

**Council**

**Minutes of the 80<sup>th</sup> meeting of the Council meeting held as follows:-**

**Date:** Tuesday 4 December 2012

**Time:** 10:30 am

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

**Present:** Anna van der Gaag (Chair)  
Pradeep Agrawal  
Frank Burdett  
Mary Clark-Glass  
John Donaghy  
Sheila Drayton  
Julia Drown  
Richard Kennett  
Jeff Lucas  
Morag MacKellar  
Arun Midha (Items 1-11)  
Penelope Renwick  
Keith Ross (Items 1-11)  
Robert Templeton  
Eileen Thornton  
Joy Tweed  
Diane Waller

**In attendance:**

Nicola Baker, Education Officer (Items 1-29)  
Alison Croad, Policy Officer (Items 1-29)  
Brendon Edmonds, Head of Educational Development (Items 1-29)  
Guy Gaskins, Director of IT (Items 1-29)  
Ebony Gayle, Media and Public Relations Manager (Items 1-29)  
Michael Guthrie, Director of Policy and Standards (Items 1-29)  
Louise Hart, Secretary to Council  
Kelly Johnson, Director of Fitness to Practise (Items 1-29)  
Tim Moore, Director of Finance (Items 1-29)  
Matthew Nelson, Education Officer (Items 1-29)  
Mark Potter, Stakeholder Communications Manager (Items 1-29)  
Steve Rayner, Secretary to Committees (Items 1-29)

Greg Ross-Sampson, Director of Operations (Items 1-29)  
Angela Scarlett Newcomen, Communications Officer (Items 1-29)  
Marc Seale, Chief Executive and Registrar

**Item 1.12/197 Chair's welcome and introduction**

- 1.1 The Chair welcomed all members and observers to the meeting.
- 1.2 The Chair noted that this was the last meeting of a very busy year and she wished to place on record her thanks to all those that had contributed to the project to transfer the Register of Social Workers in England to the HCPC.

**Item 2.12/198 Apologies for absence**

- 2.1 Apologies for absence were received from Jennifer Beaumont.

**Item 3.12/199 Approval of agenda**

- 3.1 The Council approved the agenda.

**Item 4.12/200 Declaration of Members' Interests**

- 4.1 Keith Ross declared an interest since his wife is a Council member of the PSA (formerly CHRE).

**Item 5.12/201 Minutes of the Council meeting of 18 October 2012 (report ref:- HCPC137/12)**

- 5.1 The Council considered and approved the minutes of the 79th meeting of the Health and Care Professions Council.

**Item 6.12/202 Matters arising (report ref:-HCPC138/12)**

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

**Item 7.12/203 Chair's report (report ref:- HCPC139/12)**

- 7.1 The Council received a report from the Chair.
- 7.2 During discussion, the following points were made:-

- The Scottish Government Annual Regulation Event in Glasgow on 6 November had been a very successful event. HCPC delivered presentations on professionalism and social media and these were well received. It was noted that this would be a focal point in the regulation calendar going forward;
- The Council noted that the Chair had met with Norman Lamb MP at the Liberal Democrat Party Conference. He had expressed an interest in the HCPC's proposals for the regulation of the adult social care workforce and had requested further information in relation to the negative licensing proposal;
- The Council noted that the proposals to regulate the adult social care workforce had been discussed at no less than 14 meetings and had been met with a positive response. It was noted that it was a different model of regulation which often took some time to fully comprehend;
- The Council noted that the Chair had been asked to participate on the General Optical Council's Chair selection panel;
- In response to a question about the meeting at the Civil Mediation Council on 22 November, the Council noted that this was one of a series of meetings held with key organisations already involved in mediation in order to learn from their experience before introducing the pilot scheme at HCPC;
- The Council noted that the Chair had met with Martin Fletcher from the Australian Health Practitioner Regulation Agency. It was noted that whilst Fitness to Practise for health professionals in Australia is carried out on a territorial basis, there was one single register for all health professionals. The Council noted that HCPC was looking into establishing an employee exchange programme with the organisation;
- In relation to the meeting with Health Education England, it was noted that this meeting was a good opportunity to emphasise the need to include regulators as part of the decision making.

7.3 The Council noted the report.

**Item 8.12/204 Chief Executive's report (report ref:- HCPC140/12)**

8.1 The Council received a paper from the Executive.

8.2 During discussion, the following points were made:-

- That the figures on pages 4b and 4c showed the organisation to be in a healthy financial position;
- 87.3% of social workers in England had renewed their registration with HCPC and this could be attributed to the Communications campaign together with the commitment of the Registration team;
- The human resources report on page 14 demonstrated a continued high level of recruitment;
- The EMT had recently looked at projects for 2013-2014 and prioritised these accordingly;
- That the Chief Executive had been involved in a twitter debate which had been well received. Plans were in hand to develop this area of HCPC's work;
- The Council noted an update from the Secretary to Council in relation to the Constitution of HCPC. The Council noted that the Department of Health had confirmed that legislation would be in place for Council to be restructured in January 2014;
- In response to a question about Fitness to Practise costs, the Council noted that the Department of Health grant (received in relation to Fitness to Practise work for the transfer of social workers in England to HCPC) would cover all costs incurred in appearing at the First Tier Tribunal. The three High Court cases were likely to cost between £10,000 and £25,000 although if HCPC were to be successful, recovery of costs would be sought;
- It was noted that between April and October 2012, at the final hearings held in relation to paramedics, over half were not represented or did not attend. It was further noted that paramedics accounted for over half of the striking off issued in the same period. Whilst it was not possible to draw definitive conclusions from this, it was important to emphasise to registrants the importance of engaging in the Fitness to Practise process. The Council noted that there were practice notes in place to assist in dealing with those registrants who decided not to be represented. In addition, for absent registrants, the panel were expected to clearly articulate why they believed it was appropriate to proceed without the registrant present;
- In relation to the Student Suitability Scheme, the Council noted that the student conduct cases which had been transferred by the GSCC had been assessed and the names of seven individuals had been placed on the Scheme which was available on HCPC's website. It was noted that there had been almost 30

queries received from education providers and members of the public although only one decision had been referred to adjudication;

- Concern was expressed that the management information pack contained figures up to October 2012 but Council would not now be meeting until February 2013. This constituted a long gap during which no updates were received. The suggestion was made that Council receive a “flash report” in between meetings;
- Other members of Council expressed the view that they were satisfied with the current level of reporting with the mechanism whereby additional updates are provided to address periods of rapid change (e.g. when the register of social workers in England was transferred to the HCPC). They felt that exception reporting was already embedded;
- It was further noted that in between Council meetings, Committees met and were provided figures on specific areas of the organisation, all of which should provide members with a level of assurance. Concern was expressed that circulation of figures outside of the Committee/Council cycle could elicit debate which should otherwise be held within the formality of a Council or Committee meeting;
- The Council further noted that it was important to understand the role of the Council and the role of the Executive and the importance of the Scheme of Delegation which clearly sets out those decisions reserved for Council and those that had been delegated to the Chief Executive and other members of the Executive;
- In response to a request for an update on the regulation of herbal medicine practitioners, the Council noted that there had been a change in Minister and the HCPC were awaiting information on the new Minister’s priorities.

8.3 The Council noted the report.

## Strategy and Policy

### **Item 9.12/205 Regulating the adult social care workforce in England (HCPC141/12)**

- 9.1 The Council received a paper for discussion/approval from Executive
- 9.2 At its last meeting, the Council considered a paper discussing the regulation of the adult social care workers in England and reached a number of conclusions about how this might be explored further. The

paper stated that if the Council agreed in principle to the policy proposals on this topic, its decisions and discussion would inform a draft HCPC policy statement.

9.3 The Council considered the draft policy statement as set out in appendix one and the additional information and the following points were raised during the course of discussion:-

- There was support for the proposals and for putting these into practise at the earliest opportunity;
- That the English Community Care Association (ECCA) had been supportive of the proposals and felt that regulation would drive up the quality of care in the sector and make individuals more accountable;
- The suggestion was made that HCPC needed to clearly articulate that this approach did not provide the same level of public protection as professional statutory regulation;
- It was noted that this proposal related to England-only. The Council further noted that the other UK countries were already in the process of regulating the adult social care workforce and since they were dealing with smaller numbers, had taken a different approach;
- Concern was expressed at the cost for registrants in this group of any adjudication process;
- That it was important to understand the costs involved in introducing regulation for these large groups;
- It was noted that the negative licensing proposal was one regulatory tool to be used alongside other initiatives. It was hoped that the statutory Code of Conduct would help to drive improvement in the sector;
- The suggestion was made that the terminology i.e. negative registration be reconsidered before it became embedded;
- Concern was expressed over the reputational risk that regulating this group using an alternative model could attract;
- The Council were in agreement that the “gold standard” approach to regulation was professional statutory regulation although the approach outlined for the adult social care workforce would be a sensible departure given the government’s decreased appetite for further professional statutory regulation;

- The following amendments to the policy statement were suggested and agreed:-
  - A statement to the effect that the proposals “do not provide the same level of protection as statutory regulation” should be added to the policy statement;
  - Under 5.1, the words “or duplicate” should be removed so that the sentence read “Negative registration would complement but not replace the role of ISA...”
  - Under 2.2, the words “unlikely to be viewed as” be added so that the sentence now reads: “We have concluded that full statutory regulation for the whole of this workforce is unlikely to be viewed as a proportionate or cost-effective regulatory response.”
  - Under 1.3, the words “in England” needed to be added after “social care workers” so that the sentence read “Social care workers in England are currently unregulated and include...”

9.4 The Council:-

- (i) approved the policy statement included as appendix 1 to paper HCPC141/12 (subject to amendments agreed under 9.3).
- (ii) The Council agreed that further, incremental work to develop the proposals outlined in appendix 1 of paper HCPC141/12 should be included in the Policy and Standards Department workplan for 2013-14.

**Item 10.12/206 Revalidation: Fitness to practise data analysis (HCPC142/12)**

10.1 The Council received a paper for discussion from the Executive

10.2 As part of the programme of work looking at continuing fitness to practise and revalidation, a researcher at Oxford Brookes University had been commissioned to undertake a multi-variant data analysis. The paper provided information about that analysis and discussed the findings.

10.3 During discussion, the following points were made:-

- That were we to use a voluntary register transfer process when regulating a new profession, we should look at how to strengthen the process in terms of obtaining accurate data at the point of transfer;
- That this was an incomplete data set and so it was hard to draw any conclusions. The suggestion was made that the data be

completed in order to make any replication of the research more meaningful;

- It was noted that the nature of grandparenting was such that there was no qualification date hence the incomplete data set;
- The observation was made that whilst the data set was incomplete, there did appear to be a strong correlation between those registrants that were grandparented onto the register and a higher level of FtP cases;
- There was some discussion about the different findings from reports in relation to Fitness to Practise trends. For example, the reports arising from the recent IAMRA conference in Ottawa found that there was a correlation between age and higher levels of FtP;
- It was anticipated that this study would be repeated in two years with a view that the new FtP case management system would be able to provide a full data set.

10.3 The Council noted the report.

**Item 11.12/207 Leadership (report ref:- HCPC143/12)**

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

11.2 At its meeting on 18 October 2012, the Council discussed whether a standard on 'leadership' should be included in the profession-specific standards of proficiency and requested the opportunity to discuss this further. The paper provided further information on this issue and invited the Council to determine whether such a standard was required.

11.3 In discussion, the following points were made:-

- There was general consensus in favour of including a profession-specific standard relating to leadership in the Standards of proficiency (SOPS) and that the concept of "shared leadership" should be encouraged;
- That whilst the profession-specific standards currently contain references to leadership behaviours, it needs to be explicit by having a specific standard in relation to leadership as this reflected the changes across health and social care but also more widely, in NVQ standards and in school curricula for example;



- The view was expressed that this threshold standard would encourage registrants at all levels to speak up if they were concerned about another registrant's actions;
- Concern was expressed that registrants should be able to "speak up" as they have a duty of care, a concept already addressed in the existing standards;
- It was noted that there had been a detailed debate over a number of meetings of the Education and Training Committee with many members of Council present. However, the views now being expressed differed to those presented at previous Committee meetings. The Education and Training Committee had agreed that the leadership agenda had been covered without the need for a specific standard. A further observation was made that this change in direction was politically motivated;
- In response to the suggestion that the issue of including a standard in relation to leadership was a political agenda, the Council noted that this was not part of any Scottish political agenda nor any agenda for Northern Ireland;
- Concern was expressed that whilst all the qualities that are encompassed by the term "leadership" were important, the term had now been used to mean other constructs and so was not always meaningful;
- The suggestion was made that a leadership standard needed to be included in order to drive better quality of care and ensure registrants understand what it is to be 'professional';
- There was some discussion about the wording of a standard on leadership and it was agreed that it should read "Understand the concept of leadership and its application to practice" although this would of course be subject to appropriate consultation.

11.4 The Council agreed the following:-

- (i) That a specific standard in relation to leadership should be included in the profession-specific standards of proficiency and that the standard should read "Understand the concept of leadership and its application to practice."
- (ii) The position statement on the CLCF should be updated accordingly to reflect the decision under (i);
- (iii) The standard should be added to the standards for arts therapists and orthoptists considered at the last meeting of the Council;

- (iv) The consultation analysis documents for arts therapists and orthoptists should be updated accordingly to reflect the decision under (i);
- (v) The standard should be added to the standards for dietitians, occupational therapists and radiographers being considered for approval at this meeting, and the draft consultation analysis updated accordingly;
- (vi) The standard should be added to the standards for physiotherapists being considered at this meeting, with the existing standard relating to leadership amended accordingly (to retain 'theories of team working'). The draft consultation analysis should be updated accordingly;
- (vii) The standard should be added to the draft standards for consultation for prosthetists and orthotists and chiropodists/podiatrists being considered for approval at this meeting;
- (viii) As a principle, the standard should be included in the consultation drafts of future standards to be reviewed (unless there are agreed reasons for not doing so), with final decisions about exact wording being made in light of consultation responses.

**Item 12.12/208 Standards of proficiency consultation analysis and revised standards for dietitians (report ref:- HCPC144/12)**

- 12.1 The Council received a paper for discussion/approval from the Executive
- 12.2 The Council noted that the review of the profession specific standards follows from the Council's approval of new generic standards of proficiency in March 2011. The consultation response analysis and revised draft standards for dietitians were considered and approved by the Education and Training Committee on 15 November 2012.
- 12.3 The Council approved the consultation response analysis and draft standards of proficiency for dietitians, subject to any necessary minor editing changes and formal legal scrutiny.

**Item 13.12/209 Standards of proficiency consultation analysis and revised standard for occupational therapists (report ref:- HCPC145/12)**

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

- 13.2 The Council noted that the review of the profession specific standards follows from the Council's approval of new generic standards of proficiency in March 2011. The consultation response analysis and revised draft standards for occupational therapists were considered and approved by the Education and Training Committee on 15 November 2012.
- 13.3 The Council noted that following consultation with the former occupational therapist member of the Education and Training Committee, changes had been made to the order of these standards and the revised order has been discussed with the professional body
- 13.4 The Council approved the consultation response analysis and draft standards of proficiency for occupational therapists subject to any necessary minor editing changes and formal legal scrutiny.

**Item 14.12/210 Standards of proficiency consultation analysis and revised standards for physiotherapists (report ref:- HCPC146/12)**

- 14.1 The Council received a paper for discussion/approval from the Executive.
- 14.2 The Council noted that the review of the profession specific standards follows from the Council's approval of new generic standards of proficiency in March 2011. The consultation response analysis and revised draft standards for physiotherapists were considered and approved by the Education and Training Committee on 15 November.
- 14.3 During discussion, the suggestion was made that the standard under 5.2 "be able to recognise the need to identify and take account of the physical, psychological, social and cultural needs of individuals and communities during the assessment process" should be amended so that the application of the standard was not limited to the assessment process. The Council concurred with the suggestion.
- 14.5 The Council approved the consultation response analysis and draft standards of proficiency for physiotherapists, subject to any necessary minor editing changes and formal legal scrutiny and the amendment detailed under 14.3.

**Item 15.12/211 Standards of proficiency consultation analysis and revised standards for radiographers (report ref:- HCPC147/12)**

- 15.1 The Council received a paper for discussion/approval from the Executive
- 15.2 The Council noted that the review of the profession specific standards follows from the Council's approval of new generic standards of

proficiency in March 2011. The consultation response analysis and revised draft standards for radiographers were approved after an in-depth debate by the Education and Training Committee on 15 November 2012.

- 15.3 The Council approved the consultation response analysis and draft standards of proficiency for radiographers, subject to any necessary minor editing changes and formal legal scrutiny.

**Item 16.12/212 Standards of proficiency consultation for chiropodists and podiatrists (report ref:- HCPC 148/12)**

- 16.1 The Council received a paper for discussion/approval from the Executive
- 16.2 The Council noted that the review of the profession specific standards follows from the Council's approval of new generic standards of proficiency in March 2011. A consultation paper and draft standards for chiropodists and podiatrists was considered by the Education and Training Committee on 15 November 2012.
- 16.3 The Council approved the consultation document and draft standards of proficiency for chiropodists and podiatrists for public consultation, subject to any necessary minor editing changes and formal legal scrutiny.

**Item 17.12/213 Standards of proficiency consultation for prosthetists and orthotists (report ref:- HCPC149/12)**

- 17.1 The Council received a paper for discussion/approval from the Executive
- 17.2 The Council noted that the review of the profession specific standards follows from the Council's approval of new generic standards of proficiency in March 2011. A consultation paper and draft standards for prosthetists and orthotists was considered and approved by the Education and Training Committee on 15 November.
- 17.3 The Council approved the consultation document and draft standards of proficiency for prosthetists and orthotists, subject to any necessary minor editing changes and formal legal scrutiny.

**Item 18.12/214 AMHP Criteria consultation (report ref:- HCPC150/12)**

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

- 18.2 The Council noted that HCPC has taken on responsibility to approve Approved Mental Health Professional (AMHP) education programmes in England, and regulating social workers. The consultation paper set out draft criteria for approving AMHP programmes. This criteria was approved by the Education and Training Committee at its meeting on 15 November.
- 18.3 The Council noted in response to a query raised that the term “disorder” was the correct terminology in this arena.
- 18.3 The suggestion was made that under 7.2, the words “such as” be included so that knowledge was not restricted to just those protected characteristics set out. The Executive suggested the phrase “factors including” so that the criteria would read “Understand and be able to apply parts of other legislation relevant to their practice as an AMHP with sensitivity to factors including race, culture, gender, sexuality, religion, and belief.
- 18.4 The Council agreed:-
- (i) that a consultation should be held on criteria for AMHP programmes; and
  - (ii) the consultation document, subject to the amendment detailed under 18.4 together with any minor editing amendments and any changes arising from the Council’s discussion and legal scrutiny.

#### Corporate Governance

#### **Item 19.12/215 Nomination of representative to external organisation (report ref:- HCPC151/12)**

- 19.1 The Council received a paper for discussion/approval from the Executive
- 19.2 The Council noted that the Higher Education Academy (HEA) was seeking a representative of the HCPC to sit on the HEA’s Health and Social Care Reference Group. On 15 November 2012, the Education and Training Committee agreed to recommend to the Council that Stephen Wordsworth should be appointed as the representative.
- 19.3 The Council agreed to the appointment of Stephen Wordsworth as HCPC’s representative the on the HEA’s Health and Social Care Reference Group.

**Item 20.12/216 Training opportunities policy (report ref:- HCPC152/12)**

- 20.1 The Council received a paper for discussion/approval from the Executive
- 20.2 The paper set out an updated policy in relation to Council and Committee members' training opportunities. It was noted that this policy formalised the discussions that were held between the Secretary to Council and the Chair when an application for training was submitted.
- 20.3 The Council agreed to adopt the training opportunities policy with immediate effect.

**Item 21.12/217 Continuation of appointment of external auditor (report ref:- HCPC153/12)**

- 21.1 The Council received a paper for discussion/approval from the Executive.
- 21.2 Following a review of the performance of the National Audit Office as external auditors, the Audit Committee submitted its recommendation that the NAO should continue in the role for a further year.
- 21.3 The Council agreed that the National Audit Office should continue as external auditors.

**Item 22.12/218 Minutes of the Audit Committee held on 27 September 2012 report ref:- HCPC154/12)**

- 22.1 The Council received a paper for approval from the executive
- 22.2 In response to a question as to why the Executive had not pursued the recommendation of Mazars to include information about "early warning signals" as part of the risk register, the Council noted that the Executive were in agreement that early warnings were already covered and so did not wish to add complexity to the risk register.
- 22.3 The Council approved the recommendations therein.

**Item 23.12/219 Minutes of the Communications Committee held on 6 November 2012 (report ref:- HCPC155/12)**

- 23.1 The Council received a paper for approval from the Executive.
- 23.2 The Council approved the recommendations therein.

The Council noted the following papers:-

**Item 24.12/220 Annual report on implementation of Welsh Language Scheme (report ref:- HCPC156/12)**

**Item 25.12/221 Update on appointments to Council (report ref:- HCPC157/12)**

**Item 26.12/222 Reports from Council representatives at external meetings (report ref:- HCPC158/12)**

**Item 27.12/223 Any other business**

27.1 There were no further items for consideration.

**Item 28.12/224 Date and time of next meeting**

28.1 The next meeting of the Council would be held on Thursday 7 February 2013.

**Item 29.12/225 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;

- (a) information relating to a registrant, former registrant or application for registration;
- (b) information relating to an employee or office holder, former employee or applicant for any post or office;
- (c) 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;
- (d) negotiations or consultation concerning labour relations between the Council and its employees;
- (e) any issue relating to legal proceedings which are being contemplated or instituted by or against the Council;
- (f) action being taken to prevent or detect crime to prosecute offenders;
- (g) the source of information given to the Council in confidence; or
- (h) 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	b, c, d, e, f, g, h
31	c

**Item 30.12/169 Minutes of the private part of the Audit Committee meeting held on 27 September 2012 (report ref:- HCPC159/12)**

30.1 The Council considered and approved the recommendations contained within the minutes of the private part of the Audit Committee meeting held on 27 September 2012.

**Item 31.12/170 Any other business for consideration in private**

31.1 There was no further business.

Chair: .....

Date: .....

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Unconfirmed