustees of the Scottish Life Pension Scheme which was being wound up. (In succession to Mr D K Wilson and Mr M D Hall).
- 10.3 Provision of Life Cover
(Mr Baker and Mr Seale declared an interest)
- 10.3.1 The Council noted that the Finance and Resources Committee had considered a proposal to increase the provision of life cover (1x salary) to that of the National Health Service. The factor and cost was being researched and would be notified to the next meeting of the Committee.
- 10.3.2 It was agreed that the proposed increase should be considered again when Council considered the remuneration package of all HPC employees at the next meeting of Council.
- 10.3.3 It was noted that all matters concerning staff remuneration and pensions should be regarded as confidential in future.
- 10.4 Replacement Telephone System
- 10.4.1 The Council noted that the existing telephone system was on the brink of collapse. There was a shortage of extensions lines which meant that some members of HPC staff had no telephone. Maintenance of the system could only be done in-house as support had been withdrawn by the suppliers shortly after purchase. Concerns had been raised regarding the compatibility of the proposed new telephone system and the potential new computer system which was being investigated by Digital Steps however assurances had been received from the system suppliers regarding this.
- 10.4.2 The Council noted that the proposed new system had been considered by the Finance Committee of the Council for Professions Supplementary to Medicine at its last meeting however it was felt that the decision should be taken by the HPC.
- 10.4.3 The Council agreed the acquisition of a replacement telephone system at a cost of £112,000.
- 10.5 Council and Committee Expenses
- 10.5.1 The Council noted that the expenses policy had been revised and that the revised policy had been issued to all members and alternates. Further research would be undertaken regarding the provision of

assistance with childcare and other carer costs. Council members were encouraged to contribute any relevant information to assist with this research.

10.5.2 An expenses policy for non-council members and staff was being formulated however for the moment expenses for non-council members were paid using CPSM rules.

10.6 Report from Investment Managers

10.6.1 The Council noted that consideration should be given to the inclusion of ethical investments in the investment portfolio. It was agreed that the Finance and Resources Committee should research this matter.

Item 11.02/41 MINUTES OF THE PROFESSIONS SUPPLEMENTARY TO MEDICINE CHARITABLE TRUST COMMITTEE HELD ON 30 APRIL 2002

11.1 The Council received the minutes of Professions Supplementary to Medicine Charitable Trust Committee held on 30 April 2002.

11.2 The Council agreed the following:

(i) that the members of the Finance Committee form the Trustees of the Charitable Trust.

(ii) that the resignations and appointments noted in the minutes be accepted.

(iii) that Mr Colin Lea be appointed Chairman of the Trustees

(iv) that an application be made to the Charity Commissioners to change the name to the 'Health Professions Council Charitable Trust'.

Item 12.02/42 MINUTES OF THE CONSULTATION STEERING GROUP HELD ON 23 APRIL 2002

12.1 The Council received the minutes of the Consultation Steering Group held on 23 April 2002.

12.2 The Council noted that the role of the Consultation Steering Group was to review and sign off the consultation document. In order for this to occur in a seamless fashion Council was requested to delegate this authority to the Steering Group. The Council agreed that this authority should be delegated to the Steering Group.

12.3 The Council noted the interim report on the arrangements for the UK-wide consultation events. It was agreed that further consideration should be given to the siting of events in Scotland.

- 12.4 Council members were asked to assist the consultation process by attending some of the consultation events.

Item 13.02/43 MINUTES OF THE FINAL MEETING OF THE COUNCIL FOR PROFESSIONS SUPPLEMENTARY TO MEDICINE HELD ON 5 FEBRUARY 2002

- 13.1 The Council noted that the minutes had been approved by the former Chairman of the CPSM and he had taken Chairman's action on relevant business. There was a formal requirement that they were received by the Health Professions Council.
- 13.2 The Council received the minutes of the final meeting of the Council for Professions Supplementary to Medicine held on 5 February 2002.

Item 14.02/44 CLOSURE OF EMPLOYMENT UNDER HEALTH AND SOCIAL SERVICES LEGISLATION

- 14.1 The Council noted that employment within the NHS and local authority services of nine professions regulated by the HPC was reserved by separate legislation under NHS and social services powers to practitioners on the appropriate register at HPC.
- 14.2 However the legislation required to reserve employment for Clinical Scientists, Paramedics and Speech and Language Therapists (SLT) had not been enacted by Ministers.
- 14.3 The Council agreed that the President should continue to raise this matter with the Ministers of Health.

Item 15.02/45 REPORTS FROM THE FORMER BOARDS TO THE HEALTH PROFESSIONS COUNCIL

The Council noted a paper listing the handover arrangements from the Boards at CPSM to the HPC.

Item 16.02/46 CHARITIES FUNDING REQUEST

- 16.1 Mr Seale reported that the Health Professions Council and the Shadow Health Professions Council had received a number of requests for financial assistance which were of a charitable nature.
- 16.2 These requests had been for a reduction or waiving of annual registration fees and/or assessment fees. In addition it was anticipated that the HPC would receive requests for donations to good causes related to the professions that the HPC regulated or for funding of students attending courses that led to HPC registration.
- 16.3 The Council noted that the Finance Committee of the CPSM had considered a number of such requests in the past. It was agreed that

consideration should be given to the criteria that the Finance Committee of the CPSM used when making these awards and that this matter should be referred to the Finance and Resources Committee.

- 16.4 The Council also agreed that the HPC should include proposals regarding the question of charitable donations in the consultation document.

Item 17.02/47 STATUTORY DECLARATIONS BY MEMBERS OF THE PUBLIC

- 17.1 The Council noted the existing standing orders of the Health Professions Council required members of the public who wish to make a complaint against a Registrant to obtain a Statutory Declaration before an investigation was started.
- 17.2 Obtaining a Statutory Declaration took time and money and could be regarded as intimidating for those unfamiliar with legal processes.
- 17.3 Legal advice had been taken from Mr Caplan of Kingsley Napley and it was permissible to change standing orders.
- 17.4 The Council agreed to amend standing orders to remove this requirement.

Item 18.02/48 USE OF TITLE MLSO IN APPLICATION FORMS AND OTHER MATERIAL

- 18.1 The Council noted that the title Medical Laboratory Technician was no longer used in the wider community.
- 18.2 The Council agreed that it would use the powers given it under paragraph 16(1) of the second schedule of the Order in Council to approve the use of the title Medical Laboratory Scientific Officer until a formal title had been agreed and protected.

Item 19.02/49 STANDING ORDERS FOR COUNCIL

The Council agreed the standing orders and also agreed that a common seal would be used when appropriate.

Item 20.02/50 RECRUITING, MANAGING AND TRAINING OF PARTNERS

The Council agreed that the Chief Executive working in cooperation with the Statutory and Non-Statutory Committees should review how HPC could train, deploy and manage the Partners that it should or could need following the end of the first transitional period and to present any recommendations to the Council on 9 October 2002.

Item 21.02/51 MINUTES OF THE INVESTIGATING IMPLEMENTATION WORKING PARTY HELD ON 10 APRIL 2002

- 21.1 The Council received the minutes of the Investigating Implementation Working Party held on 10 April 2002.
- 21.2 The Working Party was considering the matter of the use of screeners in the investigating process. This matter would be considered as part of the consultation process.
- 21.3 The Council noted that the draft rules had been sent to the lawyers for redrafting.

Item 22. 02/52CURRENT INVESTIGATING AND DISCIPLINARY CASES

The Council noted a paper detailing the number of cases being considered by the Investigating and Disciplinary Committees.

Item 23. 02/54COUNCIL FOR THE REGULATION OF HEALTHCARE PROFESSIONALS

The Council noted a paper from the Executive. The paper set out the background to the Council for the Regulation of Health Care Professionals and its intended powers and procedures.

Item 24. 02/55COUNCIL MEMBERSHIP

- 24.1 The Council noted that Mr Hughes alternate Prosthetists and Orthotists member had resigned from Council on 24 April 2002. On behalf of the Privy Council, the Department of Health had approached the British Association of Prosthetists and Orthotists regarding a replacement.
- 24.2 It was noted that it had been understood that any replacement member on Council would come from the same country as the resigning member. It appeared that this was not the case with Mr Hughes' proposed replacement. There had been concern among the professions in Northern Ireland about the lack of equity regarding fair representation of Northern Ireland on the Health Professions Council.
- 24.3 Professor Brook noted that no official notification had been received regarding the outcome of the replacement procedure. However the Department of Health had complied with the Orders in Council in proceeding with facilitating the appointment.
- 24.4 The Council noted that the Order in Council was not specific regarding the role of members of Council. It was agreed that Mr Jonathan Bracken should attend the Council meeting on 13 June 2002 to speak on this matter.

Item 25. 02/56 ANY OTHER BUSINESS

25.1 Professional Advisory Panel Working Group

25.1.1 Miss Pam Sabine noted that the meeting of the Working Group held on 18 April 2002 had been inquorate that therefore the notes of the meeting would not be presented to Council.

25.1.2 The Council noted that the section of the consultation document which related to Professional Advisory Panels was being redrafted by Newchurch Healthcare. It would be considered by the Consultation Steering Group and also the next meeting of the Professional Advisory Panel Working Group to be held on 30 May 2002.

Item 26.02/57 DATE AND TIME OF NEXT MEETING

26.1 The next meeting of the Council would be held at 12 noon on Thursday 13 June 2002.

26.2 Further meetings would be held on the following dates:

Thursday 18 July (noon)

Wednesday 18 September (noon)

Wednesday & Thursday 9 & 10 October
(Council 'away day' on 9 October starting at 12 noon)
(venue Low Wood Hotel on Lake Windermere)

Wednesday 13 November (noon)

Wednesday 11 December (noon)

The Council resolved that the remainder of the meeting should be held in private because publicity would be prejudicial to the public interest, by reason of the confidential nature of the business transacted.