

HEALTH PROFESSIONS COUNCIL

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HEALTH COMMITTEE

MINUTES of a meeting of the Health Committee held at 11.00am on Wednesday 21 April 2004 at Park House, 184 Kennington Park Road, London SE11 4BU.

Present: Miss M Crawford (*Chairman*)
Mr J Camp
Dr A van der Gaag
Professor A J Hazell
Ms R Levenson
Dr J Old
Mrs J Stark

In attendance: Ms R Tripp (*Communications Officer*)(Items 1-5)
Mr G L Milch (*Committee Secretary*)

1.04/16 Apologies for Absence

- 1.1 Apologies were received from Mrs McGartland, Professor Waller, Mr Seale and Mrs Barnes.

2.04/17 Approval of Agenda

- 2.1 It was agreed that the agenda be approved.

3.04/18 Minutes of the Meeting held on 28 January 2004

- 3.1 With the addition of Mrs Stark to the list of those present, it was agreed that the minutes be confirmed as a true record and signed by the Chairman.

4.04/19 Matters Arising from the Minutes

- 4.1 Deputy Chairman (7.5)
It was noted that Dr Old had been elected Deputy Chairman.

- 4.2 Annual Report 2003/4 (13.0)
The Chairman reported that she had completed most of her report and would circulate it to all members for comment.

Action: MC/GLM

- 4.3 Self Notification (11.0)
The Chairman and Dr van der Gaag had omitted to raise at the Registration Committee the issue of the procedure to be adopted if a registrant informed the HPC that they suffered from a debilitating or deteriorating condition. The matter would be raised at the next meeting of the Registration Committee and the Committee Secretary informed accordingly.

Action: GLM

5.04/20 Framework Document on Disabilities, Health and Registration

- 5.1 Ms Tripp presented the paper originally prepared for the HPC seminar on Disabilities, Health and Registration held on 1 March 2004 and since amended in the light of discussions on the day. All the regulated professions except one (physiotherapists) had had at least one representative present together with people from approved institutions and the professional associations. There had been no response to the invitation from organizations representing people with disability.
- 5.2 It was suggested that some of the wording might be reconsidered and it was agreed that any recommended revised wording would be given to the Communications Department after the meeting. It was agreed that for the sake of consistency, it would be best to use 'patients/clients/users' throughout.
- 5.3 The Committee was informed that eventually there would be separate guidance for each regulated profession. This might be best dealt with through establishing a Professional Liaison Group to look at each regulated profession to see if and how physical, neurological or sensory disability might affect practice. It was agreed that a PLG should include registered medical practitioners, representatives of disability groups and representatives of registrants with a disability.
- 5.4 It was agreed that the principal issue was fitness to practise and not necessarily fitness for employment as such. There was concern that registered medical practitioners (registrants' GPs) in many instances were not clear about what constituted fitness to practise and raised many issues that were not relevant. The British Medical Association required more guidance to issue to its members.
- 5.5 It was agreed that after registration the Council would have to rely on self-regulation but the issue would have to be handled with sensitivity to ensure that any action would not be seen as punitive in any way. It was suggested that a panel of the Health Committee might look at samples to consider whether it might be appropriate to issue a conditions of practice order. The legal position would have to be established and advice sought from the Council's legal adviser.

Action: GLM

- 5.6 In order to communicate the findings of the seminar effectively to all possible interested persons, to aid accessibility it would be necessary to ensure that they were available in all formats – Braille, large print, audio etc.. It was considered that the guidance on disability and students provided by Universities UK was not sufficiently specific. Consideration should be given to a joint presentation to approved education and training providers by the Health Committee and the Education and Training Committee.

Action: MC

- 5.7 There was concern as to whether the HPC's published Standards of Conduct, Performance and Ethics might be considered at all discriminatory but this would be dealt with when the Standards were reviewed starting in the summer 2004.

6.04/21 Legal Assessor Reports

- 6.1 The Committee considered the variation in style, layout and content of the several reports and agreed that a template should be established. This would assist in an annual review and assist in organizational learning. It might be appropriate to see what other regulators produced.
- 6.2 There was concern that chairmanship of panels might be being handled by too few people which would not allow all members of the Practice Committees an opportunity to get involved in the process.
- 6.3 There was concern that one assessor's report referred to advice given 'in camera' and that this should appear in a public document.

7.04/22 Mediation

- 7.1 It was agreed that it would be inappropriate for mediation to be used at the HPC's expense for settling any outstanding issues after either the Conduct and Competence Committee or Health Committee had completed their proceedings. Mediation, it was considered, should be used as a preventative measure and dealt with by suitably trained screeners.
- 7.2 It was reported that Alternative Dispute Resolution (ADR), the company appointed to deal with training, would be making a presentation to Council.
- 7.3 The Committee considered that they needed more background information and to establish what was required of the Committee in relation to mediation.

8.04/23 Health Panel Hearings since the last Meeting

- 8.1 There was discussion about the use of Council members' and partners' time in attending preliminary hearings which might be brief in themselves but requiring lengthy journeys. There was a question about the use of other media such as the telephone or video-conferencing. It was agreed to ask the Chief Executive and the Council's legal adviser for their comments.

- 8.2 The Committee did note that the Health Professions Order (Part V, Article 22(7)(a)) was quite specific in requiring that '*...hearings and preliminary meetings...are to be held in the United Kingdom country in which the registered address of the person concerned is situated...*'
- 8.3 It was agreed that there has to be consistency of approach between the Conduct and Competence Committee and the Health Committee.
- 8.4 The Chairman expressed the intention that the three chairmen of the Practice Committees should meet to discuss matters of mutual concern.

9.04/24 Evaluation of Hearings Process

- 9.1 The Committee received details of the presentation made by Opinion Leader Research based on a small number of returned questionnaires from participants in the fitness to practise procedure. The Committee noted the high level of satisfaction with all aspects and considered this highly significant. The Committee thought that it might have been helpful to have had more analysis of the negative responses in order to learn about any perceived deficiencies.
- 9.2 It was agreed that a copy of the questionnaire would be sent electronically to all Committee members.

10.04/25 First Partners Annual Conference

- 10.1 The Committee noted the date and venue of the First Annual Partners Conference (23-24 September 2004 at the Cresta Court Hotel, Altrincham, Manchester). The agenda was awaited with interest as it hoped that the meeting would have clear aims.

11.04/26 Any Other Business

- 11.1 There was none.

12.04/27 Date of Next Meeting

- 12.1 The Committee noted that the dates of meetings for the coming year had been agreed and presented to Council as being

30 June 2004
22 September 2004
25 November 2004
9 February 2005
All meetings to start at 11.00am

CHAIRMAN