
Council

Minutes of the 76th meeting of the Health Professions Council held as follows:-

Date: Tuesday 19 June 2012

Time: 2pm

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
John Donaghy
Sheila Drayton
Julia Drown
Richard Kennett
Jeff Lucas
Morag MacKellar
Penelope Renwick
Keith Ross
Joy Tweed
Diane Waller

In attendance:

Kayleigh Birtwistle, Assurance and Development Officer
Jonathan Bracken, Solicitor to HPC
Brendon Edmonds, Head of Educational Development
Guy Gaskins, Director of IT
Ebony Gayle, Media and Public Relations Manager
Abigail Gorrings, Director of Education
Michael Guthrie, Director of Policy and Standards
Louise Hart, Secretary to Council
Teresa Haskins, Director of HR
Jamie Hunt, Education Manager
Kelly Johnson, Director of Fitness to Practise
Jonathan Jones, Publishing Manager
Jacqueline Ladds, Director of Communications

Paula Lescott, Education Manager
James Malcolm, Compliance Officer
Tim Moore, Interim Director of Finance
Amy Morgan, Communications Officer (Media and PR)
Benjamin Potter, Education Manager
Mark Potter, Stakeholder communications Manager
Steve Rayner, Secretary to Committees
Greg Ross-Sampson, Director of Operations
Tracey Samuel-Smith, Education Manager
Marc Seale, Chief Executive and Registrar
David Waddle, Customer Services Manager

Item 1.12/92 Chair's welcome and introduction

- 1.1 The Chair welcomed all members and observers to the meeting.
- 1.2 The Chair welcomed Robert Templeton who was in the public gallery. He had recently been appointed as a registrant member of Council and would start his appointment on 1 August 2012, the day the register of social workers in England transfers to the HPC.

Item 2.12/93 Apologies for absence

- 2.1 Apologies for absence were received from Malcolm Cross, John Harper, Arun Midha, Deep Sagar, Eileen Thornton and Annie Turner.

Item 3.12/94 Approval of agenda

- 3.1 The Council approved the agenda subject to consideration of an errata paper circulated in relation to item 7, enclosure 2 entitled "Student Suitability Scheme."

Item 4.12/95 Declaration of Members' Interests

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

Item 5.12/96 Minutes of the Council meeting of 10 May 2012 (report ref:- HPC67/12)

- 5.1 The Council agreed that the minutes of the 74th meeting of the Health Professions Council should be confirmed as a correct record and signed by the Chair.

Item 6.12/97 Matters arising

- 6.1 There were no matters arising.

Strategy and Policy

Item 7.12/98 Student suitability scheme (report ref:- HPC68/12)

- 7.1 The Council received a paper for discussion/approval from the Executive.
- 7.2 The Council noted that the Council, at its meeting on 10 May 2012, had agreed that, in the long term, social work students in England should not be registered by the HCPC and that the most effective and proportionate means of managing the fitness to practise of students, including social work students in England, was through standards of education and training. At that meeting, the Council asked the Executive to consider what transitional arrangements could be put in place to manage the change from the system of registration of social work students in England by GSCC to HCPC, and to present a paper at a subsequent meeting of the Council.
- 7.3 The Council noted that the paper proposed a "Social work Student Suitability Scheme" to manage the transition. The Scheme would operate for a time-limited period until all transitionally approved social work education and training programmes in England had been visited and scrutinised against HPC's standards of education and training and subsequently either approved or had approval withdrawn.
- 7.4 During discussion, the following points were made:-
- There was strong support for the principle of the Scheme on the basis that it addressed those issues and concerns in relation to social work student registration and fitness to practise which were raised at the last meeting of Council;
 - That this approach was a more proportionate approach compared to voluntary registration;
 - That it was possible that this model could have a wider application beyond students in the longer term;
 - There was consensus that the proposed transitional Scheme would protect the public and ensure sufficient safeguard in the interim;
 - That the education providers would be responsible for admissions although appropriate advice and guidance could be sought from HPC;

- The suggestion was made that under 5.2, the word “exceptional” should be used in place of “certain” so that the HPC was only expected to provide a “backstop” arrangement in relation to admission decisions in exceptional circumstances;
- That as part of the communication work, it was important to emphasise that this Scheme is about safety of clients and service users;
- That the memorandum of understanding with the Care Councils in Scotland, Northern Ireland and Wales would be amended to incorporate the necessary sharing of information on the Scheme;
- That should the programme of visits conclude earlier than anticipated, the Scheme would be revoked at that time;
- That since this Scheme did not have a statutory basis, there would be no appeal to the Courts. This Scheme replicated the statutory regime, with the exception of the appeal to the Courts, and therefore students would still be able to seek a judicial review of a decision;
- That this Scheme satisfied Article 6 of the European Convention on Human Rights;
- Clarification was sought on the role of the Office of the Independent Adjudicator (OIA) and the Council noted that students would still be able to complain to the OIA although the OIA were unable to review decisions of academic judgement (including fitness to practise) and would focus on issues such as procedural fairness. The Council noted that the Scheme would not affect the OIA and their role;
- The suggestion was made that the flow charts which formed part of the appendix needed further amendments. The Council noted that these were indicative only at this stage and more work would be carried out in advance of communicating with education providers, students and employers about the Scheme;
- Clarification was sought on the difference between an outcome of an admission decision by an education provider and a determination made by HPC. The Council noted that a determination by the HPC was a decision about future suitability rather than suitability for a specific course;
- The Council noted that the GSCC currently had about 20 open health and character cases in relation to their student register;

- The Council noted that appropriate training would be organised for the assessment panels as part of the operational arrangements for implementing the Scheme;
- The “watchlist” would continue for the other 15 professions regulated by HPC;
- That the Scheme was comparable to temporary registration in that there would not be a register but that the list would be checked upon a request for information;
- That whilst the detail was yet to be determined, it could be that the list of prohibited students would only be made available to education providers.

7.5 The Chair noted that the Chair of GSCC had written to her, setting out the GSCC’s broad support for the Scheme, and grateful for HPC’s serious consideration to the issues raised by GSCC and other members of the social care sector in the consultation. There were however several caveats, namely:-

- The GSCC continue to have a preference for the existing profess for registration of all students;
- There was not a compelling reason why the proposed Scheme should not continue beyond 2015;
- The method by which the names on the list of prohibited students would be communicated to education providers and other relevant bodies was not in place;
- Consideration needed to be given to sharing of information with the Care Councils in Scotland, Northern Ireland and Wales;
- That HPC needed to ensure that the appeals mechanism satisfies the Article 6 requirements of the European Convention on Human Rights;
- There is sufficient opportunity for the single adjudicator to go behind the decisions made by the Education Providers and not simply rubber stamp their decisions;
- That the exercise of the right of HPC to investigate complaints made against students should not be unduly constrained.

7.6 The Council noted that the issues around clear communication with education providers and employers as well as the Care Councils in Scotland, Wales and Northern Ireland had already been highlighted in the debate, as had the point about Article 6 compliance.

7.7 The Council sought further reassurance from the Solicitor to Council in relation two points raised by the GSCC in their correspondence. In relation to the investigation of complaints against students, the Council was satisfied that the drafting of the Scheme ensured that in exceptional circumstances, HPC would be able to investigate such complaints. Further, the Council was satisfied that the Scheme provided adequate mechanisms for appeal consistent with the non-statutory nature of the Scheme.

7.8 The Council:-

- (i) Approved the proposed draft Suitability registration scheme for social work students in England to be established from 1 August 2012 (the Scheme) – as outlined in the attached paper and in appendix 1.
- (ii) Approved that the costs of the Scheme, which is transitional in nature, be financed from existing resources.
- (iii) Instructed the Executive to regularly report on progress to establish the Scheme including a full review after one year of operation;
- (iv) Approved that the Scheme should be revoked once all transitionally approved social work programmes in England have been visited and their on-going approval either confirmed or withdrawn.

Item 8.12/99 Social worker in England pre-registration programmes – approval and monitoring processes (report ref:- HPC69/12)

8.1 The Council received a paper from the Executive.

8.2 The Council noted that the paper was seeking approval to the means by which those social worker pre-registration programmes, which will be treated as transitionally approved by the HCPC, should be dealt with after 1 August 2012. The Council's approval was being sought on the mechanism to manage those programmes mid-way through a GSCC quality assurance process at the point of transfer as well as their advice on the longer term approach to granting open ended approval.

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

- That a similar approach was adopted when the regulation of Hearing Aid Dispensers and Practitioner Psychologists was transferred to the HPC;

- The suggestion was made that since the GSCC has adapted their quality assurance processes on account of the anticipated transfer of the Register, it was possible that the risks articulated by the GSCC were up to two years old. Therefore, the Executive should consider using other indicators such as those in paragraph 6.4 of the paper as well as information from university league tables in order to determine risk;
- Concern was expressed about using league tables to determine risk since the HPC needed to ensure fairness and equity in their approach to programme approval;
- Consideration be given to using external benchmarks such as reports from the Quality Assurance Agency and the National Student Survey as another factor to be considered in determining the visit programme;
- A view was expressed that it was important to apply the same system to social work programmes in England that HPC apply to existing professions in terms of programme approval. The Executive noted that since social work programmes had not yet been assessed against HPC's standards they had to be treated differently to existing programmes, when it came to the monitoring processes, as their starting point was different. However, any approach to visits will be consistent with the approach used in relation to Hearing Aid Dispensers and Practitioner Psychologists when their Registers transferred across to the HPC;
- Once open ended approval is granted, all social work programmes will follow the same processes as all other programmes and professions;
- It was noted that Education providers may approach HPC to schedule an approval visit. However, since the requirements of the Social Work Reform Board were due to be in place by September 2013, all Education Providers were working to this date and so it may not be possible to accommodate all requests for approval visits;
- The suggestion was made that visitors could review external examiners' reports to help determine the prioritisation of the approval visits alongside the factors set out under paragraph 6.4 of the paper. The Executive noted that this has been done in the past when sufficient information had been available at the time of transfer for visitors to make those recommendations.

- However, it was noted that the evidence base held by the GSCC was not complete for the last two years as their processes had been adapted;
- It was important to approach the prioritisation of approval visits from a risk-based position with the flexibility to amend the programme as new information emerged.

8.4 The Council:-

- (i) Approved the mechanism for managing those programmes midway through a GSCC quality assurance process at the point of transfer as set out in appendix 1; and
- (ii) Advised the Executive on the long term approach to approval and monitoring social worker pre-registration programmes.

Item 9.12/100 Transfer of Regulatory Functions from the General Social Care Council to HPC (report ref:- HPC70/12)

- 9.1 The Council received a paper for discussion/approval from the Executive.
- 9.2 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 standard item had been put on the agenda of every meeting of Council.
- 9.3 The Council noted that the project was entering its last six weeks and as a result, many of the risks that are articulated as part of the risk register were now no longer a consideration. The data transfer was in hand and the Department of Health were finalising the Transfer Orders.
- 9.4 The Council noted the update.

Item 10.12/101 Any other business

- 10.1 There was no other business.

Item 11.12/102 Date and time of next meeting

- 11.2 The next meeting of the Council would be held at 10:30 am on Thursday 5 July 2012.

Item 12.12/103 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
13	iv, v
14	iv

Item 13.12/104 Minutes of the private part of the Council meeting held on 10 May 2012 (report ref:- HPC71/12)

13.1 The Council considered and agreed the minutes of the private part of the Council meeting held on 10 May 2012, subject to slight amendment.

Item 14.12/105 Transfer of regulatory functions from General Social Care Council to HPC (report ref:- HPC72/12)

14.1 The Council noted the update in relation to the transfer of regulatory functions from the General Social Care Council to HPC.

Item 15.12/106 Any other business for consideration in private

15.1 There were no other items for consideration in private.

Chair:

Date:

Unconfirmed