
Council

Public minutes of the 70th meeting of the Health Professions Council held as follows:-

Date: Thursday 22 September 2011

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)

Pradeep Agrawal

Jennifer Beaumont

Mary Clark-Glass

Sheila Drayton

Julia Drown

Richard Kennett

Jeff Lucas

Morag Mackellar

Arun Midha

Penelope Renwick

Keith Ross

Deep Sagar

Eileen Thornton

Annie Turner

Joy Tweed

Diane Waller

In attendance:

Catherine Beevis, Case Manager, Fitness to Practise

Gary Butler, Director of Finance

David Christopher, Head of Education Development

Ruth Cooper, PA to the Director of Operations

Lizzie Dowd, Communications officer

Guy Gaskins, Director of IT

Abigail Gorrings, Director of Education

Louise Hart, Secretary to Council
Teresa Haskins, Director of HR
Kelly Johnson, Director of Fitness to Practise
Jacqueline Ladds, Director of Communications
Anna Lubansinska, Customer Services Manager, Registration
Department
Mark Potter, Stakeholder Communications Manager
Steve Rayner, Secretary to Committees
Greg Ross-Sampson, Director of Operations
Marc Seale, Chief Executive and Registrar
Charlotte Urwin, Policy Manager

Item 1.11/138 Chair's welcome and introduction

- 1.1 The Chair welcomed all members to the meeting.

Item 2.11/139 Apologies for absence

- 2.1 Apologies for absence were received from Malcolm Cross and John Donaghy.

Item 3.11/140 Approval of agenda

- 3.1 The Council approved the agenda.

Item 4.11/141 Declaration of Members' Interests

- 4.1 Keith Ross declared an interest as his wife is a Council member of CHRE.

Item 5.11/142 Minutes of the Council meeting of 7 July 2011 (report ref:- HPC 101/11)

- 5.1 The Council considered the minutes of the 69th meeting of the Health Professions Council as circulated.
- 5.2 The Council noted that Mary Clark-Glass, Sheila Drayton, Arun Midha and Eileen Thornton were present at the last meeting of Council and so the minutes needed to be amended to reflect this.
- 5.3 It was agreed that the minutes of the 69th meeting of the Health Professions Council be confirmed as a correct record and signed by the Chair, subject to the amendment detailed under 5.2.

Item 6.11/143 Matters arising (report ref:-HPC 102/11)

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

Item 7.11/144 Chair's report (report ref:-HPC 103/11)

7.1 The Council received a paper from the Chair.

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

- The Council noted that the Chair had given a presentation at the CLEAR conference on changes to government policy in England. It was apparent from the Congress that HPC is a key player in this international gathering of regulators;
- There was a strong sense of the importance of regulation at the World Congress of Chinese Medicine. It was further noted that this was borne from a desire to raise standards and protect the public as well as credibility for the professions involved;
- The Council noted that the HPC and Help the Hospices had held a joint Fringe event at the Liberal Democrats Party Conference. The importance of an integrated health and social care services was emphasised;
- In response to a question, the Council noted that the other professional healthcare regulators also attend political party conferences;
- The Council noted that the Chair had attended the NHS Leadership Framework Workshop on 21 September. It was clear from the workshop that there was an appetite for a 16th generic standard of proficiency (SOPS) relating to leadership. The workshop noted that the SOPS related to threshold standards although the attendees were keen to develop the concept of "shared leadership" where qualities that are attributed to leaders were developed in professions at all levels;
- The Council noted that there were other ways of developing leadership qualities without adding an additional SOP. Furthermore, these qualities may be more relevant to specific profession SOPs. Finally, it was noted that this was an NHS workshop and consideration needed to be given to all professions and their employment settings, not just the NHS perspective;
- In response to a question, Council noted that an exploratory meeting had been held with the College of Arms since HPC was

approaching its 10th anniversary and the design of an HPC coat of arms was considered to be one way to mark the anniversary;

- In response to a question relating to the meeting at the University of Sussex, the Council noted that the purpose of this meeting was to gain a greater understanding of how social work programmes are set up and delivered within universities. In addition, it was part of the ongoing programme for those at HPC to further develop their understanding and knowledge around social work.

7.3 The Council noted the paper.

Item 8.11/145 Chief Executive's report (report ref:-HPC 104/11)

8.1 The Council received a paper from the Chief Executive.

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

- The Education Systems and Process review project had now entered its "build stage;"
- The Health and Social Care Bill was now in the House of Lords and it was likely that Parliamentarians would be calling upon the Executive at HPC to provide briefings. The Council noted that it was anticipated that the Committee stage within the House of Lords would start in January 2012 and last between four and six weeks;
- The Council noted that there were ongoing meetings with the Care Councils in Wales, Scotland and Northern Ireland in order that a Memorandum of Understanding relating to cross border issues could be agreed;
- In response to a suggestion that the leads for social services be involved when the Chair and Chief Executive meet with the new ministers in Wales, the Council noted that Health and Social Care was less integrated in Wales than for example Northern Ireland and so it may not be possible to combine the meetings with the different leads, however, this would be looked into further;
- In response to a question relating to the differing figures within the paper for online renewals of paramedics, the Council noted that the reporting period for each figure was different. However, approximately 65% had renewed online;

- Concern was expressed that the length of time for cases to be heard between April and July 2011 had increased by one month compared with the figures for 2010-2011. In response, the Council noted that the comparison had been made using statistics of four months figures compared against statistics over a whole year. A paper was due to be considered by the Fitness to Practise Committee which would assess figures since March 2011 together with a forecast for figures to year end and this was likely to show a similar time for length of time for cases to be concluded when compared to the previous full year's figures;
- It was noted that based on the processes in place, the minimum time for a case to be concluded was 11 months. However, this was on the basis of all parties responding within the timeframes and no delaying tactics being adopted. A suggestion was made that Council receive a presentation on the process. Council members were keen to emphasise the importance of dealing with cases as quickly as possible in the interests of public protection;
- The Council noted that the statistics emerging from the work on those files transferred from the GSCC would be reported on separately to the usual management statistics;
- The Council noted that there had been an overspend in the Fitness to Practise department during April and May of this year and this related to a higher than anticipated number of hearings held externally. However, this figure was likely to balance out over the course of the financial year;
- The Council noted that HPC had approximately 400 followers on both facebook and twitter;
- The Council noted that employer events had been very well attended and additional events were planned in advance of the transfer of the register of social workers (England).

8.3 The Council noted the report.

Strategy and Policy

Item 9.11/146 Establishing voluntary registers and making recommendations for statutory regulation (report ref:-HPC 105/11)

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

- 9.2 The Council noted that at its meeting on 7 July 2011, it had considered a further paper from the Executive on the issue of voluntary registers. The paper had also discussed the HPC's possible future approach to exercising its powers to recommend statutory regulation under Article 3 (17) (a) of the Health Professions Order 2001.
- 9.3 The Council noted that the current paper summarised the Council's previous discussion. A draft statement of policy setting out the Council's approach to the issue of voluntary registration was attached to the paper. This included the potential benefits and risks and drawbacks of establishing voluntary registers and revised 'guiding principles' as discussed at the last meeting.
- 9.4 During the course of discussion, the following points were made:-
- The suggestion was made that there should be one over arching guiding principle within the policy statement i.e. principle one in the circulated paper, with the other principles being supporting principles;
 - Various amendments to principle one were suggested and it was agreed that the Executive would amend and refer to the establishment of a voluntary register being "adequate" and "appropriate."
 - Significant concern was expressed regarding HPC overseeing both statutory and voluntary registers and the consequential likelihood of confusion amongst members of the public;
 - That there needed to be a provision within the process that allowed HPC to recommend that another organisation establish a voluntary register for a particular profession;
 - It was noted that the process for recommending statutory regulation was a distinct process from a decision as to whether to establish a voluntary register. However, Council's powers under Article 3 (17) (a) of the Health Professions Order 2001 would not be taken away as part of the conferment of new powers to establish voluntary registers;
 - Concern was expressed that principle four "Any voluntary registers maintained by the HPC would be clearly differentiated from the HPC's statutory registers so that the public could understand the different types and levels of assurance they offer" did not mitigate against those risks highlighted under 3.6 "voluntary registration might confuse or mislead members of the public who may assume that it affords the same level of protection as the HPC's statutory registers."

- Concern was expressed that HPC should not divert its attention away from its core work and guiding principle of “protecting the public.”
- That it was important to also consider this from the point of view of those professionals currently statutorily regulated by HPC and their service-users;
- There was discussion regarding the statement under “risks and drawbacks” which stated “the level of protection afforded by a voluntary register may be lower than a statutory register...” Concern was expressed that there was no evidence to suggest that voluntary registers provided any level of protection and so it was agreed that the statement be re-worded as follows:- “The level of protection afforded by a voluntary register will be lower than...”
- A suggestion was made that this policy needed to articulate the risks to HPC in establishing voluntary registers, for example reputational risks;
- Members’ attention was drawn to a statement used by CHRE which sets out the efficacy of a voluntary register and provides some context. The suggestion was made that HPC adopt a similar “signposting” statement;

9.4 The Chair summarised discussion as follows:-

- There was a clear message that HPC should not be diverted from its core focus on public protection;
- There were significant concerns relating to the public protection afforded by voluntary registers;
- That reputational risks needed to be carefully considered;
- HPC needed to adopt a “signposting” statement aligned to that of CHRE’s relating to the efficacy of voluntary registers;
- That the establishment of voluntary registers related to England only government policy;
- There needed to be one guiding principle clearly differentiated from the “supporting principles” and this needed to incorporate the words “appropriate” and “adequate;”
- The statement under “risks and drawbacks” needed to be amended to state that “public protection afforded by a voluntary register will be lower than a statutory register...”
- Users of existing statutorily registered professionals also needed to be taken into consideration.

9.5 The Council approved the draft statement of policy in the paper, subject to:-

- (i) the incorporation of the amendments detailed above; and

- (ii) that further consideration be given to those suggestions that arose during the course of discussion also detailed above.

Item 10.11/147 Current approaches to revalidation amongst UK health professional regulators (report ref:- HPC 106/11)

- 10.1 The Council received a paper for discussion/approval from the Executive.
- 10.2 The Council noted that the paper included one of a series of reports as part of the HPC's programme of work exploring revalidation. Its purpose was to describe the work that other UK health professional regulators were carrying out to introduce revalidation for the professions they regulated.
- 10.3 During the course of discussion, the following points were made:-
- That, whilst much of the information was based on health regulators' websites, HPC was still awaiting confirmation from the General Chiropractic Council and the General Optical Council as to the accuracy of the part of the paper relating to their organisations;
 - That under paragraph 3.45, page 13, an amendment was required so that the paragraph referred to 'Registered' Medical Practitioners and 'Licensed' Medical Practitioners;
 - That a decision needed to be made about whether the approach to revalidation needed to be based on quality control or quality improvement;
 - That further clarification was required in relation to quality assurance and whether this was carried out by professional bodies or through local appraisal ;
 - That a more risk based approach might need to be taken in relation to CPD sampling in the future;
 - Concern was expressed as to what healthcare professionals could be validated against since threshold standards were not relevant for someone that has been practising for 20 years;
 - The suggestion was made that a process for revalidation could be developed by adapting the current CPD process as opposed to creating an altogether new process;

- That some of the other regulators require the professional bodies to provide guidance to registrants on the process for revalidation.

10.4 The Council agreed the report.

Item 11.11/148 Reports of the Health Committee annual accountability hearings of the General Medical Council and the Nursing and Midwifery Council (report ref:- HPC 107/11)

- 11.1 The Council received a paper for discussion/approval from the Executive.
- 11.2 The Council noted that in June 2011, the General Medical Council and the Nursing and Midwifery Council had attended hearings of the House of Commons Health Committee which inquired into their performance. The Committee had published reports as a result of these hearings in July 2011. The paper summarised the key findings that were particularly relevant to the HPC. The paper also included observations and comments from the HPC Executive, including any actions.
- 11.3 During the course of discussion, the following points were made:-
- That the Committee were supportive of the GMC establishing an Independent Medical Practitioner Tribunal Service which would separate the case management and adjudication role with regards to the Fitness to Practise regime;
 - The Council noted that a paper would be considered by Council at their next meeting in October relative to the separation of the adjudication function from the case management function;
 - The Council noted that the Committee felt that the inability of regulators to routinely test language proficiency of doctors, nurses and midwives coming to the UK from a country in the EEA and Switzerland was “unsatisfactory” and “unacceptable.” Council noted the positive step made by the Committee in urging the regulators to work with government to resolve the situation.
- 11.4 The Council noted that the paper identified the following actions for HPC:

- the Executive would ensure that the themes relating to revalidation in the Health Committee's conclusions and recommendations would be included in the report to the Council on revalidation currently planned in December 2011 or February 2012;
- the Executive would continue to engage in the European Commission's review of the Professional Qualifications Directive and update the Council as appropriate;
- the issue of reporting concerns about poor practice should be considered in the next review of the Standards of Conduct, Performance and Ethics. The Executive planned to bring a proposal for this work to the Council in May 2012; and
- the Executive would produce a paper looking at the HPC's existing approach to demographic data collection and present this to the Council in 2012/2013, as part of a review of HPC's current work on equality and diversity.

11.5 The Council noted the paper.

Item 12.11/149 Transfer of regulatory functions from General Social Care Council to HPC (report ref:- HPC 108/11)

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

12.2 In accordance with the decision of Council to be kept informed of ongoing work relating to the transfer of regulatory functions from the GSCC to the HPC, a verbal update was provided.

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

- That meetings were ongoing with social work stakeholders and members would continue to be updated by means of the update;
- That the second reading of the Bill in the House of Lords would take place on 11 October and it was expected to reach the Committee stage in January 2012;
- Work was ongoing in relation to the transfer of Fitness to Practise case files registration data and information on approved social work programmes;
- That the College of Social Work had issued a press release stating that they had been unable to reach agreement with the British Association of Social Work (BASW) and so would be pressing ahead to establish themselves as a legal entity this

Autumn. BASW had issued a press release in response and both of these would be made available to members on the extranet.

12.4 The Council noted the update.

Item 13.11/150 Human Resources (HR) strategy 2011-2015 (report ref:- HPC 109/11)

- 13.1 The Council received a paper for discussion/approval from the Executive.
- 13.2 The Council noted that it had previously approved the HR strategy in 2008, to cover the period 2008 – 2011. A review of HR strategy was now needed to inform future work-plans and HR policy priorities, and to reflect and support organisational growth. The strategy had been approved by the Finance and Resources Committee on 7 September 2011.
- 13.3 The Council approved the HR strategy 2011-2015.

Item 14.11/151 Review of admission forms for International/EEA applicants (report ref:- HPC 110/11)

- 14.1 The Council received a paper for discussion/approval from the Executive.
- 14.2 The Council noted that the admission form had last been reviewed in April 2011, in preparation for the removal of the requirement to submit a health reference and the consequential changes to the health and character self-declarations.
- 14.3 The Council noted that the processes for verifying an applicant's identity, professional experience and education were kept under constant review. A number of changes were proposed to the International/EEA application form that would assist in that verification. The changes also reflected feedback provided by applicants, registrants, employees and other stakeholders about making the form clearer and more user-friendly.
- 14.4 The Council approved the changes to the admission form.

Item 15.11/152 Committee appointments (report ref:- HPC 111/11)

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

- 15.2 The Council noted that in July 2009, it had approved the membership of the Committees for a two year period. Committee appointments should therefore have been reviewed after the two years at the July meeting of Council i.e. July 2011. However, since there had been a delay in the recruitment of two new registrant Council members, Council had agreed to postpone the review of Committee membership until September 2011.
- 15.3 The Committee noted that the Chair and Secretary to Council had reviewed the existing membership of Committees to ensure the skill requirements and needs of Committee were fulfilled and also to allocate Committee responsibilities to the two new registrant members of Council.
- 15.4 The Committee noted that the paper outlined the proposed membership of the non-statutory committees. The paper also recommended that the appointments to the non-statutory committees should be made for a duration of one year, to be reviewed in July 2012. This was in order that any new members of Council appointed in 2012 could be allocated Committee responsibilities at that time.
- 15.5 The Council agreed that:-
- (i) the composition of the non-statutory committees as set out in paragraph six of the paper for terms ending in July 2012;
 - (ii) the composition of the Council member part of the Education and Training Committee as set out in paragraph 11 of the paper for terms ending in July 2012, with the inclusion of Annie Turner who had been accidentally omitted from the list; and
 - (iii) that the election of Chairs should take place at the first Committees following this meeting of Council.

Item 16.11/163 Minutes of the Finance and Resources Committee held on 21 June 2011 (report ref:- HP112/11)

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

Item 17.11/164 Minutes of the Audit Committee held on 23 June 2011 (report ref:- HPC113/11)

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

17.2 The Council noted that the tax provision referred to under 9.7, bullet two should refer to 2009-2010, not 2010-2011.

17.2 The Council approved the recommendations therein.

Item 18.11/165 Any other business

18.1 There was no other business.

Item 19.11/166 Date and time of next meeting

19.1 The next meeting of the Council would be held at 1:00pm on Thursday 20 October 2011 at the Quay Hotel, Deganwy Quay, Conwy, North Wales LL31 9DJ.

Item 20.11/167 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
21	ii, iii, iv
22	-
23	iv
24	iii, iv, viii

Summary of those matters considered whilst the public were excluded

Item 21.11/168 Minutes of the Private part of the Council meeting held on 7 July 2011 (report ref:- HPC114/11)

21.1 The Council considered and approved the minutes of the private part of the Council meeting held on 7 July 2011.

Item 22.11/169 Matters arising

22.1 The Council noted that there were no matters arising from the private part of the Council minutes of 7 July 2011. However, Council noted the update with regards to the ongoing work to resolve the issues relative to the annual report 2010-2011.

Item 23.11/170 Transfer of regulatory functions from General Social Care Council to HPC (report ref:- HPC115/11)

23.1 The Council received a verbal update from the Chief Executive relating to the transfer of the regulatory functions form the General Social Care Council to HPC.

Item 24.11/171 Minutes of the private part of the Audit Committee held on 23 June 2011 (report ref:- HPC116/11)

24.1 The Council received these minutes and approved the recommendations therein.

Item 25.11/172 Any other business for consideration in private

25.1 There were no items for consideration in private.

Chair:

Date: