Minutes of the 90th meeting of the Council held as follows:-

Date: Wednesday 14th May 2014

Time: 2pm

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

Present: Anna van der Gaag (Chair)
Elaine Brookes
Mary Clark-Glass
John Donaghy
Richard Kennett
Sonya Lam
Keith Ross
Robert Templeton
Graham Towl
Joy Tweed
Nicola Wood

In attendance:
Claire Amor, Secretary to Council
Nicole Casey, Policy Manager
Ruth Cooper, Service and Complaints Manager
Guy Gaskins, Director of Information Technology
Andy Gillies, Director of Finance
Abigail Gorringe, Director of Education
Tony Glazier, Web and Digital Manager
Michael Guthrie, Director of Policy and Standards
Teresa Haskins, Director of Human Resources
Kelly Holder, Director of Fitness to Practise
Jonathan Jones, Stakeholder Communications Manager
Jacqueline Ladds, Director of Communications
Greg Ross-Sampson, Director of Operations
Marc Seale, Chief Executive and Registrar
Item 1.14/83 Chair’s welcome and introduction
1.1 The Chair welcomed members to the first day of the 90th meeting of the Council

Item 2.14/84 Apologies for absence
2.1 Apologies for absence were received from Sheila Drayton.

Item 3.14/85 Approval of agenda
3.1 The Council approved the agenda.

Item 4.14/86 Declaration of Members’ Interests
4.1 Keith Ross declared an interest since his wife is a Council member of the PSA.

Item 5.14/87 Minutes of the Council meeting of 26 and 27 March (report ref: HCPC61/14)
5.1 The Council considered the minutes of the 88th and 89th meeting of the Health and Care Professions Council.
5.2 The Council agreed the minutes.

Item 6.14/88 Matters arising (report ref: HCPC62/14)
6.1 The Council noted the action list as agreed at the last meeting.

Item 7.14/89 Chair’s report (report ref: HCPC63/14)
7.1 The Council received a report from the Chair.
7.2 During discussion, the following points were made:
   - the Chair, with the GMC, provided the opening address for the Professional Standards Authority research symposium. The Chair also chaired a session on professionalism;
   - the Narey and Croisdale-Appleby reports were discussed at the meeting with The College of Social Work on 1 April; and
   - a series of meeting have been held regarding podiatric surgery, whilst the meetings were constructive it is clear a difference of opinion remains over issues of parity.
7.3 The Council noted the report.

**Item 8.14/90 Chief Executive’s report (report ref:- HCPC264/14)**

8.1 The Council received a report from the Executive.

8.2 During discussion, the following points were made:-

- the PSA’s annual performance review of the HCPC is being finalised and is due to be published in early July.

- following the Panorama programme detailing abuse in care homes, a letter from the Chief Executive calling for standards and the negative registration of care workers was published in the Independent newspaper. A debate will also be held in the House of Lords; and

- in response to a question it was noted that the ‘Orchestrating Winning Performance’ is a task based training programme run by the business school IMD which will be attended by some members of the Executive team.

8.3 The Council noted the report.

**Item 9.14/91 Finance Report (report ref:- HCPC65/14)**

9.1 The Council received a paper for discussion from the Executive. The Council noted that the report set out the main activities of the Finance Department since the last meeting of Council.

9.2 During discussion, the following points were made:-

- the Department are currently preparing the draft 2013-14 Annual Report and Accounts which will be presented to the Council at its July meeting;

- operating surplus for the year 2013-15 was £2,170k. After depreciation, the impairment charge on freehold land and buildings, and investment income, the surplus was £725k.

- actual income of £25,151k was slightly ahead of budget (£24,708k). The main cause of the surplus was the net underspend on the operating expenditure budget of which £701k is in the Fitness to Practise department.

- the Finance Systems Upgrade project (Sage and PRS) is entering the start-up phase and the Direct Debit review project will shortly begin;
• the Department is currently progressing with procurement processes for secure printing services, recording and transcription services and the HR partners system; and

• the tender for the mechanical and electrical consultant for the 186 KPR project is being re-run following an unsatisfactory response to the first tender.

9.3 The Council discussed the impairment charge of £882k, based on a professional revaluation of freehold land and buildings. It was agreed that the Director of Finance would consider the option of classing part of this amount as depreciation with the NAO.

9.4 The Council noted the report.

**Item 10.14/92 Education Report (report ref:- HCPC66/14)**

10.1 The Council received a paper for discussion from the Executive. The Council noted that the report set out the main activities of the Education Department since the last meeting of Council.

10.2 During discussion, the following points were made:-

• since the last Council meeting, 19 approval visits covering 45 programmes have taken place;

• the Department remains in the peak activity period for the annual monitoring process. Five assessment days took place in February and March 2014. Three further assessment days are planned for May, June and August 2014;

• over 50% of existing visitors went through the reappointments process in the last few months. Approximately 90% of visitors renewed their contracts;

• preparations are underway for the eight education seminars. The Department intend to run two seminars for social worker and AMHP education providers and six seminars on service user and carer involvement in education and training;

• the Education annual report 2013 was published at the beginning of May. Various communications activities are underway to disseminate the report

10.3 The Council noted that the first Education and Training Committee stakeholder event was held on 30 April 2014. The aim of the event was to provide an update on governance, education, policy and standard
changes at the HCPC. The event was well received and feedback is being analysed.

10.4 The Council noted that there were over 100 applications for the new role of Lay Visitor. The breadth of experience of the applicants appears to be wide from the short-listing currently underway. The Council discussed the definition of Lay and Registrant roles and queried whether former registrants could apply to be lay visitors. It was noted that the Education and Training Committee had agreed the personal specifications for lay visitors last year and there was discussion at the time around this point. The Council requested clarification on whether former HCPC registrants could be considered for the lay visitor role.

**ACTION** – Director of Education to provide an update at the next Council meeting on whether former HCPC registrants could be considered for the lay visitor role.

10.5 The Council discussed the data that would be collected about the lay visitor applicants. It was noted that equality and diversity monitoring data is being collected and this data feeds into the annual equality and diversity report which is presented to Council later in the year.

10.6 The Council discussed a recent meeting between the Director of Education and the Higher Education Authority (HEA). It was noted that the meeting was to explore ways the HCPC and HEA could work together, the HCPC has committed to holding meetings with the HEA regularly in future.

10.7 The Council noted the report.

**Item 11.14/93 Information Technology Report (report ref:- HCPC367/14)**

11.1 The Council received a paper for discussion from the Executive. The Council noted that the report set out the main activities of the Information Technology Department since the last meeting of Council.

11.2 During discussion, the following points were made:-

- a security test was carried out on the pilot remote access service. A medium severity risk was identified and the vendor is developing software to address the issue. Another security test is being scheduled to ensure the risk has been mitigated.

- internal penetration testing was undertaken for the first time on the 17 and 18 March. No formal report has yet been received but verbal feedback was positive; and

- issues were encountered with the HCPC’s current data line supplier, in which a data line was mistakenly disabled. This issue has now been resolved.
11.3 The Council noted the report.


12.1 The Council received a paper for discussion from the Executive. The Council noted that the report set out the main activities of the Operations Department since the last meeting of Council.

12.2 During discussion, the following points were made:-

- the Registrations Department received a total of 12,012 UK telephone calls which is 3,277 more calls when compared to the same period two years ago and represents a 38% increase in call volumes;

- the percentage of registrants renewing online this financial year is 89.6% rather than 80% as forecast;

- a total of 17,366 UK applications have been registered this financial year which exceeds the forecasted end of year figure of 14,181, indicated in the 'Registrant Number Forecast 2013 – 18, August 2013';

- at the start of February 2014 1,224 physiotherapists were selected for CPD audit. So far there have been 119 requests to defer the current audit with a further 34 physiotherapists selected for CPD audit requesting to deregister voluntarily;

- of the six current projects four are progressing well and are on course to meet their schedules. Two projects are reporting as red and will not meet their schedules. One project is undergoing initiation;

- an Aspirant Professions process has been drafted for external use by the Chief Executive; and

- Kayleigh Birtwistle was selected from an internal pool of candidates to join the Business Process Improvement team in late May as Quality Compliance Auditor.

12.3 The Council discussed the deferral rate of the physiotherapist CPD audit. It was noted that this rate was normal, and that new professions have a higher initial rate for their first CPD audit. It was noted that a CPD review report would be presented to the Education and Training Committee in June 2014, which provides deeper analysis.

12.4 The Council noted the report.
Item 13.14/95 Fitness to Practise Report (report ref:- HCPC69/14)

13.1 The Council received a paper for discussion from the Executive. The Council noted that the report set out the main activities of the Fitness to Practise Department since the last meeting of Council.

13.2 During discussion, the following points were made:-

- the Fitness to Practise Annual report is currently being finalised. The report is a statistical report analysing the arrangements that have been put in place to protect the public and analyses all phases of the process;
- the number of cases per case manager increased to above forecast levels in March. This is in part due to resignations in January and February. The vacant positions and new positions for 2014-15 have now been filled;
- at the end of March there were 5 open GSCC transfer cases pre ICP and 23 open post ICP. Further analysis of GSCC transfer cases will be undertaken as part of the annual report preparation;
- FTP is working with the professional bodies to set up a Partnership Forum. It is anticipated that the forum will meet every 6 months to discuss matters relating to HCPC’s fitness to practise process;
- an external provider has been engaged to review the FTP forecast model to ensure that it is FAST compliant;
- the Centre for Health Service Economics and Organisation will undertake research into the economic costs of fitness to practise investigations and how these costs vary across registrants with different characteristics;
- the period for the mediation pilot has been extended by 6 months to ensure that the use and value to HCPC’s regulatory regime is properly evaluated; and
- FTP have undertaken a review of the registration appeals process. This included a review of the use of case conferences and how bundles are prepared for hearing. The revised process was rolled out in early April 2014.

13.3 The Council discussed complaints about FTP service. It was noted that these complaints are included in the monthly feedback report which is considered by EMT. A yearly review is also considered by the Council.
13.4 The Council discussed section 29 referrals. It was noted that this is the power the PSA has to refer a fitness to practise case to the High Court if it thinks that the HCPC had been unduly lenient or the case under prosecuted.

13.5 The Council noted the report.

Item 14.14/96 Human Resources Report (report ref:- HCPC70/14)

14.1 The Council received a paper for discussion from the Executive. The Council noted that the report set out the main activities of the Human Resources and Partners Departments since the last meeting of Council.

14.2 During discussion, the following points were made:-

- response rates to the third HCPC biannual all employee survey were high at over 85%. Overall, the findings were positive and show that there are high degrees of satisfaction with significant areas of working life for HCPC employees. In a few areas results and comments suggest that further work or analysis could be considered;

- the HR and Partners Systems and Process review project is progressing well. A briefing session for tenderers was held on 2 May and the deadline for tender submissions is 27 May;

- employee turnover has continued to show signs of slowing down. There were no leavers in April;

- the employee recruitment function remains busy. Recruitment has commenced for a number of new roles approved in the 2014/15 budget; and

- the HR team is in the process of analysing training and development needs arising from Annual Performance Development Reviews and departmental workplans.

14.3 The Council noted the report.

Item 15.14/97 Policy and Standards Report (report ref:- HCPC371/14)

15.1 The Council received a paper for discussion from the Executive. The Council noted that the report set out the main activities of the Policy and Standards Department since the last meeting of Council.

15.2 During discussion, the following points were made:-
• an update paper on the Professional Qualifications Directive is being prepared for the Education and Training Committee’s meeting in June 2014;

• the Law Commissions’ proposals and draft legislation have now been published. The government’s plans are unknown;

• the Department of Health have indicated to the HCPC that the regulation of public health specialists remains a priority; and

• the Department of Health has indicated that the legislation necessary to introduce the requirement for registrants (not social workers in England) to have professional indemnity will be published in spring 2014, and effective from July 2014.

15.3 The Council noted the report.

**Item 16.14/98 Communications Report (report ref:- HCPC472/14)**

16.1 The Council received a paper for discussion from the Executive. The Council noted that the report set out the main activities of the Communications Department since the last meeting of Council.

16.2 During discussion, the following points were made:-

• the HCPC exhibited at the Care Show in Bournemouth in March. The HCPC were also show partners at Naidex National, a 3-day event in April;

• recent HCPC events in Llandrindod Wells and Penzance were popular and fully booked;

• the first CPD webinar will take place on 5 June. The aim of the webinar is to provide an interactive guide to CPD and the audit process;

• in response to the BBC Panorama programme, ‘Behind Closed Doors: Elderly Care Exposed’, the HCPC issued comment to the national media and wrote letters to a number of editors; and

• the Department have been working on a campaign to raise awareness amongst registrants of the tax relief available to them on their registration fees.

16.3 The Council noted the report.

**Item 17.14/99 Secretariat Report (report ref:- HCPC73/14)**
17.1 The Council received a paper for discussion from the Executive. The Council noted that the report set out the main activities of Secretariat Department since the last meeting of Council.

17.2 The Council noted that the process for appointing an independent member to the Audit Committee has commenced. Interviews will take place on 6 June 2014.

17.3 The Council noted that each year, the Council has an offsite away day and meeting which takes place on a rotational basis in each of the four countries. It was noted that the 2014 meeting will take place on 15 and 16 October in the Lake District.

17.4 The Council noted the report.

The Council noted the following item:-

**Item 18.14/100 Health and Safety report (report ref:- HCPC74/14)**

**Item 19.14/101 Any other business**

19.1 There were no further items for consideration.

Chair: ........................................

Date: ........................................
Minutes of the 91st meeting of the Council held as follows:-

Date: Thursday 15th May 2014

Time: 9.30am

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

Present: Anna van der Gaag (Chair)
Elaine Brookes
Mary Clark-Glass
John Donaghy
Richard Kennett
Sonya Lam
Keith Ross
Robert Templeton
Graham Towl
Joy Tweed
Nicola Wood

In attendance:
Claire Amor, Secretary to Council
Ruth Cooper, Service and Complaints Manager
Guy Gaskins, Director of Information Technology
Andy Gillies, Director of Finance
Michael Guthrie, Director of Policy and Standards
Teresa Haskins, Director of Human Resources
Jonathan Jones, Stakeholder Communications Manager
Jacqueline Ladds, Director of Communications
Greg Ross-Sampson, Director of Operations
Marc Seale, Chief Executive and Registrar
Nicole Casey, Policy Manager
Item 1. Chair’s welcome and introduction
1.1 The Chair welcomed members to the second day of the 91th meeting of the Council

Item 2.14/102 Apologies for absence
2.1 Apologies for absence were received from Sheila Drayton.

Item 3.14/103 Approval of agenda
3.1 The Council approved the agenda.

Item 4.14/104 Declaration of Members’ Interests
4.1 Keith Ross declared an interest since his wife is a Council member of the PSA.

Strategy and Policy

Item 5.14/105 Law Commission Bill; Regulation of Health and Social Care Professions Bill (report ref:- HCPC75/14)

5.1 The Council noted that, on 2 April 2014, the Law Commissions published their report and draft bill following their review of the UK law relating to the regulation of health care professionals, and in England only, the regulation of social workers.

5.2 The Council noted that the aim of the Law Commissions Bill is to provide a single statute which provides a new framework for all of the regulatory bodies and the Professional Standards Authority, and to give the regulators greater operational autonomy and greater consistency between the regulators in certain key areas such as fitness to practise.

5.3 During discussion the following points were noted:-

- the Department of Health is currently considering which of the Law Commissions proposals it intends to take forward in primary legislation;
- the Bill provides regulators with the powers to make legal rules which are not subject to approval by Government or any Parliamentary procedure. Regulators would however be required to publicly consult on such changes;
- the Bill sets out changes to the systems through which regulators can be held to account, including the roles of the Privy Council, Government and Parliament;
• in many areas, the reforms consolidate and simplify the existing legal framework;

• the HCPC is fortunate in that its legislation is relatively modern and therefore the majority of proposed changes to the law will not impact the HCPC’s operations;

• the Bill includes provisions for the formation of a social care barring scheme, to be run by the regulators. This makes the HCPC’s proposals for a ‘negative register’ for care workers possible;

• members of the Executive have attended various meetings both with other regulators and the Department of Health since the publication of the Bill; and

• timescales for legislation are uncertain at this stage. The Queen’s Speech on 4 June 2014 will set out the Government’s legislative programme for the coming session.

5.4 The Council discussed the provisions for the regulation of care workers. The draft Bill includes a provision which if implemented would allow the Government to bring forward secondary legislation to allow a regulator to operate a system of ‘prohibition orders’ such as that put forward in the Council’s policy statement on ‘negative registration’. The Council agreed that the great majority of care workers undertake a difficult role with compassion and dedication, however the very few who do not should be removed from care settings. Whilst the CQC (in England) undertake inspections of care homes and the disclosure and barring scheme exists for serious offences, it is not felt that the threshold for the scheme is at the right level for this purpose.

5.5 The Council noted that a debate was held on 14 May in the House of Lords on the recent reports of elderly abuse in care settings. The HCPC provided information to a member about the regulation of care workers which informed the debate.

5.6 The Council noted that the HCPC had articulated its position in calling for ‘negative registration’ and that Camilla Cavendish’s independent review into the education and training of healthcare assistants and care workers concluded that national standards and accreditation were needed. However her report did not call for legislative change.

5.7 In response to a question it was noted that in 2012 the Council had explored the issues surrounding negative registration and had agreed a position and policy statement. Although some of the current members of Council were not in post at that time, this remains the existing policy of the Council which has continued as a body corporate. It was further noted that the papers relating to this decision were provided to the
Council members at induction. The Council agreed that it would be useful to hold a workshop at its away day in October 2014 on the significant policy decisions reached in the past by the Council.

5.8 In response to a question, the Council noted the history of independent adjudication for fitness to practise cases, including the creation in the past of the Office of the Health Professions Adjudicator (OHPA) which was set up by a previous government to provide independent adjudication for cases involving doctors. OHPA was abolished by the current government, and the General Medical Council subsequently created the Medical Practitioners Tribunal Service, arm’s length from it and responsible for adjudication. The draft Bill, if implemented, might allow those regulators who had sufficiently independent adjudication to appeal against adjudication decisions instead of, or as well as, the Professional Standards Authority. The Council noted that the Executive was looking into different models for achieving independent adjudication.

5.9 The Council agreed that if the proposals are not taken forward by the government at present, the Executive would present a paper at the next meeting of the Council, exploring the recommendations contained within the Law Commissions’ report and the draft Bill. If the Bill were to be taken forward, the Executive would bring a paper on the government’s proposals. It was noted that the Bill could also be passed to a pre-legislative committee, to which the HCPC would submit evidence. In this event, the Executive would present a paper to Council regarding the evidence that would be submitted.

**ACTION** – Executive to present a future paper dependent on the considerations outlined in paragraph 5.9

5.10 The Council noted the paper and welcomed further debate following the Queen’s Speech.

**Item 6.14/106 Reserves Policy (report ref:- HCPC76/14)**

6.1 The Council noted that since 2004, the HCPC’s reserves policy has been that cash should represent a minimum of three months’ operating expenditure. The proposed revised policy uses the same formula, but provides an explanation of the relevance of reserves and cash for the HCPC, and a rationale for the target of three months’ operating expenditure.

6.2 During discussion the following points were made:-

- the HCPC needs to maintain an appropriate minimum level of liquidity or cash, to be able to pay its liabilities and to provide a buffer to absorb unexpected costs or risks;
the policy will be reviewed by the Council annually as part of the approval of the Annual Report and Accounts, and will be reviewed in detail every three years as part of the review of the Financial Regulations; and

the process for increasing registrant fees to raise cash if required, takes approximately two years and so it is important to maintain adequate reserves and forecast accurately.

6.3 The Council discussed the reserve policies of the other healthcare regulators. It was noted that the General Medical Council and the Nursing and Midwifery Council are registered charities and so they must comply with the accounting and reporting requirements for charities, in which reserves have a particular sensitivity.

6.4 The Council approved the Reserves Policy.

**Item 7.14/107 Investment policy (report ref:- HCPC77/14)**

7.1 The Council noted that the Investment Policy was last amended in February 2011, when the Council ended any investment in equities, on the recommendation of the Finance & Resources Committee. The portfolio of equities was disposed of and surplus funds have been invested only in bank deposits since then.

7.2 The Council noted that the proposed new policy expresses the rationale for investing only in bank deposits and defines the types of bank deposits that are permitted, how investments will be made, and how performance will be reported.

7.3 The Council discussed the allocated spread of surplus funds invested in bank deposits. The Council agreed to the addition of the requirement that no more than 67% (or two thirds) of total cash will be held under one banking licence at any time. This would be added to the policy under the section ‘classes of investment’.

**ACTION** – Director of Finance to amend the Investment Policy as set out in paragraph 7.3.

7.4 The Council approved the Investment Policy.

**Item 8.14/108 Customer Service Feedback – yearly review (report ref:- HCPC78/14)**

8.1 The Council received a paper for discussion from the Executive. The paper formed a review of the HCPC’s feedback and complaint function for the period 1 April 2013 and 31 March 2014.

8.2 During discussion the following points were made:-
the HCPC runs an improvement focused feedback and complaints process. Corrective action is the focus of reporting to ensure continuous improvement;

the Executive team receive a monthly report with a narrative of every complaint and response, response time, root cause and corrective actions;

from 1 April 2013 to 31 March 2014, 573 complaints were received and 91 pieces of positive feedback were logged. 92 per cent of complaints were responded to within the service level of 15 working days;

the number of complaints logged this year was in line with last year. The proportion of complaints across the professions corresponded to their proportion of the register;

there has generally been an increase in the number of complaints logged year on year. This increase is attributed to several factors, including an increase in the size of the Register and more contact with registrants;

the HCPC completes a large number of registrant and public facing transactions. The departments that complete the most external transactions have the highest number of complaints, these departments are Registration, Fitness to Practise and Finance; and

in comparison with the number of transactions completed, the HCPC receives a relatively small number of complaints.

8.3 The Council noted that the HCPC’s policy on the complaints process has been updated this year with a stronger emphasis on corrective action. Regular review meetings with managers to look at complaint reporting and identify areas to improve have been introduced.

8.4 The Council discussed how the corrective action undertaken by the HCPC is communicated. It was suggested that corrective actions should be published on the website, to let registrants know that their feedback has made a difference.

8.5 The Council agreed that it was important that it should review organisational complaints and noted that customer service reports will be presented to Council on a six monthly basis going forward.

8.6 The Council discussed the escalation route for complaints at the HCPC and any appeal stage. It was noted that the Service and Complaints manager is currently developing a system that will be appropriate for
the HCPC. The Council considered that the majority of HCPC registrants would be familiar with the NHS complaints staged system.

8.7 The Council noted the report and welcomed the proposed six monthly reports in future.

Item 9.14/109 Appointment of members of the PLG to review the standards of conduct, performance and ethics (report ref:- HCPC79/14)

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

9.2 The Council noted that at its meeting on 27 March 2014, the Council agreed to establish a Professional Liaison Group (PLG) to the review the standards of conduct, performance and ethics. Council members were invited to submit statements of interest for membership and for Chair of the PLG which were considered by the Chair of Council.

9.3 The Council approved that Elaine Brookes would be appointed as chair of the PLG. It was also agreed that Mary Clark-Glass, Sheila Drayton and Joy Tweed would be members of the PLG. It was noted that the process of appointing external members of the PLG is complete and the first meeting of the group would take place on 2 June.

Corporate Governance

Item 10.14/110 Minutes of the Education and Training Committee held on 6 March 2014 (report ref:- HCPC80/14)

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

10.2 The Council approved the recommendations therein subject to the formal approval of the minutes by the Education and Training Committee.

Item 11.14/111 Minutes of the Audit Committee held on 20 March 2014 (report ref:- HCPC81/14)

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

11.2 The Council approved the recommendations therein subject to the formal approval of the minutes by the Audit Committee.

The Council noted the following item:-

Item 12.14/112 FOI publication scheme: definition document (report ref:- HCPC82/14)
Item 13.14/113 Any other business

13.1 There was no further business.

Item 14.14/114 Meeting Evaluation

14.1 The Council agreed that it would be beneficial to explore the HCPC’s corporate memory at its away day meeting in October.

14.2 The Council agreed that separating out papers that required decisions on the second day was useful and allowed keener focus on the departmental reports on the first day of the meeting.

Item 15.14/115 Date and time of next meeting

Tuesday 1 July 2014 at 14.00pm and Wednesday 2 July 2014 at 9.30am

Chair: .................................

Date: .................................