

Confirmed

THE HEALTH PROFESSIONS COUNCIL

Chief Executive and Registrar: Mr Marc Seale

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MINUTES of the forty-third meeting of the Health Professions Council held at **10.30 a.m. on Thursday 13 December 2007** at Park House, 184 Kennington Park Road, London, SE11 4BU.

Present: Dr A van der Gaag (President)

Mr P Acres
Professor K Bryan
Mrs M Clark-Glass
Mr R Clegg
Ms H Davis
Mr J Donaghy
Mr P Douglas
Mrs S Drayton
Miss E Ellis
Miss C Farrell
Mrs D Haggerty
Professor T Hazell
Miss M MacKellar
Mr A Mount
Mr K Ross
Miss P Sabine
Professor G Smith
Mrs B Stuart
Professor A Turner
Professor D Waller
Mr N Willis

In attendance:

Mr R Dunn, Director of Information
Mr M Guthrie, Policy Manager
Miss K Johnson, Director of Fitness to Practise
Mr S Leicester, Director of Finance
Mr S Mars, Policy Officer
Miss N O'Sullivan, Secretary to Council
Mr S Rayner, Secretary to Committees
Mr G Ross-Sampson, Director of Operations
Mr M Seale, Chief Executive and Registrar
Ms R Tripp, Director of Policy and Standards
Ms C Urwin, Policy Officer

Item 1.07/185 President's welcome and introduction

- 1.1 The President welcomed all members and non-members to the meeting this included representatives of UK Council for Psychotherapy and the British Association for Counselling and Psychotherapy.
- 1.2 The President noted that 2007 had been a year of tremendous activity and growth for the Health Professions Council and that the organisation continued to be true to its values, ever clearer about its vision, hospitable to criticism and proactive in its approach. She thanked both the Council and the Executive for all their work to strengthen and shape the organisation.

Item 2.07186 Apologies for absence

- 2.1 Apologies for absence were received from the following Council members; Professor J Harper, Professor J Lucas, Mr W Munro.

Item 3.07187 Approval of agenda

- 3.1 The Council approved the agenda and noted that a revised paper relating to agenda item 20 had been tabled in place of the paper included with the agenda.

Item 4.07/188 Minutes of the 3 October 2007 Council meeting

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

Item 5.07/189 Matters arising

- 5.1 The Council received a paper from the Executive setting out the matters arising from the previous meeting.

Item 6.07/190 President's Report

- 6.1 The Council received a paper from the President.
- 6.2 The President noted that she had attended a range of meetings on behalf of HPC including a meeting with the Psychological Professionals Alliance Groups, two of the working groups announced following the publication of the White Paper, the Darzi Conference and a conference on telemedicine.

- 6.3 The Council noted that the President was attending many meetings and undertaking much work on the part of the Council and that this should be kept under review by the Finance and Resources Committee.

Item 7.07/191 Chief Executive's Report

- 7.1 The Council received a paper from the Chief Executive.
- 7.2 The Chief Executive noted that the Health Care and Associated Professions Order (Section 60 Order 1A) was published on 26 November 2007. Order 1B which would cover the Health Professions Council had not been published but was expected shortly.
- 7.3 The Chief Executive noted that a number of meetings had been held with the Scottish Government and that other meetings were planned. Further consideration was being given to increasing the HPC presence in Scotland. The Council noted that an increased number of meetings were also taking place in Wales and Northern Ireland and that there was a general recognition that these were very useful.
- 7.4 The Chief Executive noted that the annual report and accounts 2006/7 had been signed off by the National Audit Office and that the report was now with the Privy Council prior to being laid in Parliament. There was some discussion between the Privy Council and the Stationery Office regarding the process for the publication and laying of the report in Parliament and that it was possible that a further meeting would have to take place with the Privy Council to progress this matter.
- 7.5 The Chief Executive noted that the HPC Executive had held constructive meetings with the Executive of the British Psychological Society to discuss practical arrangements relating to the opening of the Applied Psychologists part of the register.
- 7.6 The Council noted that there appeared to be an increase in the number of employee sick days. This had been reviewed by the Finance and Resources Committee which had agreed that this was not a cause for concern. Employees who were ill were supported by the organisation during their period of illness and on their return to work.
- 7.7 The Council noted that there was a possible 12 week delay on the completion of the Stannary Street building project. The Finance and Resources Committee had discussed the causes

and the consequences of this and had agreed that, although regrettable, this was not a cause for concern as the project was within budget and the quality of the finish remained unaffected by the delay.

- 7.8 The Council noted that following the loss of personal data relating to 25 million people by HM Revenue and Customs the Executive had undertaken an in-depth review of the storage and movement of data by the HPC. A paper which contained the outcome of this review was included in the private papers of the Council meeting.
- 7.9 The Council noted that interviews for the post of Director of Information Technology would be held shortly.

Strategy and Policy

Item 8.07/192 Council elections

- 8.1 The Council received a paper from the Executive for discussion/approval.
- 8.2 The Council noted that the Section 60 Order which would bring about the restructured Council had not been published however it was likely to be published shortly. If the Order was enacted by 8 July 2008 there would be no further elections and thereafter all new members would be appointed. However if the legislation was not enacted by July 2008 elections for registrant members would need to be held and preparations made to ensure that this process was undertaken appropriately. The elections would be for the registrant member for Dietitians, Speech and Language Therapists and Operating Department Practitioners (the latter being currently vacant).
- 8.3 The Council also noted a letter from HPC's Solicitor and Parliamentary Agent which stated that, in view of the uncertainty regarding whether it was necessary to hold the elections, the election timetable could be based on the minimum statutory periods set down in the Health Professions Council (Election Scheme) Rules 2007. The timetable for the election was at the discretion of the Registrar.

8.4 The Council agreed the following;

- (i) the Chief Executive/Registrar should be appointed as the Returning Officer as of 9 January 2008 until the close of the 2008 election process and would run the election if required.
- (ii) that all statements of expenditure are published on the HPC website.

Action: MJS/NO'S

Item 9.07/193 Counsellors and psychotherapists

- 9.1 The Council received a paper from the Executive for discussion/approval.
- 9.2 The Council noted that the paper;
 - (i) Highlighted the challenges that would be faced by the HPC and other key stakeholders if Counsellors and Psychotherapists were to be statutorily regulated.
 - (ii) Sought the view of the Council on whether the HPC should commence a proactive process to investigate the statutory regulation of Counsellors and Psychotherapists.
 - (iii) Recommended that the HPC establish a Counsellors and Psychotherapists Professional Liaison Group (PLG) in July 2008 to review and recommend: structure of the register, professional titles, the standards of proficiency, standards of education and training, post registration standards and grandparenting arrangements. The establishment of the PLG would be preceded by three months of research by the HPC Policy and Standards Department.
- 9.3 The Council noted that to date it had waited until an application was received from an aspirant profession before considering whether that profession should be regulated however in view of the public protection issues raised by this group, and the recommendations in the White Paper regarding regulation of these groups, consideration needed to be given to a more proactive approach.
- 9.4 The Council noted with some concern the number of other aspirant groups who had been through the HPC application process successfully were currently awaiting regulation. The timetable for the regulation of these groups was be decided by the Department of Health. It was likely that the timetable for

regulation would be determined by the risk posed by an aspirant group rather than their place in the list of those approved for regulation by the HPC. The resources which the Department of Health had allocated to regulation had increased in recent months and it was possible that this would have an impact on the timetable.

9.5 The Council agreed the following;

- (i) The HPC should commence a proactive process to investigate and make recommendations to the Secretary of State on the statutory regulation of Counsellors and Psychotherapists.
- (ii) that the HPC should establish a Counsellors and Psychotherapists Professional Liaison Group (PLG) in July 2008 to review and recommend: structure of the register, professional titles, the standards of proficiency, standards of education and training, post registration standards and grandparenting arrangements. The establishment of the PLG would be preceded by three months of research by the Policy and Standards Department.

9.6 The Council noted that it should be aware of issues of concern to those within the counselling and psychotherapy professions not in favour of statutory regulation. At this stage it had not taken any decision as to how these groups should be regulated and that the regulation of large groups would have implications for capacity planning within the HPC.

Action: RT/MG – July 2008

Item 10.07/194 Equality and diversity scheme

- 10.1 The Council received a paper from the Executive for discussion/approval.
- 10.2 The Council approved the scheme, and agreed that it would become effective from 1 January 2008.
- 10.3 The Council noted that the scheme would be current for three years and progress reports would be provided to the Council each year.

Item 11.07/195 Post-registration qualifications

- 11.1 The Council received a paper from the Executive for discussion/approval.

- 11.2 The Council noted that at its meeting on 5 October 2005, it had agreed to establish a Professional Liaison Group (PLG) to look at the issue of post-registration qualifications. Since that decision, the Council's work on this issue had been delayed in light of the review undertaken by the Department of Health (England) into the regulation of the non-medical professions and the subsequent government White Paper.
- 11.3 The Department of Health (England) publication 'The regulation of the non-medical healthcare professions' concluded: 'Post registration qualifications should be recorded in the Register where the specialism was relevant to patient care and patient safety, and could be defined in terms of extra skills acquired, and was at a level substantially beyond basic registration.' This recommendation was supported in the recently published White Paper 'Trust, Assurance and Safety: the regulation of health professionals in the 21st century'.
- 11.4 The HPC made a number of recommendations regarding this issue in its response to the consultation 'Trust, Assurance and Safety, the regulation of health professionals in the 21st century.'
- 11.5 The Council agreed that given the substantial work undertaken by the Council in providing its input into the review of non-medical regulation, in particular the indicative criteria included as part of its consultation response, at this stage, it was not necessary to establish a Professional Liaison Group (PLG) in order to progress the work further.
- 11.6 The Council also agreed that the next stage would involve a discussion meeting in early 2008 with key stakeholders
- 11.7 The Council noted that a further paper on this issue would be presented to the March 2008 meetings of the Education and Training Committee and the Council.

Action: MG – 26 March 2008

Item 12.07/196 Student fitness to practise – response to the Department of Health

- 12.1 The Council received a paper from the Executive for discussion/approval.

- 12.2 The Council noted that the recent White Paper 'Trust, Assurance and Safety – The Regulation of Health Professionals in the 21st Century' asked regulators to submit proposals on student registration and fitness to practise to the Department of Health by January 2008.
- 12.3 The Council agreed the proposed response to the Department of Health.
- 12.4 The Council noted a report of a discussion meeting external stakeholders on 5 November 2007 which had helped shape the HPC's response.
- 12.5 The Council noted that at its November meeting the Education and Training Committee had agreed that the Executive should explore whether it would appropriate for the HPC to produce guidance for students on professional behaviour and fitness to practise and that a paper would be presented to the March 2008 meeting of the Education and Training Committee regarding this issue.
- 12.6 The Council noted that it was important that students should be made aware of the HPC's Standards of Conduct Performance and Ethics. The Standards of Education and Training were an important means of ensuring that this link was made.

Item 13.07/197 HPC Vision statement

- 13.1 The Council received a paper from the Executive for discussion/approval.
- 13.2 The Council agreed the statement as set out in the paper.
- 13.3 The Council also agreed that the vision statement should be reviewed periodically.

Item 14.07/198 Fee change proposal paper

- 14.1 The Council received a paper from the Executive for discussion/approval.
- 14.2 The Council agreed that there should be an across the board fee rise in June 2009 as proposed in the schedule in the paper.
- 14.3 The Council noted that there would be a consultation on the proposed fee rise.

- 14.4 The Council noted the NHS pay circular which detailed the allowance to NHS staff for registration fees in some parts of the UK had been included with the paper for information and also noted that this circular had not influenced the amount of the proposed fee rise.

Item 15.07/199 Five year plan

- 15.1 The Council received a paper from the Executive for discussion/approval.
- 15.2 The Council noted that the five year plan incorporated a number of key assumptions which were outlined in the paper.
- 15.3 The Council noted that the organisation was stable financially but that the projections in the plan could be subject to change.
- 15.4 The Council approved the key assumptions outlined in the paper and also approved the Five Year Plan 2008-13.

Corporate governance

Item 16.07/200 Reappointment of external auditors

- 16.1 The Council received a paper from the Executive for discussion/approval. The Chairman of the Audit Committee noted that the Audit Committee had recommended that Council reappoint Baker Tilly, HPC's external auditors for another year.
- 16.2 The Council approved the reappointment of Baker Tilly, HPC's existing external auditors for the financial year ending 2007/08.

Item 17.07/201 Reappointment of internal auditors

- 17.1 The Council received a paper from the Executive for discussion/approval. The Chairman of the Audit Committee noted that the Audit Committee had recommended that Council reappoint PKF, HPC's internal auditors for another year.
- 17.2 The Council approved the reappointment of PKF as HPC's internal auditors for the financial year 2008/09.

Item 18.07/202 Updated risk register

- 18.1 The Council received a paper from the Chairman of the Audit Committee for discussion/approval.
- 18.2 The Council approved the updated risk register.

Item 19.07/203 Financial regulations

- 19.1 The Council received a paper from the Executive for discussion/approval.
- 19.2 The Council approved the financial regulations.

Item 20.07/204 Revised standing orders for the Audit Committee

- 20.1 The Council received a tabled paper from the Executive for discussion/approval.
- 20.2 The Council approved the revised standing orders for the Audit Committee.

Item 21.07/205 Non-council committee members' reappointments

- 21.1 The Council received a tabled paper from the Executive for discussion/approval.
- 21.2 The Council approved the re-appointment of Mr Stephen Hutchins, Mr Richard Kennett and Mr Daniel Ross.

Item 22.07/206 Date of Council meetings 2008/9

- 22.1 The Council received a tabled paper from the Executive for discussion/approval.
- 22.2 The Council approved the dates of the Council meetings for 2008/9.

Item 23.07/207 Minutes of the Finance and Resources Committee meeting held on 18 September 2007

- 16.1 The Council received the minutes of the Finance and Resources Committee meeting held on 18 September 2007.

Item 24.07/208 Minutes of the Audit Committee meeting held on 25 September 2007

- 24.1 The Council received the minutes of the Audit Committee meeting held on 25 September 2007.

Item 25.07/209 Minutes of the Communications Committee meeting held on 24 October 2007

- 25.1 The Council received the minutes of the Communications Committee meeting held on 24 October 2007.

The Council noted the following papers;

Item 26.07/210 Changes in legislation

Item 27.07/211 Future governance of Council

Item 28.07/212 Dates of committee meetings 2008/9

Item 29.07/213 Notes of Council away day held on 3 & 4 October 2007

Item 30.07/214 Minutes of the Fitness to Practise Forum meeting held on 12 September 2007

Item 31.07/215 Minutes of the Conduct and Competence Committee meeting held on 12 September 2007

Item 32.07/216 Minutes of the Health Committee meeting held on 12 September 2007

Item 33.07/217 Minutes of the Investigating Committee meeting held on 12 September 2007

Item 34.07/218 Notes of the Education and Training Committee meeting held on 25 September 2007

Item 35.07/219 Reports from council representatives at external meetings

Item 36.07/220 Appointment of additional director to 22/26 Stannary Street

Item 37.07/221 Any other business

- 37.1 There was no other business

Item 38.07/222 Date and time of next meeting

The next meeting of the Council will be held at 10.30am on

Thursday 27 March 2008

Thursday 29 May 2008

Thursday 3 July 2008

Thursday 11 September 2008
Council (and annual meeting)

Wednesday 1 October 2008
Council meeting and away day

Thursday 2 October 2008 Away day

Thursday 11 December 2008

Tuesday 10 February 2009 Council strategy meeting

Wednesday 25 March 2009

Wednesday 20 May 2009

Monday 6 July 2009

President:

Date: