

THE HEALTH PROFESSIONS COUNCIL

Chief Executive and Registrar: Mr Marc Seale

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MINUTES of the fifth meeting of the Health Professions Council held at **12.00 noon on Wednesday 18 September 2002** at Park House, Kennington Park Road, London, SE11 4BU

PRESENT: Mrs S Chaudhry
Mr R Clegg
Miss H Davis
Ms C Farrell
Miss A Foster
Professor R Klem
Mr C Lea (in the Chair)
Professor C Lloyd
Professor J Lucas
Ms J Manning
Dr J Old
Miss G Pearson
Mr K Ross
Miss P Sabine
Mrs J Stark
Dr A Van Der Gaag
Mr N Willis

IN ATTENDANCE:

Mrs A Barnes, Director of Legal Services
Mr T Berrie, Director (Items 1-9)
Mr J Bracken, Bircham Dyson Bell
Dr P Burley, Director of Education and Policy
Mrs R Mead, Department of Health
Ms N O'Sullivan, Secretary to Council
Miss L Pilgrim, Director
Mr M Seale, Chief Executive and Registrar
Ms J White, Health Professions Wales

Item 1.02/112 INTRODUCTION

- 1.1 Mr Lea welcomed all Council members to the meeting and in particular Mrs Stark who was fit once again following an accident in the early summer. He noted that Council meetings were open to members of the public and as such he welcomed Mrs R Mead from the Department of Health and Ms J White from Health Professions Wales. He also welcomed HPC staff in attendance. Mr Lea noted that Mr P

Baker, the HPC Finance Director had now returned to work following a period of illness.

Item 2.02/113 APOLOGIES FOR ABSENCE

- 2.1 Apologies for absence were received from the following Council members: Professor N Brook, Miss M Crawford, (alternate Professor Lloyd attending) Professor J Harper, Professor A Hazell, Dr R Jones (and alternate Miss E Thornton), Professor Sir John Lilleyman, Miss M MacKellar (alternate Miss Pearson attending), Miss C McGartland (alternate Miss Davis attending) Mr W Munro (and alternate Mr I Massey), Mrs B Stuart, Professor D Waller (and alternate Mr M Barham), Dr A Yule (alternate Professor Klem attending).

Item 3.02/114 APPROVAL OF AGENDA

The Council agreed the agenda.

Item 4.02/115 MINUTES

It was agreed that the minutes of the fourth meeting of the Health Professions Council be confirmed as a true record and signed by the Chairman subject to the following amendments:

1.3 Professor Brook welcomed Ms J Hipwell, Staffordshire General Hospital, who was shadowing Mr Seale for the day and was therefore attending the meeting.

7.3 The Health Professions Council (HPC) had a responsibility to ensure that it was able to take account of public views by other means.

Item 5.02/116 MATTERS ARISING

- 5.1 The Council noted that Mrs J Arnott had moved from the Human Resources Directorate to the Learning and Personal Development Branch at the Department of Health and agreed that a letter should be sent to Mrs Arnott thanking her for all her hard work in assisting in the setting up of the Health Professions Council.

Action: NO'S

5.2 The Role of Council Members

- 5.2.1 Mr Bracken confirmed that minute 8.5 which stated that 'After the transitional period, once the election scheme was in place, resigning members – whether elected or appointed – would have to be replaced by a person from the same home country' was correct and referred members to Schedule 1, paragraph 8, subsection 4 of the Order in Council. Mr Bracken noted that home country representation could change during the normal cycle of elections.

Item 6. 02/117 VICE-PRESIDENT'S REPORT

- 6.1 Mr Lea reported that since the last meeting on 18 July 2002 he had represented the Health Professions Council at a conference to promote healthcare science which included presentations on National Occupational Standards. Mr Willis had also attended and both had found the meeting a very good information gathering and public relations exercise on the part of the Health Professions Council. He had also attended the Institute of Physics and Engineering in Medicine Annual Conference Dinner in Durham and would be giving a presentation to the Independent Living Conference at the Wembley Conference Centre on the following day.
- 6.2 Mr Lea noted that, apart from a two week break in August, the consultation process had continued throughout the summer and would end on 30 September 2002. The penultimate meeting would be held in Glasgow on 19 September with the final event taking place in London on 24 September. Mr Lea thanked all Council members and staff at the Health Professions Council for helping to make the consultation a great success.

Item 7.02/118 CHIEF EXECUTIVE REPORT

- 7.1 The Council received a report from the Chief Executive as attached (Annex 1).
- 7.2 Mr Seale drew member's attention to three papers which he had included with his report. These provided financial information relating to the HPC, a breakdown of allegations notified to the Registrar and a report on the work of the Registrations Department. Mr Seale stated that he intended to provide regular updates on these areas and that in the future he would also be providing information on international registrations and also on the disciplinary process after an initial allegation was made.
- 7.3 Returning to the body of his report Mr Seale noted that three members of staff had left the HPC since the last meeting of Council. He expressed his thanks to them for their hard work during their time with the organisation.
- 7.4 Otherwise Mr Seale noted that despite some initial problems the new telephone system was working well but that Council members who experienced problems in telephoning the HPC should inform the Executive.
- 7.5 Finally Mr Seale noted the large number of courses which the HPC had submitted to the Privy Council for approval.
- 7.6 The Council noted that it would be useful if information could be made available on the length of time it was taking for students, graduating

from courses and also for international registrants, to be registered by the HPC.

- 7.7 The Council also noted that only registrants returning to the register after a lapse of five years had to obtain a certificate from the Criminal Records Bureau and that to-date there had been no reported problems in obtaining the certificates.
- 7.8 Members welcomed the clarity and comprehensiveness of the data and thanked staff for it.

Item 8.02/119 THE COUNCIL PROCESSES

- 8.1 The Council received a paper from the Chief Executive regarding the Council processes.
- 8.2 Mr Seale noted that the Executive Management Team (EMT) had been working with the committee chairmen, the committees and the working parties to identify the types of brochures and manuals that would need to be produced. Three types of documents had been identified:
- operating manuals – mainly for use by staff
 - brochures – for issuing to registrants and the public
 - guidance notes – mainly for use by members and partners
- 8.3 Within each heading a long list of documents had been identified and it was likely that this list would be changed and expanded.
- 8.4 The Council noted the need to pay particular attention to the needs of the general public when producing the brochures. These must be tested against plain English guidelines.
- 8.5 The Council agreed that the target date for completion of the first version of these documents was 1 April 2003.

Item 9.02/120 APPROVAL OF AGENDA FOR ‘AWAY DAY’ ON 9 & 10 OCTOBER 2002

- 9.1 The Council received a paper from the Executive which outlined a draft agenda for the Council ‘Away Day’ on 9 and 10 October 2002.
- 9.2 The Council noted that it was important to set objectives for the two day event. Briefing would be required on the key issues to be discussed and the options open to Council.
- 9.3 The Council underlined the need for the draft report detailing the feedback received from the consultation to be made available as soon as possible after 30 September 2002 so that members could consider it before the meeting.

- 9.4 The Council noted that in-depth consideration needed to be given to the issue of Continuing Professional Development (CPD) and were mindful that the HPC had proposed in the consultation process that it would not be implementing CPD for three years. The Council noted that consideration could be given to the work had been undertaken by other bodies on the subject of CPD.
- 9.5 The Council agreed that the Executive would draft a paper listing potential objectives of the two-day event, taking care not to pre-empt the outcome of the consultation. Committee Chairmen would brief the committees on their objectives.
Action: the Executive
- 9.6 The Council agreed that Mr Bracken would attend the two-day event to advise on legal matters.

Item 10.02/121 FITNESS TO PRACTICE AND CONTINUING PROFESSIONAL DEVELOPMENT

- 10.1 The Council received a paper from Mr Bracken regarding fitness to practice and continuing professional development.
- 10.2 Mr Bracken noted that a question had arisen on a number of occasions as to whether continuing professional development (CPD) could be used as a mechanism for ensuring that practitioners remained fit to practise and, in particular, whether such an arrangement would be an adequate means of ensuring that a person whose name appeared on the register, but who was in a non-practising post, such as an academic or managerial position, maintained the necessary skills to continue to be registered.
- 10.3 Mr Bracken concluded that a registrant's ability to practise safely and effectively must be considered quite separately from their compliance with any CPD regime. Whilst a registrant could be disciplined for failing to comply with CPD requirements it did not make that person an incompetent practitioner. Equally, it must be borne in mind that a practitioner may be found to be incompetent notwithstanding that they had met their CPD requirements.

Item 11.02/122 APPEALS PROCEDURE

- 11.1 The Council received a paper from Mr Bracken regarding appeals by international applicants for registration under the PSM Act 1960.
- 11.2 Mr Bracken noted that the CPSM and the Boards had operated an informal 'appeal' process by which the relevant Board chairman would review the decisions made by assessors in refusing an application for registration. Mr Bracken noted that the Health Professions Order 2001 required the HPC to exercise the functions of the CPSM and the Boards with any necessary modifications. Mr Bracken advised that as

far as possible the HPC should try to replicate the procedures adopted by the CPSM and the Boards. There was a possibility that applicants could have grounds to challenge the HPC for failing to do so on the basis on legitimate expectation.

11.3 The Council agreed the following:

- 1) That the Council continue to operate an informal review of assessor's decisions in relation to overseas registration applications under the CPSM regime;
- 2) That the conduct of reviews be delegated to the Chairman of the Registration Committee or a member of Council nominated by the Chairman;
- 3) That the review be undertaken on the basis of the documents submitted to the assessor and the assessor's report but, at the discretion of the person conducting the review, that the applicant may be invited but may not be required, to attend an interview to assist in the review process;
- 4) That where, in the opinion of the person conducting the review, the assessor had failed to provide sufficient reasons for the decision reached, that person may require the assessor to provide those reasons in writing;
- 5) That applicants be informed that the review process was an informal procedure which was carried out in an effort to assist applicants but that this was not a process in which they were obliged to participate; was without prejudice to their right to appeal; and that they did not have to await the outcome of the review process before exercising any right of appeal.

Item 12.02/123CONSULTATION PAPERS RECEIVED SINCE THE LAST MEETING

- 12.1 The Council received a paper from the Executive which listed uncritically the consultations received by the HPC and the action taken or recommended.
- 12.2 Dr Burley noted that many of the papers listed had no relevance to the HPC.
- 12.3 The Council agreed that in future the Executive would prepare a summary and a draft response to papers which were of relevance to the HPC in the report.
- 12.4 The Chief Executive would list all consultation papers received at the HPC in his report to Council.

Item 13.02/124 AGREEMENT OF A GENERIC MEMORANDUM OF UNDERSTANDING BY HPC

- 13.1 The Council received a paper from the Executive.
- 13.2 Mr Seale reported that it was anticipated that, from time to time, the Health Professions Council would be requested by other organisations to sign Memorandums of Understanding (MOUs).
- 13.3 The Council was requested to review and approve the following Memorandum Of Understanding Policy to be used if and when the HPC was requested to sign MOUs.
- i) Where HPC was establishing a financial or operational relationship with another organisation a formal contract would be agreed.
 - ii) HPC would in general not sign MOUs.
 - iii) If an MOU was imperative it would in the first instance be drafted by the HPC Executive based on a generic model.
 - iv) Before signing a MOU they would be reviewed and approved at a meeting of the Health Professions Council.
- 13.4 The Council agreed the HPC Policy for Memorandums of Understanding.

Item 14.02/125 MINUTES OF THE REGISTRATION COMMITTEE HELD ON 19 JULY 2002

- 14.1 The Council received the minutes of the Registration Committee held on 19 July 2002.
- 14.2 On the invitation of the Chairman Mrs Mead reported that a meeting had taken place between the Department of Health and the regulatory bodies which due to a clash of commitments no representative of the HPC had been able to attend.
- 14.3 The meeting had discussed the development of the roles of various health professionals and the expansion of their competencies. There was a need for the regulators to share registration details to avoid the need for healthcare professionals having to register with a number of different regulators. There was also a need to develop joint standards of competence. The General Dental Council (GDC) would take the lead in writing a paper setting down these issues.

- 14.4 The Council noted the recommendation contained within the minutes that assessors should receive human rights training. The Council agreed that the Council should receive a presentation on human rights at a future Council meeting.
- 14.5 The Council noted that the Chief Executive, Mr Seale, would be meeting with the Director of Operations at the General and Social Care Council to discuss practical issues surrounding joint registration.

Item 15.02/126 PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE RECOGNITION OF PROFESSIONAL QUALIFICATIONS

- 15.1 Miss Malcolm reported that Baroness Finlay of Llandaff had agreed to host a cross parliamentary briefing event on the proposed directive at Westminster on 31 October 2002. The Presidents and Chief Executives of the regulatory bodies had been invited.
- 15.2 The Department of Health had written a paper criticising the proposals.

Item 16.02/127 NOTES OF THE EDUCATION AND TRAINING COMMITTEE HELD ON 4 SEPTEMBER 2002

- 16.1 The Council received the notes of a meeting of some members of the Education and Training Committee (ETC) held on 4 September 2002 noting that the committee had been inquorate due to the absence of four members at a consultation event in Boston, Lincolnshire.
- 16.2 Miss Pearson drew attention to the strong feeling of those present on 4 September that the Executive should not knowingly schedule members of a statutory committee for other duties on the day of a committee meeting, especially in the light of HPC's policy to require very high quora.

Item 17.02/128 FOUNDATION TRUSTS

- 17.1 The Council received a paper from the Executive regarding the creation of Foundation Trusts, for information.
- 17.2 The Council noted that the Trusts would have wide discretion over the delivery of services but it was not intended that they would be able to redefine UK-wide standards for their own local convenience. They would not have the option of replacing qualified staff and state registered staff by unqualified and unregistered personnel whether it be in surgery, nursing or podiatry.

Item 18.02/129 HUMAN RESOURCES IN THE NHS PLAN

The Council received a paper summarising an announcement by the Secretary of State for Health regarding human resources in the NHS plan and noted that this was not a consultation paper. It related to England only.

Item 19.02/130 ANY OTHER BUSINESS

- 19.1 The Council noted that a decision had been taken at the May meeting of Council to remove the requirement for members of the public who wished to make a complaint against a Registrant to obtain a statutory declaration before an investigation was started.
- 19.2 The Council agreed to amend the standing orders of the Investigating Committee to reflect this decision. Paragraph four of the standing orders should now read as follows: 'When the Registrar receives a complaint in writing, or information suggesting that an individual may be liable to have his name removed from the Register, on any ground specified in Section 9 of the Act, he shall submit the complaint or information to the Chairman of the Investigating Committee'.
- 19.3 The Council noted a letter from the General Dental Council (GDC) seeking members to the GDC's appointing body. Further information was available from the Secretariat.

Item 20.02/131 DATE AND TIME OF NEXT MEETING

- 20.1 The next meeting of the Council would be held at 12.30 pm on Wednesday 9 October 2002. The meeting would be followed by an 'away day' starting at 2pm and continuing at 8.30am on Thursday 2002.
- 20.2 Further meetings would be held on the following dates:
 - *Wednesday 13 November 2002 (noon)
 - *Wednesday 11 December 2002(10.30 am)
 - *Tuesday 21 January 2003 (noon)
 - *Friday 7 March 2003 (noon)

PRESIDENT

***Note: It was agreed at the October meeting of Council that Council meetings should start at 11am unless otherwise stated.**