

THE HEALTH PROFESSIONS COUNCIL

Chief Executive and Registrar: Mr Marc Seale

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MINUTES of the nineteenth meeting of the Health Professions Council held at **11am on Tuesday 14 September 2004** at Park House, 184 Kennington Park Road, London, SE11 4BU.

PRESENT: Professor N Brook (President)

Mr J Camp
Mr R Clegg
Ms C Farrell
Prof. J. Harper (part)
Professor T Hazell
Dr R Jones
Mr C Lea
Ms R Levenson
Professor C Lloyd
Professor J Lucas
Mrs C McGartland
Mr W Munro
Dr J Old
Miss G Pearson
Mr K Ross
Mrs. B. Stuart
Dr A Van Der Gaag
Mr D Whitmore
Mr N Willis
Dr S Yule

IN ATTENDANCE:

Mr P Baker, Finance Director
Mr. J. Bracken, Bircham, Dyson, Bell
Ms S Butcher, Secretary to Committees
Mr R Dunn, Director of Information
Mr C Middleton, Director of Communications
Ms F Nixon, Director of Education and Policy
Ms N O'Sullivan, Secretary to Council
Miss C Savage, Director
Ms E Seall, Case Manager
Mr M Seale, Chief Executive and Registrar
Ms D Thompson, Human Resources Director

Item 1.04/117 INTRODUCTION AND WELCOME

Professor Brook welcomed all members and non-members in particular Mr Whitmore, who had been appointed alternate paramedic member, to his first meeting of Council. She also welcomed Ms Nixon recently appointed Director of Education and Policy and Ms Butcher recently appointed Secretary to Committees.

Item 2.04/118 APOLOGIES FOR ABSENCE

- 2.1 Apologies for absence were received from the following Council members; Miss M Crawford (Professor Lloyd attending) Mrs S Chaudhry, Mrs M MacKellar (Miss Pearson attending) Ms J Manning (Mr Whitmore attending) Miss P Sabine, Mrs J Stark, Professor D Waller.

Item 3.04/119 APPROVAL OF AGENDA

- 3.1 The Council approved the agenda and agreed that an item entitled Health Professions Council (Registration and Fees) Rules 2003 should be considered under any other business. It was also agreed that the minutes of a joint special meeting of the Education and Training Committee and the Approvals Committee held on 12 July 2004 should be considered directly after lunch.

Item 4.04/120 MINUTES

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

Item 5.04/121 MATTERS ARISING

- 5.1 Item 5 - Matters Arising- Council Membership
 - 5.1.1 The Council noted that Mr D Whitmore had been appointed to the vacancy created by the resignation of Mr M Collins.
- 5.2 Item 7.5 Chief Executive's Report
 - 5.2.1 The Council noted that the Director of Human Resources would present a paper on matters relating to ethnicity to the December meeting of Council.

Action: DT

5.3 Item 9 – Outcome of the Consultation on the Standards of Education and Training and the Approvals Process

5.3.1 The Council noted that the standards of education and training and the approvals process had been published.

5.4 Outcome of the Consultation on the Operating Department Practitioners – Draft Standards of Proficiency

5.4.1 The Council noted that the Standards of Proficiency for Operating Department Practitioners had been published.

5.5 Item 11 Health, Disabilities and Registration Professional Liaison Group

5.5.1 The Council noted that there had been a very good response to the request for nominations to the Health and Disability Professional Liaison Group. The Group would be holding its first meeting in the near future.

5.6 Review of Council Members' Performance and Development Review System

5.6.1 The Council noted that members' performance and development review meetings were being arranged.

5.7 Attendance at Non-HPC Meetings

5.7.1 The President noted that members should complete the standard feedback sheet if they represented the HPC at a meeting.

5.8 NHS Record Keeping Requirements

5.8.1 The Council noted that the Information Standards Board would be holding its next meeting in October and that HPC representatives would raise the issue of the storage of visual objects at that meeting.

Action: RD/PS

5.9 Minutes of the Registration Committee held on 14 May 2004

5.9.1 The Council noted that a statement detailing the criteria on which the Registration Committee had based its approval of the tests to be used in determining an applicant's English Language Competence would be presented to a meeting of the Education and Training Committee in the near future.

Action: LP/SD

Item 6.04/122 PRESIDENT'S REPORT

6.1 The President noted that she had attended a meeting of the Council for Healthcare Regulatory Excellence (CHRE) which had reviewed the outcome of a fitness to practise case. There was a variety of opinions among regulators on how CHRE should undertake its duties there

appeared to be a need for CHRE assessors to receive guidance on how to assess cases. This led to inconsistencies in the decisions taken.

- 6.2 Professor Brook noted that she had attended an informal meeting at the Kings Fund to discuss the future of regulation. This had provided an opportunity for a frank discussion with representatives of the General Medical Council on how it carried out its role.

Item 7. 04/123 CHIEF EXECUTIVE'S REPORT

- 7.1 The Council received a paper from the Chief Executive.
- 7.2 The Chief Executive noted that the Executive were concentrating the efficient running of processes put in place since July 2003.
- 7.3 The register for the Operating Department Practitioners would open on 18 October 2004.
- 7.4 The consultation regarding the continuing professional development scheme had started and had aroused much interest.
- 7.5 A meeting had been held with the Department of Health to discuss the election rules. These Rules had to be in place by January 2005.
- 7.6 The Council noted that all professions had gone through the re-registration cycle during which time much additional information had been collected regarding registrants.
- 7.7 The new approval process for HPC approval of programmes leading to registration had been agreed and would come into use shortly.
- 7.8 The Council noted that a letter was being sent to the Department of Health expressing the HPC's concerns regarding the quality assurance partnership framework for healthcare.
- 7.9 The Council noted that as of November 2004 registrants would be able to amend their address details on-line.
- 7.10 The Council noted that the statistics regarding the performance of each department were extremely useful and thanked the Executive for making these available.

Item 8.04/124 OUTCOME OF THE CONSULTATION ON THE STRUCTURE OF THE REGISTER

- 8.1 The Council received a paper from the Chief Executive.
- 8.2 The Council noted that a meeting to discuss the structure of the register, to which all members had been invited, had taken place earlier that morning. At the meeting it had been agreed that all members

should put their thoughts regarding this issue in writing and forward these to the Chief Executive by Monday 27 September 2004. The Executive would prepare a paper to be presented to the October away day for discussion.

Action: MJS

Item 9.04/125 OUTCOME OF THE CONSULTATION ON THE HEALTH PROFESSIONS COUNCIL'S DRAFT ELECTION RULES

- 9.1 The Council received a paper detailing the responses to the HPC consultation on the draft election rules.
- 9.2 The Council noted the concerns which had been expressed in a number of the responses to the consultation regarding the method of dealing with the home country requirement.
- 9.3 The Council noted that a significant change in the membership of the Council would have a significant impact on the corporate governance of the HPC. There was a need to incorporate this in the risk management strategy.
- 9.4 The Council noted the importance of encouraging registrants from all four home countries to seek nomination for election.
- 9.5 The Council agreed that the draft rules, in line with the proposals outlined in the consultation.
- 9.6 The Council agreed to recommend to the Privy Council the order in which members should stand down post 2005, starting with the largest professional groups.
- 9.7 The Council noted that the Executive were engaging in discussions with the Department of Health regarding the details of the rules which had to be in place by January 2005 and that the rules would be amended as a result of these discussions to ensure that they were legally watertight. The amended rules would be presented to Council for final agreement.
- 9.8 The Executive agreed to clarify the process by which lay members were reappointed to Council.

Action: MJS/NO'S

**Item 10.04/126 REGULATION OF NEW PROFESSIONS BY THE HPC
(Application from the Institute of Medical Illustrators)**

- 10.1 The Council received an application from the Institute of Medical Illustrators.

- 10.2 The Council noted that it had been agreed at the last meeting that the application process for aspirant groups should be split between two Council meetings. The application would be considered at the first meeting but the aspirant group would not be invited to speak at the meeting. At the subsequent meeting the aspirant group would be invited to attend and to make a brief presentation and address any issues raised by members of Council.
- 10.3 The Council noted that clinical photographers and clinical video producers would be regulated as part of the group under consideration.
- 10.4 The Institute had recommended that clinical photographer should be the protected title but this title would be consulted upon in the consultation which would follow a recommendation from the HPC that this group should be regulated.
- 10.5 The Council agreed that an excellent case for regulation of this group had been made by the Institute of Medical Illustrators and that there would be no requirement for this group to make a presentation of their case to the October Council meeting.
- 10.6 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.
- 10.7 The Council agreed that the Medical Illustrators should be recommended for regulation.

Action: MJS/CS

- 10.8 The Council agreed that the Medical Illustrators should be invited to make an informal presentation to interested Council members at Park House at an agreed date in the future.

Action: CS

Item 11.04/127HEALTH PROFESSIONS COUNCIL ANNUAL AND FITNESS TO PRACTISE REPORTS

- 11.1 The Council received a paper from the Executive.
- 11.2 The Council agreed the timetable as laid out in the paper.

Action: CM/VN

Item 12.04/128 SCREENERS

- 12.1 The Council received a paper from the Executive.
- 12.2 The Council noted that following its agreement in principle to the appointment of screeners in March 2004, it had been decided that members of the Investigating Committee would, on an experimental basis, ‘screen’ the allegations being received by the HPC.
- 12.3 The Council noted that in June 2004 the Investigating Committee had passed a resolution that the screening of allegations should be brought to an end on the grounds that almost no allegations were being ‘screened out’ and that it was in the interests of justice for all allegations to be considered by an Investigating Committee Panel and that the process should not be bypassed.
- 12.4 The Council agreed to ratify the decision of the Investigating Committee.
- 12.5 The Council noted that the decision not to use screeners could be revisited at any time in the future and that this did not rule out the use of mediation where appropriate. An Investigating Panel could still refer a case to the HPC appointed mediator Alternative Dispute Resolution (ADR).

Item 13.04/129 PROCESS FOR THE NOMINATION AND ELECTION OF THE PRESIDENT POST JULY 2005

- 13.1 The Council received a paper from the Executive.
- 13.2 The Council agreed the process set out in the paper.

Item 14.04/130 GUIDELINES TO COUNCIL MEMBERS ON FITNESS TO PRACTISE MATTERS

- 14.1 The Council received a paper from the Executive.
- 14.2 The Council agreed the guidelines set out in the paper.

Item 15.04/131 RECOMMENDATION FOR APPOINTMENT TO THE INVESTIGATING COMMITTEE

- 15.1 The Council received a paper from the Executive.
- 15.2 The Council noted that the Investigating Committee had agreed to increase its membership by one. This was in accordance with its Rules. Mr Colin Lea had been appointed to the Committee using the procedure agreed by Council for appointment to statutory and non-statutory committees.

15.3 The Council ratified the decision of the Investigating Committee.

Item 16.04/132 DATES OF COUNCIL MEETINGS 2005/6

16.1 The Council received a paper from the Executive.

16.2 The Council agreed the dates as set out in the paper.

Item 17.04/133 MINUTES OF A JOINT SPECIAL MEETING OF THE EDUCATION AND TRAINING COMMITTEE AND THE APPROVALS COMMITTEE HELD ON 12 JULY 2004

17.1 The Council received the minutes of a joint special meeting of the Education and Training Committee and the Approvals Committee held on 12 July 2004.

17.2 The Council noted that two training events for visitors had taken place and that three more events were planned. Also three approval events were planned for the coming month.

Item 18.04/134 MINUTES OF THE FINANCE AND RESOURCES COMMITTEE HELD ON 27 JULY 2004

18.1 The Council received the minutes of the Finance and Resources Committee held on 27 July 2004.

18.2 The Council noted that the National Audit Office was to run a one-day learning session for the Audit Committee, the Chairman of the Finance and Resources Committee and the Chief Executive on 19 November 2004.

Item 19.04/135 CONTINUING PROFESSIONAL DEVELOPMENT – DRAFT CONSULTATION DOCUMENT

19.1 The Council received the Continuing Professional Development Consultation Document.

19.2 The Council noted that consultation on CPD had started on the previous day, 13 September 2004, in London. A number of interesting questions had been raised in the course of the two sessions which were held. All questions were being noted for inclusion in the analysis of the consultation and the Executive were preparing a list of Frequently Asked Questions (FAQs) to assist panel members taking part in these events. Public events would be held in 23 locations throughout the United Kingdom.

19.3 The President thanked all those who were taking part in the consultation exercise.

Item 20/04.136 COUNCIL MEMBERSHIP

- 20.1 The Council received a paper from the Executive.
- 20.2 The Council noted that the Privy Council had appointed Mr David Whitmore as the alternate paramedic member on Council in place of Mr Michael Collins.

Item 21/04/137 ANY OTHER BUSINESS

- 21.1 The Council received a paper from the Executive.
- 21.2 The Council noted that on 1 September 2004 the consultation of proposals to make minor and consequential changes to the Health Professions Council (Registration and Fees) Rules 2003 in accordance with the Health Professions Order 2001 had concluded. Eleven responses had been received.
- 21.3 The outcome of the consultation and the consequential changes to the Health Professions Council (Registration and Fees) Rules 2003 had been circulated to Council electronically for approval.
- 21.4 The Council was requested to formally agree the Health Professions Council (Registration and Fees) (Amendment) Rules 2004.
- 21.5 The Council agreed the Health Professions Council (Registration and Fees) (Amendment) Rules 2004.
- 21.6 The Council noted that these would be sent to the Privy Council and would be laid in Parliament. The register for Operating Department Practitioners would open on 18 October 2004.

Action: MJS

Item 22.04/138 DATE AND TIME OF NEXT MEETING

- 22.1 The next meeting of the Council would be held at noon on Wednesday 6 October 2004 at the Seamill Hydro, Seamill, Ayrshire, Scotland.
- 22.2 Further meetings would be held on the following dates;

Tuesday 7 December 2004

Wednesday 2 March 2005