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**Council**

**Public minutes of the 63rd meeting of the Health Professions Council held as follows:-**

**Date:** Friday 17 September 2010

**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)  
Mary Clark-Glass (for items 1-23 inclusive)  
Malcolm Cross  
John Donaghy  
Sheila Drayton  
Julia Drown  
Richard Kennett  
Jeff Lucas  
Morag Mackellar  
Arun Midha (for items 1-23 inclusive)  
Penelope Renwick  
Keith Ross  
Eileen Thornton  
Annie Turner  
Joy Tweed  
Diane Waller

Mr O Ammar, Acting Director of Education  
Mr G Butler, Director of Finance  
Ms A Dittmer, Policy Officer  
Mr G Gaskins, Director of Information Technology  
Mr M Guthrie, Director of Policy and Standards  
Ms L Hart, Secretary to Council  
Ms T Haskins, Director of Human Resources  
Ms K Johnson, Director of Fitness to Practise  
Mr J Jones, Publications Manager  
Ms 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 1.10/137 Chair's welcome and introduction**

- 1.1 The Chair welcomed all Council members and members of the public to the meeting. The Chair gave particular welcome to colleagues from the UKCP and BACP and David Rowland from the GSCC.
- 1.2 The Chair paid tribute to Patricia Blackburn, a registrant member, who sadly passed away on 29 July 2010.

**Item 2.10/138 Apologies for absence**

- 2.1 Apologies for absence were received from John Harper, Deep Sagar and Neil Willis.

**Item 3.10/139 Approval of agenda**

- 3.1 The Council noted the two items to be tabled, namely the papers under items 9 and 31 and agreed to consider the tabled letter received from the Chair of the GSCC, Rosie Varley, in conjunction with item 9, the paper on renaming the HPC. The Council approved the agenda, subject to the inclusion of the tabled items.

**Item 4.10/140 Declaration of Members' Interest**

- 4.1 Keith Ross declared an interest under items 11 and 12 as his wife is a member of CHRE.

**Item 5.10/141 Minutes of the Council meeting of 7 July 2010 (report ref:-HPC105/10)**

- 5.1 The Council considered the minutes of the meeting held on 7 July 2010. A suggestion was made that under paragraph 11.4, a reference should be made to "mental health condition" rather than "physical disability," a suggestion Council concurred with.
- 5.2 The Council agreed the public minutes of the meeting of 7 July 2010, subject to the amendment detailed above.

**Item 6.10/142 Matters arising (report ref:-HPC106/10)**

- 6.1 The Council noted the action list as agreed at the last meeting.

- 6.2 The Council were disappointed to note that Professor Hill had again written saying that she was unable to attend the meeting of Council to discuss the “modernising scientific careers” agenda.
- 6.3 Concern was expressed that some students were already undertaking newly-established programmes with the expectation that their qualification would lead to statutory regulation.
- 6.4 The Executive undertook to write to the Chief Scientific Officer setting out the concerns of the Council and requesting her to attend a meeting of Council or a representative in her place.

**Item 7.10/143 Chair’s report (report ref:-HPC107/10)**

- 7.1 The Council received a paper from the Chair.
- 7.2 The Council noted that since the last meeting of Council, a review of Arm’s Length Bodies had been published and this outlined government’s intention to abolish the General Social Care Council (GSCC) and transfer their regulatory functions to the HPC. The Council noted that there were two papers on the agenda which would give them the opportunity to discuss this in full.
- 7.3 The Council noted that government’s decision was based on economics not performance and recognised the huge impact this decision would have on both the GSCC and the HPC. It was further notes that the HPC would be committed to working closely with colleagues at the GSCC during the transition and beyond.
- 7.4 The Council were updated on the Chair’s visit to health regulators in Canada which had been very informative in terms of their legal, strategic and operational approach to regulation. A paper detailing the visit had been produced and this was available to all members although its context would be incorporated into a more detailed report to be produced by the Policy and Standards Department on the revalidation project. This would be submitted for discussion at December’s Council meeting.
- 7.5 The Council noted that at the meeting of the regulatory body chairs, the GMC had discussed its proposals to move towards mandatory language testing for those doctors coming from the European Union.
- 7.6 The Council noted that the meeting with UKCP scheduled for 8 September had been postponed.
- 7.7 It was reported that the Annual meeting, held in Edinburgh this year and, using a different format, was well attended and positive feedback on the revised format had been received.

7.8 The Chair informed Council that Marc Seale had been personally invited to be a member of the National Stakeholder forum by Andrew Lansley, Secretary of State for Health and a member of the Professional Standards Board by Clare Chapman, Director General of Workforce for the Department of Health.

**Item 8.10/144 Chief Executive's report (report ref:-HPC108/10)**

8.1 The Council received a paper from the Chief Executive.

8.2 The Council noted that registrant numbers were now 207,000.

8.3 The Council noted the report.

**Item 9.10/145 Department of Health: Review of Arms Length Bodies (report ref:- HPC109/10)**

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

9.2 The Council were given five minutes in which to read the paper which had been tabled.

9.3 The Council noted that the White Paper entitled "Equity and excellence: Liberating the NHS" which was published on 12 July 2010, stated that the Department of Health would shortly publish a review of its Arms's-Length Bodies. That review was published on 26 July and stated that "whilst the GSCC has made good progress over preceding months, the reality is that the costs of maintaining an independent regulator for social workers are prohibitive and we therefore propose to transfer the function of regulating social workers to the Health Professions Council, which will accordingly be renamed to reflect its remit."

9.4 During the course of discussion, the following points were made:-

- That it was unlikely that the legislation would be published until after the Autumn party conferences;
- An oversight group had been set up and this was chaired by Harry Cayton, Chief Executive of CHRE. The purpose of the group was to identify what should happen to those non-regulatory functions currently carried out by the GSCC which would not transfer over to the HPC and one of the issues being looked at by the group was the issue of registration of students. The group was populated by representatives from the Department of Health, Department for Education, the Social Work Reform Board and the Chief Executives of the HPC and the GSCC;

- The minutes of the Oversight group meeting held on 4 September would be circulated as soon as they had been made public;
- A project plan had already been produced by the HPC and this was broadly based on previous plans used to onboard new professions whilst recognising the intricacies of this particular project;
- The importance of the Social Work Reform Board Agenda which would continue beyond the transfer of the regulatory function;
- That a PLG would be set up to look at the Standards of Proficiency and over 50% of the membership would be drawn from the Social Work arena;
- That this project differed from others since it was the first time that the regulatory function of a profession from only one country would transfer as opposed to all four countries (England, Wales, Scotland and Northern Ireland);
- Following the suggestion that it may be possible to learn lessons from the regulators of social workers in Wales, Scotland and Northern Ireland, Council noted that the Executive had already met with the social work regulators in Northern Ireland and Scotland last year;
- Two issues in terms of regulating social workers from England only were immediately apparent, namely, the issue of reconciling different Fitness to Practise legislation in the devolved countries after the transfer, and secondly, the UK-wide registration system currently being used;
- Assurance was needed that by taking on the regulatory function of the GSCC, there would be no adverse effect on the regulation of those professions currently regulated by the HPC;
- In response to a suggestion that the Risk Register would need revising, the Executive confirmed that a specific risk register had been compiled for the purposes of this project;
- The Department of Health consultation on the future of fitness to practise adjudication for health professionals was launched on 9 August;
- That also arising from the review was that the health regulators would be charged a levy to cover the costs of CHRE;

- The Council noted the importance of CHRE and further noted that a report on CHRE together with other issues such as OHPA which were flagged in the review would be considered at future Committee and Council meetings.

9.5 The Council noted the report.

**Item 10.10/146 Renaming the Health Professions Council (report ref:- HPC110/10)**

10.1 The Council received a paper for discussion/approval from the Executive. A letter from the Chair of the GSCC, Rosie Varley, was tabled and this set out her views on the paper on renaming the HPC.

10.2 The Council noted that any decision arrived at today would be fed into the Department of Health who were drafting the legislation, although there was no guarantee that this would be the new name for the HPC proposed in the Health Bill.

10.2 During the course of discussion, the following points were raised:-

- That names were important in informing people as to the HPC's role;
- That renaming the HPC was a difficult issue and finding a suitable name was a challenge for a multi-professional regulator and inevitably, there would be stakeholders that would not be happy with the new name;
- The need to ensure any chosen name was "future-proof";
- The need to make the name accessible and ensure it helps the public understand the role of the HPC as a statutory regulator;
- There was agreement that the word "regulator" should appear in any new name of the HPC, noting however that this word did not appear in any other healthcare regulator's name;
- Concern was expressed that the word "Council" needed to be retained for the purposes of continuity with other healthcare regulators although it was noted that the word "Council" was not used for regulators outside of healthcare;
- Whilst Council were sensitive to the concerns outlined in Rosie Varley's letter, they did not feel that it was the responsibility of the HPC to strengthen the reputation of social work by means of the new name arrived at for the HPC. Furthermore, the General Social Care Council's name did not include a reference to "Social work";

- There was a divergence of views around the inclusion of the words “health” and “care” in any new name for the HPC although the Council were in agreement that the words “regulator” and “professions” should be incorporated.
- 10.3 The Council concluded that the Department of Health be presented with two or three options for consideration. It was agreed that the following names be presented to the Department of Health:-
- Care Professions Regulator;
  - Health and Social Care Professions Regulator; and
  - Health and Care Professions Regulator.
- 10.4 The Council agreed to submit the three options to the Department of Health as detailed above.

**Item 11.10/147 CHRE performance review 2009/2010 (report ref:- HPC111/10)**

- 11.1 The Council received a paper for discussion/approval from the Executive.
- 11.2 The Council noted those areas within the review that were highlighted as areas of good practice and also those areas which may merit further discussion, namely, the issue of service-user involvement in the assessment of education providers and the research on expectations of complainants.
- 11.3 The Council noted that the HPC had attracted criticism for going against CHRE’s published advice of continuing not to share a registrant’s response with a complainant whilst the GMC followed a similar course of action although they had provided a robust response to this criticism under paragraph 11.19 of CHRE’s report.
- 11.4 After discussion, the Council noted the report.

**Item 12.10/148 CHRE – Managing extended practice (report ref:- HPC112/10)**

- 12.1 The Council received a paper for discussion/approval from the Executive.
- 12.2 The Council noted that the CHRE had looked at how regulators manage situations where health professionals extend their scope of practise to an area where another regulator or professional body may set standards and explored whether a model of “distributed regulation” would be a suitable approach.

- 12.3 There was concern that any approach needed to be proportionate, and may not be relevant to the HPC since our standards of performance, conduct and ethics clearly articulate that there is a responsibility for the registrant to be accountable and ensure that they are performing within the limits of their knowledge, skills and experience.
- 12.4 The Council noted that a paper on post-registration qualifications would be submitted to the next meeting of Council.
- 12.5 After discussion, the Council noted the report.

**Item 13.10/149 Responses and decisions from the consultation on a change to the standards of proficiency for health psychologists (report ref:- HPC113/10)**

- 13.1 The Council received a paper for discussion/approval from the Executive.
- 13.2 The Council noted that the Education and Training Committee had agreed the paper at their meeting on 16 September.
- 13.3 The Council agreed:-
- (i) that the standards of proficiency for health psychologists should be amended; and
  - (ii) the text of the consultation responses document (subject to minor editing amendments) for publication on the HPC website.

**Corporate Governance**

**Item 14.10/150 Council members performance and development review system (report ref:- HPC114/10)**

- 14.1 The Council received a paper for discussion/approval from the Executive.
- 14.2 The Council noted that feedback received on the current system had been positive and so only minor changes had been made to ensure that the revised system could effectively feed into the reappointments process which was yet to be agreed. However, a more detailed review of those competencies used to measure performance would be carried out as part of the Secretariat workplan for 2011-2012.
- 14.3 In response to a question regarding the timetable of the reviews, Council noted that should the reviews be moved to January, those taking place in January 2011 would assess performance from April



2010 until January 2011 although going forward, a calendar year would be assessed.

14.4 The Council felt that peer feedback was invaluable in any review and this would help ensure that the Council performed in the most effective manner possible. It was noted that it would be more valuable to seek suggestions for improvements on individuals as opposed to general feedback.

14.5 The Council agreed that:-

- (i) existing aspects of the review should be retained;
- (ii) starting with the review process for 2010-2011, feedback should now additionally be collected from:
  - Committee chairs on council member;
  - Committee members on Committee Chair, subject to the approval of the "Role of Committee Chairs under item 15;
  - Chief Executive on the Council Chair.
- (iii) Feedback should be collected using the form at appendix C of the paper;
- (iv) the Executive to be tasked with exploring further the viability of introducing a 360-degree review system for members of Council;
- (v) The Council review process should be moved to take place between December and January; and
- (vi) A review of the competencies used to measure performance be carried out in 2011-2012.

#### **Item 15.10/151 Role of Committee Chairs (report ref:- HPC115/10)**

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

15.2 The Council noted that this paper provided a recommendation for competencies for committee chairs for use during annual reviews and was subject to the approval of item 14 which sought approval to adopt that feedback mechanism.

15.3 The Council noted a suggestion to give consideration to succession planning and members felt that this would now be inherent in the revised review process.

15.4 The Council agreed that:-

- (i) the competencies for committee chairs should be adopted for use as part of the annual review process; and
- (ii) the role briefs for committee chairs, Council members and the Council Chair should be published as part of the Code of Corporate Governance.

**Item 16.10/152 Members' Register of Interests (Report ref:-HPC116/10)**

- 16.1 The Council received a paper for discussion/approval from the Executive.
- 16.2 The Council noted that the Register of Interests form had been reviewed to ensure the HPC remained in line with best practise and in accordance with HPC's commitment to transparency and openness.
- 16.3 The suggestion was made that disclosure relating to memberships under category A should be made on the basis of current memberships and those held in the last two years.
- 16.4 The Council agreed:-
  - (i) the revised declaration of interests form, subject to the amendment detailed under 16.3; and
  - (ii) that all members should submit a revised declaration of interests form by no later than 1 November 2010.

**Item 17.10/153 Code of Conduct (report ref:-HPC117/10)**

- 17.1 The Council received a paper for discussion/approval from the Executive.
- 17.2 The Council noted that the attached form would provide the paperwork to allow members to subscribe to the Code of Conduct.
- 17.3 The Council approved the declaration form to provide the mechanism for members to subscribe to the Code of Conduct.

**Item 18.10/154 Public Minutes of the Communications Committee held on 23 June 2010 (report ref:-HPC118/10)**

- 18.1 The Council received a paper for discussion/approval from the Executive.
- 18.2 The Council approved the recommendations therein.

**Item 19.10/155 Public Minutes of the Audit Committee held on 24 June 2010 (report ref:-HPC119/10)**

- 19.1 The Council received a paper for approval from the Executive.
- 19.2 The Council approved the recommendations therein.

**Item 20.10/156 Public Minutes of the Finance and Resources Committee held on 29 July 2010 (report ref:-HPC120/10)**

- 20.1 The Council received a paper for approval from the Executive.
- 20.2 The Council approved the recommendations therein.

The Council noted the following papers:

**Item 21.10/157 Reports from council representatives at external meetings (report ref:-HPC121/10)**

**Item 22.10/158 Any other business**

- 22.1 There were no additional items for consideration this day.

**Item 23.10/159 Date and time of next meeting**

- 23.1 Thursday 14 October 2010 at 1pm at the Hotel Seattle, Brighton Marina.

**Item 24.10/160 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
25	iv, viii
26	-
27	iii
28	viii
29	viii
30	iv and viii
31	iv and viii
32	v
33	v
34	-

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

##### **Item 25.10/161 Minutes of the Private part of the Council meeting held on 7 July 2010 (report ref:-HPC122/10)**

- 25.1 The Council considered and approved the minutes of the private part of the Council meeting held on 7 July 2010

##### **Item 26.10/162 Matters arising**

- 26.1 The Council noted that there were no matters arising from the private part of the Council minutes of 7 July 2010.

##### **Item 27.10/163 Review of Banking arrangements (report ref:-HPC123/10)**

- 27.1 The Council agreed arrangements for HPC's banking facilities.

##### **Item 28.10/164 Minutes of the private part of the Communications Committee held on 23 June 2010 (report ref:-HPC124/10)**

- 28.1 The Council noted the minutes of the private part of the Communications Committee held on 23 June 2010.

**Item 29.10/165 Minutes of the private part of the Audit Committee held on 24 June 2010 (report ref:-HPC 125/10)**

29.1 The Council noted the minutes of the private part of the Audit Committee held on 24 June 2010.

**Item 30.10/166 Minutes of the private part of the Finance and Resources Committee held on 29 July 2010 (report ref:-HPC126/10)**

30.1 The Council noted the minutes of the private part of the Finance and Resources Committee held on 29 July 2010.

The Council noted the following papers:

**Item 31.10/167 Update on 5 year plan (report ref:-HPC127/10)**

**Item 32.10/168 Judicial Review (report ref:-HPC128/10)**

**Item 33.10/169 Mid Staffordshire Inquiry (report ref:-HPC129/10)**

**Item 34.10/170 Any other business for consideration in private**

34.1 There were no other items for consideration in private.

Chair: .....

Date: .....