

## THE HEALTH PROFESSIONS COUNCIL

Chief Executive and Registrar: Mr Marc Seale

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MINUTES of the thirty-ninth meeting of the Health Professions Council held at **10.30 a.m. on Thursday 5 July 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 M Davies  
Mr P Douglas  
Miss E Ellis  
Ms C Farrell  
Mrs D Haggerty  
Professor T Hazell  
Miss M MacKellar  
Mr P McFadden  
Mr A Mount  
Mr K Ross  
Miss P Sabine  
Professor G Smith  
Professor A Turner  
Professor D Waller

### **IN ATTENDANCE:**

Mr R Dunn, Director of Information  
Mr M Guthrie, Policy Manager  
Miss L Foster, Human Resources Director  
Mr R Houghton, Registration's Manager  
Miss K Johnson, Director of Fitness to Practise  
Mrs J Ladds, Director of Communications  
Mr S Leicester, Director of Finance  
Mr S Mars, Policy Officer  
Miss N O'Sullivan, Secretary to Council  
Ms C Phillips, Project Manager  
Miss A Roberts, Team Administrator - Secretariat  
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 1.07/88 INTRODUCTION AND WELCOME**

- 1.1 The President welcomed all members and non-members to the meeting, this included Mr T Muir from the Council for Regulatory Healthcare Excellence and Ms C Settle from the Nursing and Midwifery Council.
- 1.2 The President noted that Mr Davies and Mr McFadden were attending their last meeting of Council following the recent Council elections. The President thanked Mr Davies and Mr McFadden to their service and commitment to the work of Council during their two year periods of office. Mr Davies and Mr McFadden both thanked the Council for the welcome which had been extended to them as new members and for the support they had received during their time in office.
- 1.3 The President extended her congratulations and the congratulations of the Council to Professor Waller on her recent award of an O.B.E in the Queen's Birthday Honours. The Council noted that Dr G Beastall, a former Council member, had been awarded a C.B.E and extended its congratulations to Dr Beastall on this award.

## **Item 2.07/89 APOLOGIES FOR ABSENCE**

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

## **Item 3.07/90 APPROVAL OF AGENDA**

- 3.1 The Council approved the agenda.

## **Item 4.07/91 MINUTES**

- 4.1 It was agreed that the minutes of the thirty-eighth meeting of the Health Professions Council be confirmed as a true record and signed by the President subject to the following amendments;
- 4.2 10.2 – The Council noted that this was a useful paper which could assist the HPC in learning lessons from the grandparenting process and which could usefully be shared with other bodies.

- 4.3 20.4 – The Council had ratified the decision of the Fitness to Practise Committees and noted that ultimately there could be one Fitness to Practise Committee subject to the required changes in legislation.

### **Item 5.07/92 MATTERS ARISING**

- 5.1 There were no matters arising.

### **Item 6.07/93 PRESIDENT'S REPORT**

- 6.1 The Council received a paper from the President.
- 6.2 The President noted that she had held meetings with members of the House of Lords with regard to the regulation of the Psychological professions. The HPC was making every effort to input into the debate regarding this issue and was also always open to discussions with the BPS.
- 6.3 The President noted that she had attended a meeting in June with Baroness Ashton at which they had discussed the imbedding of human rights principles in public service. The Baroness had subsequently agreed to come and speak to the Council on this matter.
- 6.4 On 22 June she and the Presidents of other regulatory bodies had met with Mr J Hall, Senior Advisor to the Chancellor to discuss a number of issues including the likely change in emphasis once the new government was in place. These included a focus on outcomes of care in the health service, a recognition that there was a feeling of alienation amongst some sections of the workforce, and that there needed to be a new look at ways of engaging patients. The issue of protected time for healthcare workers, particularly non medical professionals, undertaking Continuing Professional Development (CPD) was also raised
- 6.5 The President noted that Mr H Cayton, formerly the DH in England's Patient 'Czar', had been appointed as the new Chief Executive of the Council for Regulatory Healthcare Excellence (CHRE) and that she looked forward to working with him.

### **Item 7.07/94 CHIEF EXECUTIVE'S REPORT**

- 7.1 The Council received a paper from the Chief Executive.
- 7.2 The Chief Executive noted the Chief Executives of the health regulators had been meeting with the Department of Health to discuss the White Paper. He noted that there was now an

assumption that there would be a three month slippage in the timetable for the implementation of the White Paper.

- 7.3 Following the recent Cabinet reshuffle Lord Hunt was no longer the Health Minister and his replacement had not yet been announced.
- 7.4 The Chief Executive noted that a meeting had taken place with the Society of Radiographers and that an application for the regulation of sonographers was likely to be put to the Council in December 2007. The Council noted that Skills for Health had organised a number of meetings to determine competencies for sonographers.
- 7.5 The Chief Executive noted that building work was scheduled to start at 22/26 Stannary Street on 23 July and that the contractors had made a commitment that they would complete the work by the end of December 2007.
- 7.6 The Chief Executive noted that the final application under the grandparenting arrangements for 12 professions originally regulated by HPC had been finalised the previous day. He thanked all members of the Registrations Department and all partners who had been involved in the process, for their hard work in relation to grandparenting.
- 7.7 The Chief Executive noted the numbers of registrants with supplementary prescribing rights was now increasing.

### **Item 8.07/95 THE HEALTH PROFESSIONS COUNCIL – REVISED STRATEGY**

- 8.1 The Council received a paper from the Executive for discussion/approval.
- 8.2 The Chief Executive noted that the first page of the document detailed the HPC's planning process and showed how each document linked together. The strategy was an outward looking document – looking out towards the White Paper. The document highlighted what the HPC wished to achieve in terms of the education and the European agendas and also laid out key operational areas in which the HPC would concentrate its resources over the coming years until 2011. The strategy was a living document and would change over time.
- 8.3 The Council noted that there was a need for further strategic discussions in order to more clearly delineate the strategic

direction from the operational details. The Council needed to agree what its vision and role was in protecting the public and how it measured whether it had been successful in doing this.

- 8.4 The Council approved the document but noted that further discussions regarding the HPC strategy would take place at the Council away day.

**Action: MJS/NO'S – October 2007**

## **Item 9.07/96 STANDARDS OF PROFICIENCY FOR PSYCHOLOGISTS**

- 9.1 The Council received a paper from the Executive for discussion/approval.
- 9.2 The Council noted that the Department of Health had indicated that Psychologists would be regulated by the HPC and that this was clearly outlined in the White Paper . It was therefore important that the Council proceed with preparations for regulation. The British Psychological Association had been in favour of regulation by the HPC but had changed its view since the original submission for application had been considered and approved by Council.
- 9.3 The Council noted that the paper proposed that a PLG should be established to draft standards of proficiency for Applied Psychologists. This work of the PLG would build upon previous work undertaken and would make reference to existing documentation from a number of sources.
- 9.4 The Council noted that at its meeting on 12 June that the Education and Training Committee had agreed to recommend to the Council that a PLG should be established and agreed to the workplan laid out in the paper.
- 9.5 The Council noted that Professor J Lucas would be chairing the PLG and noted its endorsement of this appointment.
- 9.6 The Council agreed the following;
- (i) to establish a Professional Liaison Group (PLG) to draft the standards of proficiency for Applied Psychologists;
  - (ii) the contents of the attached workplan;
  - (iii) that Professor Lucas should chair the PLG; and
  - (iv) to pass a resolution that the standards can be approved for consultation by chair's action of the chair of the

Education and Training Committee, without reference to Council.

- 9.7 The Council also agreed that the membership of the PLG would be agreed by the Chair of the PLG with reference to the HPC President.

**Action: MG - ongoing**

### **Item 10.07/97 CONTINUING FITNESS TO PRACTISE**

- 10.1 The Council received a paper from the Executive for discussion/approval.
- 10.2 The paper under consideration outlined proposals for work in the area of continuing fitness to practise. The paper proposed that that a Professional Liaison Group (PLG) should be established to explore issues in this area. The PLG would report back to Council in October/ November 2008 with the outcomes of the work and any recommendations for next steps.
- 10.3 The Council noted that it was important for the HPC to reach its own conclusions with regard to revalidation/continuing fitness to practise and whether and how this process would assist the HPC to protect patients.
- 10.4 The Council agreed the following;
- (i) that a professional liaison group (PLG) should be established to explore the area of continuing fitness to practise;
  - (ii) the workplan for the PLG's work
- 10.5 The Council agreed that, in view of the importance of this work to the Council, the HPC President should chair this PLG.

**Action: MG - Ongoing**

### **Item 11.07/98 DIRECTIVE 2005/36EC – PROFESSIONAL QUALIFICATIONS DIRECTIVE**

- 11.1 The Council received a paper from the Executive for discussion/approval.
- 11.2 The Council noted that Directive 2005/36EC established rules for holders of a professional qualification in a member state to have access to, and pursue their profession, in another member state. The UK government was consulting on the discretionary elements of the directive. The Executive had prepared a draft

response to the consultation which the Education and Training Committee had approved at its meeting on 12 June 2007. The Committee had recommended the response to Council for approval.

- 11.3 The Council approved the response to the consultation and noted that it would be useful if a training session in European legislation which was relevant to HPC could be organised for members.

**Action: SM – July 2007**

### **Item 12.07/99 COUNCIL MEMBERS AS REGISTRATION ASSESSORS**

- 12.1 The Council received a paper from the Executive for discussion/approval.
- 12.2 The Council noted that following the Council's decision to no longer use Council members as Fitness to Practise Panel members or visitors the Education and Training Committee had agreed to recommend to Council that the HPC should no longer use Council members, alternates or committee members as registration assessors, unless in exceptional circumstances.
- 12.3 The Council agreed that the HPC should no longer use Council members, alternates or committee members as registration assessors, unless in exceptional circumstances (for example, in a small profession where there was a shortage of partners). This exception should only hold until replacement partners were appointed.
- 12.4 The Council noted that it was a requirement of the Health Professions Order 2001 that Council members chaired Registration Appeals panels.
- 12.5 The Council noted its thanks to all members who had acted as registration assessors.

### **Item 13.07/100 CO-OPERATION AND WORKING TOGETHER (CAWT) EMERGENCY PLANNING DOCUMENT**

- 13.1 The Council received a paper from the Executive for discussion/approval.
- 13.2 The Council noted that the Cooperation and Working Together (CAWT) was a cross border partnership formed in 1992 with the objective of cooperating to improve the health and social

wellbeing of the resident populations in the border region of Northern Ireland and the Republic of Ireland.

- 13.3 CAWT had drafted a range of proposals outlining how regulated health professionals and their respective regulators would respond in the event that a major incident was to occur in the border region.
- 13.4 The General Medical Council (GMC) and the Nursing and Midwifery Council (NMC) had already agreed to the proposals.
- 13.5 The Council agreed to establish appropriate arrangements with CAWT via an exchange of letters.

**Action: MJS – July 2007**

## **Item 14.07/100 FUTURE GOVERNANCE OF COUNCIL**

- 14.1 The Council received a paper from the Executive for discussion/approval.
- 14.2 The Council noted that comments from Council members had suggested that while the existing format of Council papers and the layout of the Council Chamber was appropriate for business matters, they were not always conducive for discussions concerning strategic issues.
- 14.3 Although the Council have previously discussed governance proposals outlined in the White paper, , this paper proposed that it would be an appropriate time for the Council to discuss the subject in a more informal context and work towards making further key decisions.
- 14.4 In line with the proposals contained in the paper the Council agreed the following;
  - (i) The governance issues would be discussed in the afternoon
  - (ii) For this session, the seating in the Council chamber would be set out in a workshop format
  - (iii) The meeting would remain open to the public
  - (iv) The Council would still be able to make formal decisions



- 14.5 The Council noted that a feedback form had been prepared and would be circulated to members for feedback of their comments on this format for strategic discussions of Council.

**Action: NO'S – July 2007**

### **Item 15.07/101 FITNESS TO PRACTISE DEPARTMENT – RE-ORGANISATION**

- 15.1 The Council received a paper from the Executive for discussion/approval.
- 15.2 The Council noted that under the Council's Scheme of Delegation re-structuring the Council's staff where the changes involve ten or more employees was a matter reserved to the Council.
- 15.3 The Council agreed the re-organisation of the Fitness to Practise Department as outlined in the paper.
- 15.4 The Council noted that consideration should be given to a revision of the Council's Scheme of Delegation in the future, as it was not thought necessary to bring such decisions to the Council in future.

### **Item 16.07/102 REGISTRATION DEPARTMENT – RE-ORGANISATION**

- 16.1 The Council received a paper from the Executive for discussion/approval.
- 16.2 The Council noted that under the Council's Scheme of Delegation re-structuring the Council's staff where the changes involve ten or more employees was a matter reserved to the Council.
- 16.3 The Council agreed the re-organisation of the Registration Department as outlined in the paper.
- 16.4 The Council noted that consideration should be given to a revision of the Council's Scheme of Delegation in the future, as it was not thought necessary to bring such decisions to the Council in future.

## **Item 17.07/103 FEEDBACK FROM COUNCIL MEMBER SELF-APPRAISAL**

- 17.1 The Council received a paper from the President for discussion/approval.
- 17.2 The President noted that at its meeting on 14 December 2006 the Council had agreed to pilot a new appraisal system to be undertaken by all members. To date all but two members had had either a telephone conversation or a meeting with the President.
- 17.3 The President noted that the conversations themselves had been extremely valuable, and that the paperwork was secondary to this. However, the President had discussed the value of bringing some analysis to some aspects of the conversations, notably Council member's views on the HPC and any issues of concern. The paper under consideration therefore was an attempt to extract any recurring themes. The paper did not attempt to evaluate the format of the review system nor was it an account of members' review of the President. The evaluation of the review system would be undertaken at a later date
- 17.4 The Council noted that the paper was extremely useful and that a similar paper should be included on the Council agenda on an annual basis. The Council noted that a number of the points raised in the paper would be covered in future discussions of governance and that individual requests for training would be followed up by the Secretariat over the next six months.

### **Action: NO'S – July 2008**

## **Item 18.07/104 BAKER TILLY – LETTER OF REPRESENTATION**

- 18.1 The Council received a paper from the Executive for discussion/approval.
- 18.2 The Council noted that the Audit Committee had approved the Baker Tilly letter of representation.
- 18.3 The Council approved the Baker Tilly letter of representation.

## **Item 19.07/105 NATIONAL AUDIT OFFICE – LETTER OF REPRESENTATION**

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

- 19.2 The Council noted that the Audit Committee had approved the National Audit Office letter of representation.
- 19.3 The Council approved the National Audit Office letter of representation.
- 19.4 The Council noted that positive feedback had been received from the auditors and expressed its thanks to the Executive, in particular members of the Finance Team for their work in regard to the audit work of the organisation. Considerable progress had been made over the last year in all aspects of the audit work

### **Item 20.07/106 FUTURE GOVERNANCE OF COUNCIL**

- 20.1 The Council noted, that in line with the actions agreed under minute 14.4 discussions regarding this paper would be held in the afternoon session of the Council meeting. Minutes of that meeting would be produced. (See appendix 1 of these minutes)

### **Item 21.07/107 MINUTES OF THE COMMUNICATIONS COMMITTEE HELD ON 24 MAY 2007**

- 21.1 The Council received the minutes of the Communications Committee held on 24 May 2007.
- 21.2 The Council noted that the planned change in HPC's visual identity would be implemented soon and thanked the Communications team for their work with regard to this.

### **Item 22.07/108 BRITISH PSYCHOLOGICAL SOCIETY-COMPETENT AUTHORITY STATUS**

- 22.1 The Council received a paper for note from the Executive.
- 22.2 The Council noted that the British Psychological Society (BPS) was the Competent Authority for certain psychologists. Following a number of complaints by non-UK psychologists, the European Commission had issued an infraction order against HM Government. To address this situation, the Department of Health and the Department for Education and Skills had instructed the BPS to amend their processes and register the said applicants by Friday 29<sup>th</sup> June. If this instruction was not complied with the Competent Authority status would be transferred to the HPC probably within 28 days. The situation was still uncertain. The number of applicants was likely to be low however operationally this would be a challenge for HPC.

- 22.3 The Council noted that the HPC would have the right to charge a scrutiny fee of £400 to all EEA applicants who were applying to come onto the BPS register in this way.

## **Items to Note**

The Council noted the following items;

- (i) Return of Election Expenditure
- (ii) Draft Health Professions Council Annual Report
- (iii) Council Membership
- (iv) Annual Review of Actions Agreed at 2006/7 Public Meetings
- (v) Reports from Council Representatives at External Meetings
- (vi) Minutes of the Education and Training Committee held on 12 June 2007

## **Item 23.07/109 ANY OTHER BUSINESS**

- 23.1 There was no other business.

## **Item 24.07/110 DATE AND TIME OF NEXT MEETING**

Monday 9 July 2007

Tuesday 11 September 2007 (and annual meeting)

Wednesday 3 October and Thursday 4 October 2007 Council meeting and 'away day'

Thursday 13 December 2007

Thursday 27 March 2008

Thursday 29 May 2008

Thursday 3 July 2008

**PRESIDENT:**

**DATE:**