

**Council**

**Public minutes of the 55<sup>th</sup> meeting of the Health Professions Council held as follows:-**

**Date:** Monday 6 July 2009

**Time:** 10:30am

**Venue:** The Council Chamber, Health Professions Council, Park House, 184 Kennington Park Road, London SE11 4BU

**Present:**

Anna van der Gaag (Chair)

Patricia Blackburn

Mary Clark-Glass

Malcolm Cross

John Donaghy

Sheila Drayton

Julia Drown

John Harper

Richard Kennett

Jeff Lucas

Morag Mackellar

Arun Midha

Keith Ross

Eileen Thornton

Annie Turner

Joy Tweed

Diane Waller

Neil Willis

Mr J Bracken, Bircham Dyson Bell

Mr G Butler, Director of Finance

Mr N Cohen, Registration Department

Ms D Dawkins, Acting Partner Manager

Mr G Gaskins, Director of Information Technology

Mrs A Gorringe, Director of Education

Mr M Guthrie, Acting Director of Policy and Standards

Ms L Hart, Secretary to Council

Ms T Haskins, Director of HR

Mr R Houghton, Head of Registration

Ms K Johnson, Director of Fitness to Practise  
Mrs J Ladds, Director of Communications  
Mr S Rayner, Secretary to Committees  
Mr G Ross-Sampson, Director of Operations  
Mr M J Seale, Chief Executive and Registrar  
Ms C Urwin, Policy Manager

#### **Item 1.09/104 Chair's welcome and introduction**

- 1.1 The Chair welcomed all members and members of the public to the meeting.
- 1.2 The Chair noted that this was a significant day in the history of the Health Professions Council since it was the first meeting of newly restructured Council and, on 1 July, 15,000 practitioner psychologists were added to the Register.
- 1.3 The Chair explained the format of the meetings in terms of the public and private agenda. She emphasised HPC's commitment to transparent decision-making and informed members that debate was underpinned by equality around the table, consensus decision-making and a commitment to undertaking not to re-open Council decisions once those decisions had been agreed upon by Council.

#### **Item 2.09/105 Apologies for absence**

- 2.1 Apologies for absence were received from the following Council Members: Penny Renwick and Deep Sagar.

#### **Item 3.09/106 Approval of agenda**

- 3.1 The Council approved the agenda.

#### **Item 4.09/107 Declaration of Members' Interest**

- 4.1 There were no interests declared.

#### **Item 5.09/108 Minutes of the Council meeting of 20 May 2009 (report ref:- HPC83/09)**

- 5.1 It was agreed that the minutes of the 53rd meeting of the Health Professions Council be confirmed as a correct record and signed by the Chair.

**Item 6.09/109 Minutes of the Council meeting of 11 June 2009 (report ref:- HPC84/09)**

- 6.1 It was agreed that the minutes of the 54th meeting of the Health Professions Council be confirmed as a correct record and signed by the Chair.

**Item 7.09/110 Matters arising (report ref:- HPC85/09)**

- 7.1 The Council noted the actions list as agreed at the last meeting.
- 7.2 It was confirmed that the Council away day was scheduled for 6/7 October and that the Secretariat would be in touch to confirm details over the next few weeks.

**Item 8.09/111 Chair's report (report ref:- HPC86/09)**

- 8.1 The Council received a paper from the Chair.
- 8.2 The Chair informed the Council that the Human Rights Inquiry meeting on 15 June was very well attended and an informative report had been circulated. Should members wish, the Chair was able to circulate the web link to the report.
- 8.3 The Chair updated the Council on a productive meeting held with the Department of Health on 22 June, at which funding for the revalidation project had been approved in principle.
- 8.4 The Council noted the report.

**Item 9.09/112 Chief Executive's report (report ref:- HPC87/09)**

- 9.1 The Council received a paper from the Chief Executive.
- 9.2 The Chief Executive explained the format of the report and drew members' attention to the feedback part of the report, which was reviewed by the Executive Management Team on a monthly basis.
- 9.3 Council members noted that the negative feedback from registrants had a tendency to peak during registration renewals and this was being addressed through the introduction of online renewals and the active engagement with professional bodies in advance of renewal periods.
- 9.4 The consolidated figures on pages 4b and 4c were seen as particularly useful and it was suggested that they be extended across all areas of the organisation.

- 9.5 It was noted that there had been a decline in applications onto the Register and this was possibly attributable to the current changes in the job market.
- 9.6 The Chair wished to place on record her thanks to all those involved in the onboarding of Practitioner Psychologists.
- 9.7 The Council noted the report.

## Strategy and Policy

### **Item 10.09/113 Fitness to Practise Annual report (report ref:- HPC88/09)**

- 10.1 The Council received a paper for discussion/approval from the Executive.
- 10.2 Members were in agreement that this was a well-written, informative report and wished to record their thanks to the Director of Fitness to Practise.
- 10.3 During the course of discussion, the following points were made:-
- That over the coming year, further analysis would be carried out in the following areas:- the gender, age profile of registrants subject to FtP allegations, the length of time it takes for a case to reach the hearing stage, the impact of representation at a Hearing and the costs of those cases not well-founded;
  - That the department target for cases to be dealt with by the Investigating Committee was 70% within 5 months although the emphasis was on following process;
  - That the Communications Committee should in future consider the distribution of the report, with a view to ensuring that the professional bodies were in receipt of the report;
  - That whilst comparisons with other regulators were useful, the FtP annual report may not be the most appropriate place to use comparative data;
  - That Higher Education Institutions would welcome such reports;
  - That Fitness to Practise issues were a possible subject for the October away day.
- 10.4 The Council approved the draft 2008-09 Fitness to Practise Annual Report (subject to editorial amendments).

### **Item 11.09/114 Guidance on Conduct and Ethics for Students (report ref:- HPC89/09)**

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

- 11.3 In response to a question about distribution, members were informed that the guidance would be available for download and the professional bodies would be made aware of it.
- 11.4 There was discussion over the use of the word “fairly” under standard 10 and members were informed that the language was the same as that used in other guidance documents. It was agreed that the use of the word would be looked at.
- 11.5 There was subsequent discussion on the use of the words “personal appearance” under standard 3 and, whilst it was suggested that the word “presentation” may be more appropriate, Council agreed after discussion to keep the original wording i.e. “personal appearance.”
- 11.6 The suggestion was made that the word “supervision” be defined since all students require different levels of supervision dependent upon the profession.
- 11.7 With regards to statement 10 relating to risks of infection, it was felt that the bullet point was not robust enough and should instead read “you should ensure that you take all appropriate steps...”
- 11.8 The suggestion to remove all references to “health professional” and replace with “professional” or “registrant” as appropriate was raised and the members noted that it was in the Order that the HPC was charged with “health and well-being” and the language would evolve to include this wider definition.
- 11.9 Council noted that professional bodies with student memberships had been consulted on this guidance.
- 11.10 The Council approved the text of the consultation responses document and guidance (subject to minor editing changes and legal scrutiny) and agreed to its publication on the website.

**Item 12.09/115 Response to the Section 60 Consultation on the regulation of Private Hearing Aid Dispensers (report ref:- HPC90/09)**

- 12.1 The Council received a paper for discussion/approval from the Executive.
- 12.2 The Council noted that it was expected that the Register for Hearing Aid Dispensers would open in April 2010.
- 12.3 It was noted that the words “to undertake tasks” needed to be inserted into the consultation document under question 5, paragraph 4 after the words, “to ask appropriately qualified individuals who are not registered with us.”

12.4 The Council approved the consultation response for submission.

**Item 13.09/116 Consultation on the Registration Cycle for Hearing Aid Dispensers (report ref:- HPC91/09)**

- 13.1 The Council received a paper for discussion/approval from the Executive.
- 13.2 It was noted that this consultation document had been submitted to Council for approval for the second time owing to the delay in the legislative timetable.
- 13.3 The Council agreed:-
- (i) to consult on setting the registration cycle for hearing aid dispensers; and
  - (ii) the text of the consultation document (subject to minor editing amendments).

**Item 14.09/117 Recommendations from the Psychotherapists and Counsellors Professional Liaison Group (report ref:- HPC92/09)**

- 14.1 The Council received a paper for discussion/approval from the Executive.
- 14.2 The Council were informed of the background to the Professional Liaison Group.
- 14.3 The Council noted the difficulty with regards to the transfer of multiple voluntary registers. Members noted that there would be further reports on this particular aspect of the regulation of counsellors and psychotherapists.
- 14.4 A member commented that the section on grandparenting required some clarification and the Acting Director of Policy and Standards undertook to review this.
- 14.5 It was noted that the Scottish Equivalent qualifications would need to be included in the report.
- 14.6 Members were in agreement that this was a fair report which had outlined the differing views expressed throughout the meetings of the PLG.
- 14.7 The Council agreed:

- (i) the text of the draft report of the PLG subject to minor editing amendments;
- (ii) that, should more substantial amendments to the PLG report be necessary in light of the comments of the PLG, that these should be agreed with the Chair of the PLG; and
- (iii) the text of the draft consultation paper subject to minor editing amendments.

**Item 15.09/118 Consultation on the Statutory Regulation of Dance Movement Therapists**

- 15.1 The Council received a paper for discussion/approval from the Executive.
- 15.2 Concern was expressed at the length of time taken to proceed towards statutory regulation for this profession. It was noted that this was due to the delay in the legislative timetable and in addition, that the focus had altered as a consequence of the various enquiries that were published shortly after the application for statutory regulation had been received by HPC
- 15.3 The Council agreed:
  - (i) to consult on the statutory regulation of dance movement therapists; and
  - (ii) the text of the consultation document (subject to minor editing amendments).

**Item 16.09/119 Review of the Health Professions (HPC) Admission Forms (report ref:- HPC94/09)**

- 16.1 The Council received a paper for discussion/approval from the Executive.
- 16.2 The Council approved changes to the renewal and final renewal forms.

**Item 17.09/120 Partner Recruitment (report ref:-HPC95/09)**

- 17.1 The Council received a paper for discussion/approval from the Executive.
- 17.2 The Council agreed the recommendations as set out in appendix 1 of the report, to appoint those people listed as partners of HPC.

## Corporate Governance

### **Item 18.09/121 Council members' performance and development review (report ref:-HPC96/09)**

- 18.1 The Council received a paper for discussion/approval from the Executive.
- 18.2 With regard to paragraph one on page 3 relating to personal feedback, the Council noted that the current system seemed to be working well and the current process did in fact allow for personal feedback on Council members. .
- 18.3 Council agreed to refer the report back to the Executive to consider further training opportunities for Council members.

### **Item 19.09/122 Committee Appointments (report ref:-HPC97/09)**

- 19.1 The Council received a paper for discussion/approval from the Executive.
- 19.2 It was noted that Stephen Hutchins should also be included to the interim Education and Training Committee membership.
- 19.3 The Council agreed that:
  - (i) The non-statutory Committees be constituted as follows:-

#### **Audit Committee**

Patricia Blackburn  
Jeff Lucas  
Deep Sagar  
Joy Tweed

#### **Communications Committee**

Patricia Blackburn  
Julia Drown  
Sheila Drayton  
Morag MacKellar  
Arun Midha  
Diane Waller

#### **Finance and Resources Committee**

Mary Clark-Glass  
Malcolm Cross  
Sheila Drayton  
Julia Drown  
John Harper  
Richard Kennett  
Arun Midha

Keith Ross  
Eileen Thornton  
Neil Willis

**Fitness to Practise**

Mary Clark-Glass  
Malcolm Cross  
John Donaghy  
Julia Drown  
Morag MacKellar  
Penny Renwick  
Keith Ross  
Deep Sagar  
Annie Turner  
Neil Willis

- (ii) the amendment to The Health Professions Council (Education and Training Committee) (Constitution) Rules 2009 in order that a Education and Training Committee can be established in the interim be approved; and
- (iii) the interim Education and Training Committee be constituted as follows:-

Karen Bryan \*  
Helen Davis \*  
John Donaghy  
John Harper  
Stephen Hutchins  
Jeff Lucas  
Arun Midha  
Alan Mount \*  
Penny Renwick  
Jeff Seneviratne \*  
Eileen Thornton  
Annie Turner  
Joy Tweed  
Diane Waller

\* denotes a former ETC member

**Item 20.09/123 Audit findings and letters of representation from Baker Tilly (report ref:-HPC98/09)**

- 20.1 The Council received a paper for discussion/approval from the Executive.
- 20.2 The Council approved the Baker Tilly (UK) LLP Audit Findings Report 2008/09 and the Letter of Representation to Baker Tilly (UK) LLP.

**Item 21.09/124 Audit findings and letters of representation from National Audit Office (report ref:-HPC99/09)**

- 21.1 The Council received a paper for discussion/approval from the Executive.
- 21.2 The Council approved the National Audit Office (NAO) 2008/2009 report of communication of audit matters to those charged with governance and the associated Letter of Representation to the Comptroller and Auditor General.

**Item 22.09/125 Draft HPC Annual Report (report ref:-HPC100/09)**

- 22.1 The Council received a paper for discussion/approval from the Executive.
- 22.2 There was concern that the section profiling Council and Committee members was out of date and there should be a reference to note that the appointments detailed were historical.
- 22.2 The Council approved the 2009 HPC Annual report.

**Item 23.09/126 Public Minutes of the Communications Committee held on 7 May 2009 (report ref:-HPC101/09)**

- 23.1 The Council considered the Public Minutes of Communications Committee held on 7 May 2009 and approved the recommendations therein.

**Item 24.09/127 Reports from representatives at external meetings (report ref:-HPC102/09)**

- 24.1 The Council received a paper to note from the Executive detailing the feedback on meetings attended by Council members.
- 24.2 The Council noted the report.

The Council noted the following papers:

**Item 25.09/103 Public Minutes of the Education and Training Committee held on 20 May 2009 (report ref:-HPC103/09)**

**Item 26.09/104 Public Minutes of the Education and Training Committee held on 11 June 2009 (report ref:-HPC104/09)**

**Item 27.09/105 Private Minutes of the Education and Training Committee held on 11 June 2009 (report ref:-HPC105/09)**

**Item 28.09/106 Any other business**

28.1 There was no other business.

**Item 29.09/107 Date and time of next meeting**

29.1 Tuesday 10 September 2009 at 10:30 am and to be followed by the HPC Annual Meeting

Subsequent meetings on:  
Wednesday 7 October 2009  
Thursday 8 October 2009  
Thursday 10 December 2009  
Tuesday 11 February 2010  
Thursday 25 March 2010  
Thursday 20 May 2010  
Wednesday 7 July 2010

### **Resolution**

The Council agreed to adopt the following resolution:-

“The Council hereby resolves that the remainder of the meeting shall be held in private, because the matters being discussed relate to the following;

- (i) information relating to a registrant, former registrant or application for registration;
- (ii) information relating to an employee or office holder, former employee or applicant for any post or office;
- (iii) the terms of, or expenditure under, a tender or contract for the purchase or supply of goods or services or the acquisition or disposal of property;
- (iv) negotiations or consultation concerning labour relations between the Council and its employees;
- (v) any issue relating to legal proceedings which are being contemplated or instituted by or against the Council;
- (vi) action being taken to prevent or detect crime to prosecute offenders;
- (vii) the source of information given to the Council in confidence; or
- (viii) any other matter which, in the opinion of the Chair, is confidential or the public disclosure of which would prejudice the effective discharge of the Council's functions.

Item	Reason for Exclusion
30	vii
31	-
32	vii

**Summary of those matters considered whilst the public were excluded**

**Item 30.09/108 Minutes of the Private part of the Council meeting held on 20 May 2009 (report ref:-HPC106/09)**

30.1 The Council considered and approved the minutes of the private part of the Council meeting held on 20 May 2009.

**Item 31.09/109 Matters arising**

31.1 The Council noted that there were no matters arising from the private part of the Council minutes of 20 May 2009.

**Item 32.09/110 Minutes of the private part of the Education and Training Committee held on 25 March 2009 (report ref:-HPC107/09)**

32.1 The Council noted the private minutes of the Education and Training Committee (ETC) held on 20 May 2009.

Chair: .....

Date: .....