

Council

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

Date: Wednesday 2 July 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
Sheila Drayton
John Donaghy
Sonya Lam
Keith Ross
Robert Templeton
Joy Tweed
Nicola Wood
Richard Kennett

In attendance:

Claire Amor, Secretary to Council
Kayleigh Birtwistle, Quality Assurance Auditor
Brendon Edmonds, Head of Educational Development
Guy Gaskins, Director of Information Technology
Andy Gillies, Director of Finance
Michael Guthrie, Director of Policy and Standards
Teresa Haskins, Director of Human Resources
Kelly Holder, Director of Fitness to Practise
Grant Imlach, Media and PR Manager
Jonathan Jones, Stakeholder Communications Manager
Jacqueline Ladds, Director of Communications
Greg Ross-Sampson, Director of Operations
Marc Seale, Chief Executive and Registrar
James Wilson, Registrations Manager
John Barwick, Head of investigations
Nicole Casey, Policy Manager
Selma Elgaziari, Policy officer
Roy Dunn, Head of Business Process Improvements
Louise Shewey, Executive Assistant to the CEO and Chair
Greg Sutherland, Communications Officer

Public Agenda – Part 2

Item 1. Chair's welcome and introduction

- 1.1 The Chair welcomed members to the second day of the 91st meeting of the Council

Item 2.14/116 Apologies for absence

- 2.1 Apologies for absence were received from Graham Towl.

Item 3.14/117 Approval of agenda

- 3.1 The Council approved the agenda.

Item 4.14/118 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 5.14/134 Health Select Committee Report - HCPC 2014 Accountability Hearing (report ref:- HCPC97/14)

- 5.1 The Council received a paper for discussion from the Executive.
- 5.2 The Council noted that the Chair and the Chief Executive appeared in front of the Health Select Committee in January 2014 as part of the Committee's first annual accountability hearing for the HCPC. The Committee published their report on the hearing on 18 June 2014.
- 5.3 During discussion, the following points were noted:-
- the report indicated that at future accountability hearing the Committee would seek further evidence of the progress the HCPC and other professional regulators have made in implementing the recommendations of the Francis report;
 - the report called on the HCPC to commit to a clear "start to end" target setting out the maximum length of time it takes to conclude FTP processes. The Committee considered that this the maximum time should be 12 months;
 - the Committee asked that in its response, the HCPC list any professional groups for which it is felt that there is a compelling patient safety case for statutory regulation;

- the Committee made a recommendation that the Government should publish plans for the implementation of the HCPC's proposals for a negative register; and
 - the issue of routine health checks for registrants who are convicted of drink or drug related offences will be revisited at the next accountability hearing.
- 5.4 The Council noted that the Executive will be contacting professional groups that have previously expressed a need for regulation to offer a meeting to discuss their cases. The Council considered that patient and service user groups should be consulted on which professions they consider require regulation to ensure public safety.
- 5.5 The Council discussed the recommendation of the Health Select Committee that a 12 month maximum timeline should be put in place for all fitness to practise cases. The Council agreed that all parties involved in fitness to practise cases aspire to a quick resolution. However, the Council concluded that the HCPC should not agree to an arbitrary 12 month figure, but should instead focus on conveying the complexities of the fitness to practise timelines to the Committee. It was noted that the Executive will produce detailed timelines for each stage of the fitness to practise process, as a single overarching timeline could simplify the many aspects that have an influence on case progression.
- 5.6 The Council discussed the different statistics for case progression amongst the healthcare regulators. It was noted that no standardised measure of when the process starts was in place, with some regulators including in the statistics cases which were closed before final hearing. The Council agreed that a standardised measure was needed to effectively compare performance.
- 5.7 The Council noted that the HCPC's draft response to the report will be considered by Council at its meeting in September 2014. The Council noted that the Executive had started preparatory work in anticipation of the next accountability hearing, which is expected to take place in the autumn or winter of 2014-15.
- 5.8 The Council noted the report.

Item 6.14/135 Reforms to the legislation of the health and care professional regulators (report ref:- HCPC98/14)

- 6.1 The Council received a paper for discussion from the Executive
- 6.2 The Council noted that it considered a paper at its meeting on 15 May 2014 which discussed the publication of the Law Commissions' proposals and draft Bill.

6.3 During discussion, the following points were noted:-

- the omission of the Law Commissions' Bill from the Queen's speech means that parliamentary time has not been allocated to it in this session of parliament. It is still possible that the legislation may be taken forward by a newly elected administration;
- the Department of Health has indicated that it is still committed to legislate when parliamentary time allows, however the Law Commissions' Bill may not be the same as the legislation the Department of Health takes forward;
- the Department of Health has indicated that it will take forward a number of Section 60 Orders. These include changes to the fitness to practise procedures of the Nursing and Midwifery Council, the subject of a recent consultation. Currently one Section 60 order affects the HCPC, this relates to the regulation of public health specialists; and
- a government response is anticipated during the autumn of 2014 and a subsequent report thereafter.

6.4 The Council discussed the HCPC's priorities with regards to reforms. It was noted that the HCPC is fortunate in that its legislation is relatively modern. It agreed that the main policy that the HCPC should continue to pursue was negative registration, as well as moving the registrations appeal process to a partner based model. The Council agreed that the HCPC should continue to seek to influence any reform agenda.

6.5 The Council noted the paper.

Item 7.14/136 Continuing professional development audit report 2011-13 (report ref:- HCPC99/14)

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

7.2 The Council noted that the report gives the results for the fifteen professions who were audited between 2011 and 2013. It includes information about the audit process, statistics showing the outcomes of the audits and describes trends identified in the audits.

7.3 During discussion, the following points were noted:-

- the report was approved by the Education and Training Committee on 5 June 2014, subject to amendments, which have now been made.

- the report will be art-worked and ready for publication in autumn 2014. It will be available on the website and distributed to professional bodies and other key stakeholders; and
 - the section regarding sample sizes has been expanded to explain more about the sample size rationale and to provide a link to the statistical research carried out by the University of Reading and the expert advice given;
- 7.4 The Council discussed the introductory summary to the report. It was agreed that the statistic that 'Approximately 75–85 per cent of registrants across the 15 professions successfully passed the audit' could be misleading as it did not convey the numbers of registrants who deferred or did not engage with the process in another way.
- 7.5 The Council discussed including an additional bullet point to this section setting out the actual audit failure rate.
- 7.6 The Council agreed that the Executive would rephrase this section of the report and distribute the revised version to the Chair of Council and the Chair of the Education and Training Committee for comment prior to publication.
- 7.7 The Council agreed to approve the report, subject to the actions outlined in paragraph 7.6.

Item 8.14/137 Review of the Professional Standards Authority audit of the Nursing and Midwifery Council (report ref:- HCPC100/14)

- 8.1 The Council received a paper for discussion from the Executive
- 8.2 The Council noted that a review was undertaken of the PSA's audit of the NMC's initial stages fitness to practise process audit report which was published in March 2014. The review also sets out what measures the HCPC already has in place to address the concerns raised, as well as additional activities that have been initiated in light of the PSA's audit findings.
- 8.3 During discussion, the following points were noted:-
- there are a number of activities taking place during 2014-15 which address many of the issues identified by the PSA in relation to the NMC's initial stages fitness to practise process;
 - the review of the ICP process has identified additional activities which are intended to improve the quality of decision making and the progression of cases through the fitness to practise process;

- the audit of risk assessments is being extended with a focus on quality and timeliness of completion. In addition, disposal by consent and discontinuance processes will be audited; and
- the Executive has determined that additional significant additional development activities are not required in response to the NMC audit findings.

8.4 The Council noted the report.

Item 9.14/138 HCPC response to the Report of the Mid Staffordshire NHS Foundation Trust Public Inquiry - update on commitments (report ref:- HCPC101/14)

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

9.2 The Council noted that, at its meeting in March 2013, it considered a paper from the Executive which highlighted the recommendations made by the Mid Staffordshire NHS Foundation Trust Public Inquiry which were relevant to the HCPC. The Council considered a further paper in May 2013, which outlined the Executive's proposed action plan.

9.3 During discussion, the following points were noted:-

- the existing MOU with the CQC has been reviewed and a revised MOU, a joint operating protocol and an information sharing agreement are currently being developed. The HCPC will explore the possibility of developing similar agreements with the equivalent organisations in Northern Ireland, Scotland and Wales;
- the HCPC are currently developing MOUs with the Disclosure and Barring Service and with NHS Protect;
- a new questionnaire is being scoped to collect feedback from complainants who have been through the fitness to practise process;
- the Patients Association was contracted to conduct a peer review of the HCPC fitness to practise process using the model they designed for Mid Staffordshire NHS Foundation Trust;
- the development of more clear and detailed guidance for employers on making fitness to practise referrals is currently being scoped;

- a PLG has been formed to facilitate the review of the standards of conduct performance and ethics. The PLG includes service users and carer members; and
 - the Executive will consider including a short section on complaints in the 2014-2015 annual report.
- 9.4 The Council discussed the scope for a periodic review of the SETs and SETs guidance. It was agreed that any review should also look at enhancing professionalism.
- 9.5 The Council discussed the development of a partnership with Health Education England. The Council agreed that similar partnerships should be pursued with the equivalent bodies in Scotland, Wales and Northern Ireland.
- 9.6 The Council discussed the scoping of the fitness to practise complainant feedback questionnaire. It was noted that a review of the equivalent mechanisms within the other healthcare regulators will be included. Patient groups and survey specialists will be consulted.
- 9.7 The Council noted the paper.

Item 10.14/139 Outcomes of the consultation on profession-specific standards of proficiency for paramedics (report ref:- HCPC102/14)

- 10.1 The Council received a paper for discussion/approval from the Executive.
- 10.2 The Council noted that, following a review of the standards by the College of Paramedics, the HCPC publicly consulted on the draft standards between 21 October 2013 and 31 January 2014.
- 10.3 The Council noted that decisions on the revision of the standards post-consultation were informed by the paramedic member of the Education and Training Committee and Council. The Education and Training Committee considered the consultation response analysis and revised draft standards at its meeting in June 2014.
- 10.4 The Council approved the revised standards of proficiency for paramedics and the text of the consultation analysis document (subject to minor editing amendments and formal legal scrutiny).

Item 11.14/140 Outcomes of the consultation on profession-specific standards of proficiency for hearing aid dispensers (report ref:- HCPC103/14)

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

- 11.2 The Council noted that, following a review of the standards by the professional body for hearing aid dispensers the HCPC publicly consulted on the draft standards of proficiency for hearing aid dispensers between 13 January and 4 April 2014. The Education and Training Committee considered the consultation response analysis and revised draft standards at its meeting in June 2014.
- 11.3 The Council approved the revised standards of proficiency for paramedics and the text of the consultation analysis document (subject to minor editing amendments and formal legal scrutiny).

Item 12.14/141 Consultation on the standards of proficiency for practitioner psychologists (report ref:- HCPC104/14)

- 12.1 The Council received a paper for discussion/approval from the Executive.
- 12.2 The Council noted that following a review of the standards by the British Psychological Society and further input from two practitioner psychologist partners and the psychologist member of Council, the HCPC is ready to consult publicly on the draft standards of proficiency for practitioner psychologists.
- 12.3 The Council noted that the consultation document and draft standards of proficiency for psychologists were considered and recommended to Council by the Education and Training Committee at its meeting in June 2014.
- 12.4 The Council noted that, following legal scrutiny, the terminology relating to those who use and are affected by the services of practitioner psychologists has been amended from 'client' back to 'service user' where the standards currently use this terminology. The consultation document has been amended to welcome stakeholders' comments on this issue.
- 12.5 The Council approved the draft standards of proficiency for psychologists and the text of the consultation paper (subject to minor editing changes and formal legal scrutiny).

Item 13.14/142 Risk Management Strategy (report ref:- HCPC105/14)

- 13.1 The Council received a paper for discussion/approval from the Executive.
- 13.2 The Council noted that a revised risk management strategy and associated processes have been considered by the Audit Committee at their meeting in June. The Committee recommended the strategy to Council subject to the inclusion of assurance mapping.

13.3 The Council approved the strategy.

Item 14.14/143 Registrant numbers forecast 2014-2019 (report ref:- HCPC106/14)

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

14.2 The registrant numbers forecast is reviewed by Council on an annual basis.

14.3 During discussion, the following points were noted:-

- the forecast has also been revised and produced in line with the FAST model format, which was suggested by Mazars, to facilitate rapid determination of errors if they occur. The same parameters have been used in both models.
- the report supports the Five Year Plan but does not calculate income. The forecast is used by the Finance Department to inform this process.
- Commissioners are currently reviewing the cost of training, and any outcome may have an impact on the numbers of students being admitted higher education institutions.
- it is projected that the numbers of social work students graduating will fall by 10% from 2016-17 following a decrease in the numbers of programmes.

14.4 The Council noted that the government will lift the cap on the number university places in 2015-16. The cap has already been increased in preparation for this. The Council considered that this may have an effect on registrant numbers; however it acknowledged that it was not in the interests of any party to oversaturate the employment market for health and care professionals.

14.5 The Council noted that the two versions of the forecast will be maintained as an assurance in cross referencing calculations.

14.6 The Council noted the paper.

Item 15.14/144 5 Year Plan (report ref:- HCPC107/14)

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

15.2 The Council noted that the Executive had intended to bring the Five Year Plan to this Council meeting, prior to conversion to the FAST

standard. However, the Executive proposed that it would be more helpful to bring the Plan to the September meeting, after the Plan and all the component models have been converted to the FAST standard. The Council agreed with this proposal.

15.3 The Council noted the paper.

Corporate Governance

Item 16.14/145 National Audit Office Audit Completion Report 2013-14 (report ref:- HCPC108/14)

16.1 The Council received a paper for discussion from the Executive.

16.2 The Council noted that the Comptroller and Auditor General anticipates certifying the HCPC 2013-14 financial statements with an unqualified audit opinion, without modification. The Audit Committee had considered the findings at their meeting on 26 June 2014.

16.3 The Council noted the following points:-

- due to key HCPC staff changes this financial year, the NAO have not relied on the management accounts as a high level control to provide audit assurance for 2013-14. They will look to take this assurance in future years;
- the NAO did not identify any control weaknesses arising from the restructure of the Council and Committees;
- the NAO are content with the disclosure of the £700K impairment in the Property, Plant and Equipment note in the accounts; and
- the HCPC's procurement policy has been found to be adequate and the two tenders run during the year followed due process.

16.4 The Council noted that other areas of audit emphasis were the purchase of 186 Kennington Park Road which was considered to be a significant risk and will continue to be a key issue for the NAO audit.

16.5 The Council noted the tabled list of unadjusted misstatements, which the Audit Committee were content not to correct.

16.6 The Council approved the NAO Audit Completion Report for 2013-2014.

Item 17.14/146 Annual Report and Accounts 2013-14 (report ref:- HCPC109/14)

- 17.1 The Council received a paper for discussion/approval from the Executive.
- 17.2 The Council noted that the Audit Committee reviewed the draft Annual Report and Accounts at their meeting of 24 June and agreed to recommend them to the Council for approval subject to some amendments. The amendments requested by the Committee were circulated to the Council. It was noted that:-
- the PSA's annual performance review has been added as an assurance;
 - the Audit Committee recommended that the professional fees in relation the 186 Kennington Park Road building project should not be capitalised, but should be treated as operating expenditure as no final decision as to the demolition or refurbishment had yet been reached by Council;
 - the Five Year Plan will be considered by Council at its September meeting. Therefore the reference to the Five Year Plan in the Annual Report and Accounts would be deleted;
 - the text within the Management Commentary, Governance Statement and Remuneration Report has been reordered so as to make it flow more logically;
 - the key operating and financial statistics to include budgeted/forecast data for 2014-15 as well as actual data for the preceding 4 years; and
 - the remuneration report would include the salaries of the Executive Management Team.
- 17.3 The Council accepted the amendments requested by the Audit Committee. The Council agreed that Joy Tweed should be denoted as Education and Training Committee Chair in the attendance table.
- 17.4 The Council agreed that the HCPC was a going concern, based on consideration of the budget and workplans for the year ending 31 March 2015.
- 17.5 The Council agreed that more time should be allowed between the Audit Committee and Council meetings considering the Annual Report and Accounts. This would reduce the amount of tabled amendments to the report.
- 17.6 The Council approved the 2013-2014 Annual Report and Accounts subject to the amendments outlined in 17.2 and 17.3.

Item 18.14/147 Appointments to Council (report ref:- HCPC110/14)

- 18.1 The Council received a paper for discussion/approval from the Executive.
- 18.2 The Council noted that the reconstituted Council took office from 1 January 2014. Four Council members are serving terms of one year and are not eligible for reappointment. It is therefore necessary to commence the appointment process for four new members to be appointed from 1 January 2015.
- 18.3 The Council noted that, at its meeting on 9 May 2013, it approved a document setting out the approach that would be taken in administering the appointments. This was produced in line with relevant guidance from the PSA. The Council agreed that the process outlined remains sound subject to minor amendments as detailed in the paper.
- 18.4 The Council noted that the competencies for Council members were agreed by the Council in July 2008. A workshop was held in February 2013 to discuss these competencies in advance of the last appointment exercise. The Council agreed that no amendments were currently required to the competencies but that they should be reviewed following the appointment of a new Chair of Council in 2015.
- 18.5 The Council approved the arrangements for Appointments to Council as outlined in the paper.

Item 19.14/148 Minutes of the Education and Training Committee held on 5 June 2014 (report ref:- HCPC111/14)

- 19.1 The Council received a paper for discussion/approval from the Executive.
- 19.2 The Council approved the recommendations therein subject to the formal approval of the minutes by the Education and Training Committee.

Items to Note

Item 20.14/149 Research briefs (report ref:- HCPC112/14)

Item 21.14/150 Annotation of the Register - qualifications in podiatric surgery (report ref:- HCPC113/14)

Item 22.14/151 Reports from Council representatives at external meetings (report ref:- HCPC114/14)

Item 23.14/152 Council and Committee meetings 2015 (report ref:- HCPC115/14)

Item 24.14/153 Any other business

24.1 There was no further business.

Item 25.14/154 Meeting Evaluation

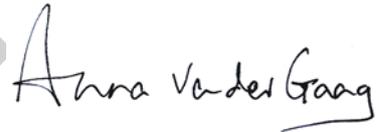
25.1 The Council agreed that the current balance of items for business over the two meeting days was working well.

25.2 The Council requested that the file names used for papers on the iPad started with the agenda item for the meeting.

Item 26.14/155 Date & time of next meeting:

Wednesday 24 September 2014 at 14.00pm and Thursday 25 September 2014 at 9:30am

Chair: ...



Date: ...16.10.2014.....

Confirmed