

THE HEALTH PROFESSIONS COUNCIL

Chief Executive and Registrar: Mr Marc Seale

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MINUTES of the twelfth meeting of the Health Professions Council held at **11.00am on Wednesday 4 June 2003** at the Evangelical Alliance, 186 Kennington Park Road, London, SE11 4BT

PRESENT: Professor Norma Brook (President)

Mrs S Chaudhry
Mr R Clegg
Miss M Crawford
Miss C Farrell
Miss A Foster
Professor T Hazell
Professor J Harper
Dr R Jones
Mr C Lea
Professor Sir John Lilleyman
Miss M MacKellar
Ms J Manning
Mrs C McGartland
Mr W Munro
Dr J Old
Mr K Ross
Miss P Sabine
Mrs J Stark
Mrs B Stuart
Miss A Van der Gaag
Professor D Waller
Mr N Willis
Dr A Yule

IN ATTENDANCE:

Mr P Baker, Finance Director
Mrs A Barnes, Director of Legal Services
Mr T Berrie, Director (Part)
Dr P Burley, Director of Education and Policy
Mr S Hill, Newchurch Healthcare
Mr C Middleton, Director of Communications (Part)
Mr G Milch, Director
Ms N O'Sullivan, Secretary to Council
Miss L Pilgrim, Director
Miss C Savage, Director
Mr M Seale, Chief Executive and Registrar

Miss D Thompson, Human Resources Director
Miss J Tuxford, PA to Chief Executive and Registrar (Part)

Item 1.03/65 INTRODUCTION AND WELCOME

Professor Brook welcomed all non-Council members, who were attending the meeting.

Item 2.03/66 APOLOGIES FOR ABSENCE

Apologies for absence were received from the following Council members: Professor J Lucas.

Item 3.03/67 APPROVAL OF AGENDA

The Council agreed that item 18 'consultation papers received since the last meeting' should be held over until the next Council meeting in September 2003.

Item 4.03/68 MINUTES

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

14.3 The Council also noted that a Risk Assessment Plan would be put to the Council at the June 2003 meeting.

Item 5.03/69 MATTERS ARISING

There were no matters arising.

Item 6.03/70 PRESIDENT'S REPORT

- 6.1 Professor Brook noted that the feedback from the launch event held on 9 April in Edinburgh had been very positive and thanked members and staff for their input.
- 6.2 Professor Brook had attended an HPC staff training day on 11 April 2003. This had been useful and interesting.
- 6.3 Among other meetings Professor Brook had attended the opening by the Princess Royal of a new Health Faculty at Robert Gordon University. Professor Brook noted that she had received many positive comments on the willingness of HPC members and staff to attend meetings and conferences, to discuss and explain the work of the HPC.
- 6.4 She had been involved in the shortlisting and selection of Higher Education Institute tenders to undertake the Department of Health

Project on Developing the Shared Learning Framework. She had also attended various meetings with regard to Quality Assurance.

- 6.5 Meetings with professions interested in applying for regulation by the HPC continued to be held on a regular basis.
- 6.6 Professor Brook had attended a number of meetings of the Council for the Regulation of Health Care Professionals and had been asked to give a presentation to the Baseline Research Group on changes to the regulatory system.
- 6.7 Finally Professor Brook had attended an invitational meeting for international delegations from the American Academy of Physicians Assistants. A report of the meeting would be circulated to all Council members.

Action: NO'S

- 6.8 Members noted that it would be useful to discuss the approach to regulation in countries outside the United Kingdom at forthcoming Council 'away days'.

Action: NO'S

Item 7.03/71 CHIEF EXECUTIVE'S REPORT

- 7.1 The Council received the Chief Executive's Operational Report for the period 1 March 2003 to 31 May 2003.
- 7.2 Mr Seale noted that the Executive were working on practical issues relating to the implementation of the Rules.
- 7.3 A planning application had been submitted to Lambeth Council seeking change of use consent for 182 Kennington Park Road. The application had been rejected and an appeal had been submitted.
- 7.4 The Council noted that countries outside the United Kingdom had different criteria for their professions which accounted for the high rejection rate of some professions applying to be accepted onto the register under international application procedures.

Item 8.03/72 DRAFT RULES

- 8.1 The Council noted that the draft HPC (Practice Committees) (Constitution) Rules were sent to members by email on 24 April and were approved by the majority of Council members.
- 8.2 The Council resolved that the decision to approve the Health Professions Council (Practice Committees) (Constitution) Rules 2003

by email be ratified and treated in all respects as if it was a decision made by a meeting of the Council.

8.3 The Council noted that the following seven sets of Rules had been tabled and that the following resolution would be emailed to all Council members as soon as the Rules had been finalised;

8.3.1 That the notice requirement for meetings of, and the business to be transacted by, the Council be waived in respect of consideration of the following draft Rules:

- (i) Health Professions Council (Investigating Committee) (Procedure) Rules 2003
- (ii) Health Professions Council (Conduct and Competence Committee) (Procedure) Rules 2003
- (iii) Health Professions Council (Health Committee) (Procedure) Rules 2003
- (iv) Health Professions Council (Screeners) Rules 2003
- (v) Health Professions Council (Functions of Assessors) Rules 2003
- (vi) Health Professions Council (Registration and Fees) Rules 2003
- (vii) Health Professions Council (Registration Appeals) Rules 2003

8.4 That the drafts of all of the above Rules be approved and come into force on 9 July 2003;

8.5 That the Registrar and any member of the Council be authorised to affix the seal of the Council to those Rules.

8.6 The Council noted that the Election Rules would be considered at a later date.

Item 9.03/73 REGULATION OF NEW PROFESSIONS BY THE HPC
(Application and Presentation from the Psychologists)

9.1 The Council received an application for regulation from the British Psychological Society on behalf of psychologists.

9.2 The Council received a presentation from Professor Geoff Lindsay, from the British Psychological Society. (Text attached at appendix one). Professor D Legge, Professor Z Wedderburn, Mr A Burman and Mr B Brooking were also in attendance.

9.3 The Council noted that the application was on behalf of Applied Psychologists, those offering a service to the public, clinical, educational, health and forensic.

- 9.4 Debate was ongoing regarding the protected title and advice was being sought from solicitors on a title which would capture the practitioner element of the role.
- 9.5 The Council noted that the British Psychological Society investigated between 80 and 120 complaints per year and that between 15 to 20% of these went to a full conduct hearing. There was a high level of lay involvement in the disciplinary process.
- 9.6 The Council noted that the comments made regarding the application could be raised again when the DH consulted on the application for regulation. The Council would agree a formal response to that consultation.
- 9.7 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.
- 9.8 The Council agreed that the Applied Psychologists should be recommended for regulation.

Item 10.03/74 HPC REVIEW OF ASPIRANT OCCUPATIONS SEEKING REGULATION

- 10.1 The Council received a paper from the Chief Executive.
- 10.2 The Council agreed that only one application from an aspirant occupation would be considered per Council meeting. The only exception would be where there is a considerable degree of similarities between two or more applications.
- 10.3 The Council noted that the application pack should be amended to notify perspective applicants that there could be a delay in processing their application.

Action: CS

Item 11.03/75 STRUCTURE OF THE REGISTER

- 11.1 The Council received a paper from the Chief Executive.
- 11.2 The Council noted that the Health Professions Council currently regulated 12 professions. There was a direct correlation between the size of the Council and the number of professions it regulated because the number of council members was linked to the number of parts of the register.

- 11.3 The Health Professions Order 2001 allowed the Council to make recommendations on the regulation of new professions and the structure of the register. The Council had limited discretion on the future number of members because each new part of the register required additional members of Council, namely lay, registrant and alternate.
- 11.4 However, a new profession joining the register would not automatically result in a new part being opened and hence would not require an increase in the size of the Council. This was because parts of the Register could have subsections as was currently used for Arts Therapists and Clinical Scientists.
- 11.5 The issue of pressing concern was that more than a dozen aspirant occupations had indicated that they might seek to be regulated by the HPC and it was possible that a similar number would do so within the next year. Clearly, if a significant number were to succeed in their applications, and were to have new Parts of the Register opened for them, the size of Council would increase dramatically, with all the attendant corporate governance issues that could bring.
- 11.6 The Council noted that at present all existing HPC registrants belonged to professions where practitioners could work unsupervised. However, the HPC might decide to recommend, or it was possible that central government might require the HPC, to regulate supervised healthcare workers.
- 11.7 The Council agreed to hold a workshop on 21 July to discuss a policy on structuring the Register following a recommendation to regulate aspirant groups to which registrant and lay members would be invited. Alternate members could attend in the absence of the registrant member.

Item 12.03/76 AMENDMENT OF COUNCIL STANDING ORDERS

- 12.1 The Council received a paper.
- 12.2 The Council noted that the amendment to the standing orders would enable Council to transact business ‘virtually’ by approving resolutions in written or electronic form.
- 12.3 Such arrangements provided an effective means of transacting business where there was no need for a meeting to take place, such as final approval of a text which had been amended to reflect the debate on a previous draft which was considered at a meeting. Arrangements for approving resolutions without the need for a meeting were common practice in many organizations, particularly companies.

12.4 The Council resolved that the following text be substituted for Standing Orders 25 and 26 of the Council Standing Orders:

25. In the event of any equality of votes, the President shall be entitled to an additional casting vote (except where the question is the determination of an appeal in accordance with Article 37 of the 2001 Order).

Approval of resolutions without meeting

26. A resolution which, with the consent of the President, is circulated to, and approved in writing or electronic form by, not less than three quarters of the registrant/practitioner members and not less than three quarters of the lay members entitled to receive notice of and attend a meeting of the Council shall be as valid as if it had been passed at such a meeting.

Item 13.03/77 PROFESSIONAL LIAISON GROUPS FOR APPROVALS

The Council received a paper from the Chairman of the Education and Training Committee.

Item 14.03/78 PROFESSIONAL LIAISON GROUPS FOR STANDARDS OF EDUCATION AND TRAINING

The Council received a paper from the Chairman of the Education and Training Committee.

Item 15.03/79 PROFESSIONAL LIAISON GROUP FOR CONTINUING PROFESSIONAL DEVELOPMENT

15.1 The Council received a paper from the Chairman of the Education and Training Committee.

15.2 The Council agreed that the Secretary would circulate a list of those who had volunteered to serve on the three Professional Liaison Groups to date and that those members who had not yet been given an opportunity to volunteer should contact the Secretaries of the relevant groups.

Action: NO'S

15.3 It was agreed that once the initial groups had been established the professional bodies should be approached to nominate members. These would be put to the Education and Training Committee for approval and the Council would be updated on progress.

Item 16.03/80 MINUTES OF THE FINANCE AND RESOURCES COMMITTEE HELD ON 20 MAY 2003

- 16.1 The Council received the minutes of the Finance and Resources Committee held on 20 May 2003.
- 16.2 The Council noted that BDO Stoy Hayward had audited the accounts and that a 'clean' audit opinion had been received.
- 16.3 Council approved a tendering limit of £50,000 and a 3 estimates rule for expenditure above £10,000, for the year.
- 16.4 The Council noted that the Nat West Bank plc had granted a facility of £1,000,000 to fund short-term working capital requirements. A charge was to be taken on the property on the basis of the valuation of £1.3 million. This was a short-term requirement necessitated by the delay in the increase of the fees. It was envisaged that this would not be required beyond 31 December 2003 but the period could be extended to 12 months as long as the arrangement fee was not increased.
- 16.5 The Council AGREED that the Chairman of the Meeting (or that part of it when the item was discussed) be authorised to issue this extract from the minutes to NatWest Bank as evidence of the authority to proceed with the acquisition of an overdraft facility:
- (i) A valid quorum was present and the meeting was duly convened.
 - (ii) The meeting agreed to give security as indicated in the Advice of Borrowing Terms from NatWest.
 - (iii) The Council accepted the terms and condition of the facility of £1,000,000.
 - (iv) The Council authorised the Chief Executive (a signatory on the account) to sign the form of acceptance in the Advice of Borrowing Terms and to take such other action as may be necessary for the purpose of the facility.
- 16.6 The Council noted that over the coming years registrants would note improved service as a result of the additional investment in services.

Item 17.03/81 HPC STATUTORY ACCOUNTS 2002-2003

- 17.1 The Council received the HPC statutory accounts 2002-2003 from the Chairman of the Finance and Resources Committee.
- 17.2 The Council noted that the accounts were subject to final audit clearance from BDO Stoy Hayward and the National Audit Office. It was not expected that the accounts would change significantly. The

HPC would challenge the requirement to disclose the names, salaries and ages of senior staff on the grounds that these staff members were not directors in the accepted sense.

- 17.3 The Council agreed that the Chairman of the Finance and Resources Committee, the Finance Director, the Chief Executive and Mr D Ross should form a working group which would give the President the appropriate authorisation to sign the accounts.

**Item 18.03/82 ANNUAL ACCOUNTS OF THE PROFESSIONS
SUPPLEMENTARY TO MEDICINE CHARITABLE TRUST**

- 18.1 The Council received the minutes of the meeting of the Trustees held on 20 May from the Committee Chairman.
- 18.2 The Council ratified the accounts noted in the minutes.
- 18.3 The Council noted the existence of the charitable trust was under review.

**Item 19.03/83 MINUTES OF THE REGISTRATION COMMITTEE HELD ON
30 APRIL 2003**

The Council received the minutes of the Registration Committee held on 30 April 2003 from the Committee Chairman.

**Item 20.03/84 MINUTES OF THE EDUCATION AND TRAINING
COMMITTEE HELD ON 14 MAY 2003**

The Council received the minutes of the Education and Training Committee held on 14 May 2003 from the Committee Chairman.

**Item 20.03/85 MINUTES OF THE EDUCATION AND TRAINING
COMMITTEE HELD ON 28 MAY 2003**

The Council received the tabled minutes of the Education and Training Committee held on 28 May 2003 from the Committee Chairman.

Item 21.03/86 STANDARDS OF PROFICIENCY

The Council received a paper from the Chairman of the Education and Training Committee.

**Item 22.03/87 CRITERIA FOR ASSESSMENT FROM THE STANDARDS OF
PROFICIENCY**

The Council received a paper from the Chairman of the Education and Training Committee.

Item 23.03/88 UPDATE ON THE PARTNER RECRUITMENT EXERCISE

The Council noted that the partner recruitment exercise was an on-going process and that lessons learned regarding good practice would be implemented in the future. Further advertisements would be placed in professional journals which would target certain professions.

Item 24.03/89 STANDING ORDERS FROM NON-STATUTORY COMMITTEES OF COUNCIL

- 24.1 The Council received the standing orders from the non-statutory committees of Council.
- 24.2 The Council noted that the standing orders for the statutory committees formed part of the Rules.
- 24.3 The Council also noted that it would be useful if the duties of the committee could be listed in each of the standing orders.

Item 25.03/90 RISK ASSESSMENT PLAN

- 25.1 The Council received the Risk Assessment Plan.
- 25.2 The Council noted that there was a risk that pension liabilities would be underfunded and not unfunded as stated in the document. The document should be amended to reflect this.

Action: PB

- 25.3 The Council agreed that concerns regarding the pension scheme should be referred to the Finance and Resources Committee.

Item 26.03/90 MINUTES OF THE HEALTH COMMITTEE HELD ON 30 APRIL 2003

The Council received the minutes of the Health Committee held on 30 April 2003 from the Committee Chairman.

Item 27.03/91 MINUTES OF THE INVESTIGATING COMMITTEE HELD ON 8 MAY 2003

The Council received the minutes of the Investigating Committee held on 8 May 2003 from the Committee Chairman.

Item 18.03/92 ANY OTHER BUSINESS

There was no other business.

Item 18.03/93 DATE AND TIME OF NEXT MEETING

18.1 The next meeting of the Council would be held at 11am on Wednesday 17 September 2003.

18.2 Further meetings would be held on the following dates:

Wednesday 8 October 2003 and Thursday 9 October 2003 - 'away day' – (noon) at the Marriott St. Pierre, Hotel and Country Club, St. Pierre Park, Chepstow, Monmouthshire, South Wales.

Thursday 11 December 2003 (start time tba)

Tuesday 2 March 2004 (11am)