

Council

Minutes of the 83rd meeting of the Council meeting held as follows:-

Date: Thursday 9 May 2013

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
Jennifer Beaumont
Frank Burdett
Mary Clark-Glass
John Donaghy
Sheila Drayton
Julia Drown
Richard Kennett
Jeff Lucas
Morag MacKellar
Arun Midha
Penelope Renwick
Keith Ross
Robert Templeton
Joy Tweed
Diane Waller

In attendance:

Ruth Cooper, Service and Complaints Manager
Liz Craig, PA to the Director of Education
Brendon Edmonds, Acting Director of Education
Selma Elgaziari, Policy Officer
Claire Gascoigne, Secretary to Committees
Guy Gaskins, Director of IT
Michael Guthrie, Director of Policy and Standards
Louise Hart, Secretary to Council
Teresa Haskins, Director of HR (items 1-9)
Kelly Johnson, Director of Fitness to Practise (items 1-8)
Jonathan Jones, Publishing manager
Jacqueline Ladds, Director of Communications

Francine Leach, PA to the Director of FtP
Tim Moore, Director of Finance
Greg Ross-Sampson, Director of Operations (items 1-8)
Marc Seale, Chief Executive and Registrar
Gregor Sutherland, Communications Officer (Stakeholder)

Item 1.13/50 Chair's welcome and introduction

1.1 The Chair welcomed all members and observers to the meeting.

Item 2.13/51 Apologies for absence

2.1 Apologies were received from Eileen Thornton.

Item 3.13/52 Approval of agenda

3.1 The Council approved the agenda.

Item 4.13/53 Declaration of Members' Interests

4.1 Keith Ross declared an interest since his wife is a Council member of the PSA.

Item 5.13/54 Minutes of the Council meeting of 27 March 2013 (report ref:- HCPC39/13)

5.1 The Council considered the minutes of the 82nd meeting of the Health and Care Professions Council.

5.2 With reference to page 13 of the minutes, under the 'Policy and Standards Department Workplan,' it was noted that Council had agreed to keep the workplan under review given the increased workload for the Department in 2013-2014.

5.3 Caution was expressed that, on occasions, discussion points made and recorded as part of the minutes can sometimes appear to be decisions made by the Council. The Secretary to Council agreed to keep this under review.

5.4 The Council agreed the minutes, subject to the amendment detailed under 5.2.

Item 6.13/55 Matters arising (report ref:- HCPC40/13)

- 6.1 The Council noted the actions list as agreed at the last meeting.
- 6.2 The Council noted that the Chief Executive and Chair had written to the Minister in relation to the Council's negative licensing proposal.

Item 7.13/56 Chair's report (report ref:- HCPC41/13)

- 7.1 The Council received a report from the Chair.
- 7.2 During discussion, the following points were made:-
- The meeting held on 28 March in relation to 'Leadership Fundamentals' was an NHS Leadership Academy launch meeting. They have developed a leadership e-learning tool, which will be named "The Edward Jenner Programme". This will be free of charge and available to via a number of NHS websites. It was noted that this was developed with input from nurses and professions that are regulated the HCPC;
 - With reference to the King's Fund lecture on clinical leadership held on 16 April, the Council noted that Professor Don Berwick (a US academic and medical practitioner) had been asked to lead on a post-Francis review on 'how to achieve zero harm in the NHS'. It was further noted that Don Berwick had also led on an initiative in Wales named the 'Thousand lives campaign' and had also worked in Scotland some years ago, so his methods have been well received in a UK context;
 - The Council noted that the meeting with the National Skills Academy for Social Care held on 30 April focussed on the negative registration proposal and the regulation of care home managers; and
 - In relation to the recent recruitment campaign to recruit a Director of Finance, the Council noted that Tim Moore, previously the interim Director of Finance, had been appointed.
- 7.3 The Council noted the report.

Item 8.13/57 Chief Executive's report (report ref:- HCPC42/13)

- 8.1 The Council received a paper from the Executive.
- 8.2 During discussion, the following points were made:-

- That page 24 of the figures showed an increase in the number of calls into the Registration department during September – December 2012. This was as a direct result of the social work renewal period;
- Item 12 on today's agenda was a Communications Update. It was noted that this was now part of the Council agenda following a decision of Council to wind up the Communications Committee. Subject to the views of Council and a decision in relation to the future of the other non-statutory Committees, it was noted that this was the approach that would be taken to ensure that Council were fully kept up to date with each Department's activities;
- The Council noted that all the cases before the First Tier Tribunal had now concluded; five were concluded in favour of the Registrant and the other four concluded in favour of the original GSCC decision;
- In response to a query about the number of abandoned telephone calls, it was noted that during the peak time for calls in Registration, the longest waiting time was 60 seconds. However, with the widespread use of mobile phones, it was easy for registrants to abandon calls should they not be answered immediately;
- The Council noted the Registration Department's approach to the social work renewal period had been to employ additional staff in the evenings to process paperwork and thereby allow more registration advisers to answer telephone calls throughout the day;
- It was noted that a higher number of customer service complaints were received during renewal periods. Each complaint was looked into by EMT at their monthly meeting to see if any trends could be identified and subsequent corrective action put in place;
- With reference to the Chief Executive's recent visit to the Isle of Man, it was noted that social workers were not currently covered by the Isle of Man legislation;
- It was noted that the forthcoming seminar on research in Edinburgh on 26 June was being hosted by HCPC and there had been a lot of interest with over 50 delegates planning to attend and a waiting list of other potential attendees;
- In relation to developments at Health Education England, the Council noted that the Education Department would update Council as appropriate;

- In response to a question about why the cases to be heard was increasing (page 33 of the statistics), the Council noted that this was as a result of the regulation of social workers in England cases. It was noted that HCPC was monitoring these figures closely. However, it was further noted that the numbers in terms of complaints and hearings were marginally lower than originally anticipated and so was manageable in terms of the department's workload for the current year;
- In response to a question about the regulation of Traditional Chinese Medicine practitioners, the Council noted that an announcement was due from the Minister shortly;
- With reference to the term 'compulsory leavers', the Council noted that this referred to employees whose fixed term contract had expired or who had been dismissed;
- The Council noted that case managers did have a slightly higher than normal caseload. However, there were various things in place to deal with this. Firstly, there was a team dealing with the more complex cases. Secondly, workload was closely monitored to ensure it was under control. Finally, employees were all provided with detailed training on the new case management system and support mechanisms were in place should they require them; and
- In response to a question about the increase in workflow processes associated with international applications, the Council noted that processing of applications had become more complex particularly given the more sophisticated checks that are now carried out.

8.3 The Council noted the report.

Strategy and Policy

Item 9.13/58 Mid Staffordshire NHS Foundation Trust Public Inquiry action plan (report ref:- HCPC43/13)

- 9.1 The Council received a paper for discussion/approval from the Executive.
- 9.2 The Council noted that a paper had been considered at the last meeting, which considered the recommendations made by the Inquiry which were directly relevant to the HCPC. This paper set out the policy statement which describes the actions relevant to the HCPC, the

actions HCPC have taken or will be taking, as well as the timescales for implementation and the arrangements for reporting.

9.3 During discussion, the following points were made:-

- That consideration should be given to include some contextual information at the start of the paper, for example a preface setting out a general statement about HCPC's approach;
- Under paragraph 2.6, a commitment is given to reviewing the action plan every year. The suggestion was made that it should be reviewed after one year and then a decision made at that point as to when the next review would take place. Council concurred with this suggestion;
- Concern was expressed that there was no specific action point in relation to 'professionalism'. It was agreed that an additional action point should be added 'to continue to develop work around professionalism';
- There was a detailed discussion about section three of the report and including whether a wider debate was needed. Various suggestions were made including whether it would be more appropriate to include our stated position on statutory regulation being the preferred option or to even delete paragraphs 3.2 onwards. After discussion, it was agreed that the paper needed to be revised and include a statement to the effect that HCPC continues to uphold the principles of statutory regulation and that HCPC had developed a model for adult social care workers and then explain how that could be extended to the regulation of healthcare support workers;
- It was further agreed that paragraph 3.2 needed to be removed; and
- In response to a suggestion that a code of conduct be developed across the healthcare regulators, it was noted that this was not a recommendation within the Francis Inquiry.

9.4 Subject to the amendments set out above, the Council approved the paper and the actions identified for action in the short to medium term.

Item 10.13/59 Update on the revalidation research programme (report ref:- HCPC44/13)

10.1 The Council received a paper to discuss from the Executive.

10.2 The Council noted that the paper provided a general update on the programme of work related to revalidation, including a progress report from Durham University.

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

- That there was a disconnect between conduct and competence, with most fitness to practise issues being associated with conduct yet the focus of CPD and revalidation being on competence;
- It was important to encourage professionals to think about professionalism as part of their ongoing CPD and move away from training courses forming the majority of their ongoing professional training;
- That it was important to engage with professional bodies on the issue of professionalism;
- The suggestion was made that those registrants that had been subject to fitness to practise (FtP) proceedings should automatically be selected for CPD audit. Furthermore, it would be useful to compare the CPD outcomes of those registrants who have had allegations made against them against those that had not been subject to FtP proceedings. In response, the Council noted that CPD is entirely separate from FtP although some of this comparative analysis could be carried out for research purposes;
- There was concern that it was not always easy to decipher the findings and often expectations of revalidation vary from one profession to another;
- Some members of Council felt that the PSA paper would have been more useful had it contained more contextual information and information on culture and systems;
- It was noted that this was an update report and it would be difficult to draw any conclusions on the work on revalidation until such time as the research had concluded;
- That the information gathered in relation to the revalidation of doctors may impact on HCPC's decision on how regulators best assure the ongoing fitness to practise of their registrants;
- Concern was expressed that government had initiated this in 2007 through their White paper 'Trust, Assurance and Safety' yet HCPC had not yet seen any recommendations and were not expecting to until 2015. In response, the Council noted that the

concept of revalidation had come about following the Shipman Inquiry and whilst it was important to ensure controls in place in terms of continuing professional development, it was also important to ensure the correct systems and processes are introduced for HCPC and the registrants. It was therefore important to await the results of the research before any decisions are made.

10.4 The Council noted the update.

Item 11.13/60 Annual department workplans (report ref:- HCPC45/13)

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

11.2 The Council noted that, in accordance with the terms of reference of Committees, consideration had been given to some of the workplans at Committee meetings. These were now being recommended for approval by Council.

11.3 It was noted that under the Finance directorate workplan, reference should be made to 'fee review' as opposed to 'fee rise' as there could be circumstances in which a decision is made to reduce registrants' fees.

11.4 The Council approved the workplans for 2013-2014.

Item 12.13/61 Communications Progress Report (report ref:- HCPC46/13)

12.1 The Council received a paper to discuss from the Executive.

12.2 The Council noted that the report set out the work of the Communications Department undertaken during April 2013.

12.3 During discussion, the following points were made:-

- In response to a question about managing internal communications in an ever growing organisation, the Council noted that there had been a recent review of internal communications which resulted in the implementation of a few changes. The 'Chain' had recently been introduced and its members were currently being trained. Furthermore, the focus on the upcoming awayday was culture and so any themes arising from this may inform future work;
- In response to a question about how outcomes can be measured and whether the media mentions were positive, negative or neutral, the Council noted that the majority of media mentions were in relation to Fitness to Practise cases. Whilst it

would be hard to classify all the media mentions, further information could be provided in future progress reports;

- The Council noted that there were processes in place to deal with high profile cases which may attract media attention;
- In response to a question about whether HCPC proactively seeks to have articles published in journals, the Council noted that there is an ongoing programme of work in place and HCPC work with a range of journals;
- It was noted that much of the work of the Communications Department supports the work of the other departments.

12.4 The Council noted the progress report.

Corporate Governance

Item 13.13/62 Appointments to Council (report ref:- HCPC47/13)

- 13.1 The Council received a paper for discussion/approval from the Executive.
- 13.2 The Council noted that the paper set out the process by which appointments would be made to Council.
- 13.3 During the course of discussion, the following points were made:-
- It was important to ensure a level of independence within the complaints process. The Council therefore agreed that the process should be amended to ensure that one of the responsibilities of the independent assessor was to consider those complaints received and how they had been dealt with and reflect this within his report to the PSA;
 - On the basis that shortlisting would be carried out using anonymised forms, an extra step needed to be added so that the Secretary to Council could ensure that the pool of candidates selected for interview could satisfy the requirements of the Constitution Order. For example, if it was necessary to appoint a candidate from Scotland, the Secretary to Council could ensure that a Scottish candidate had been shortlisted for interview. The Council agreed to incorporate this additional step; and
 - In response to a question about what would happen if a shortlisted candidate was in fact subject to Fitness to Practise proceedings, it was noted that this candidate could not progress to interview stage.

13.4 The Council agreed to adopt the process for the appointment of Council members, subject to the amendments set out above and any minor editing points.

Item 14.13/63 Minutes of the Audit Committee held on 13 March 2013 (report ref:- HCPC48/13)

14.1 The Council received a paper for approval from the Executive.

14.2 The Council approved the recommendations therein.

Item 15.13/64 Minutes of the Finance and Resources Committee held on 19 March 2013 (report ref:- HCPC49/13)

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

15.2 The Council approved the recommendations therein.

Items to note

The Council noted the following items:-

Item 16.13/65 Reports from Council representatives at external meetings (report ref:- HCPC50/13)

Item 17.13/66 Action taken (report ref:- HCPC51/13)

Item 18.13/67 Any other business

18.1 There were no further items for consideration.

Item 19.13/68 Date & time of next meeting:

19.1 The next meeting of the Council would be held on Thursday 4 July 2013 at 10:30am.

Item 20.13/69 Resolution

20.1 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
21	b
22	c, d, g ,h

Item 21.13/70 Council Appointments 2014 (report ref:- HCPC52/13)

- 21.1 The Council received a paper for discussion/ approval from the Executive.
- 21.2 The Council agreed the composition of the interview panel for Council member interviews to be held in October 2013 as follows:-
 - (i) Anna van der Gaag, Chair of Council;
 - (ii) Chris Dearsley, Independent;
 - (iii) Satjit Singh, Independent.

Item 22.13/71 Minutes of the private part of the Audit Committee held on 13 March 2013 (report ref:- HCPC53/13)

- 22.1 The Council considered and approved the recommendations contained within the minutes of the private part of the Audit Committee held on 13 March 2013.

Chair:

Date:

Unconfirmed