
Council

Minutes of the 92nd meeting of the Council held as follows:-

Date: Thursday 25 September 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
Graham Towl
Joy Tweed
Nicola Wood
Richard Kennett

In attendance:

Claire Amor, Secretary to Council
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
Brian James, Head of Assurance and Development
Jacqueline Ladds, Director of Communications
Louise Lake, Director of Council and Committee Services
Zoe Maguire, Head of Adjudication
Greg Ross-Sampson, Director of Operations
Marc Seale, Chief Executive and Registrar
John Barwick, Head of investigations
Nicole Casey, Policy Manager
Louise Shewey, Executive Assistant to the CEO and Chair
Edward Tynan, Policy Officer
Eve Seale, Head of Case Management

Public Agenda – Part 2

Item 1.14/175 Chair's welcome and introduction

- 1.1 The Chair welcomed members to the second day of the 92nd meeting of the Council

Item 2.14/176 Apologies for absence

- 2.1 Apologies for absence were received from Robert Templeton.

Item 3.14/178 Approval of agenda

- 3.1 The Council approved the agenda.

Item 4.14/179 Declaration of Members' Interests

- 4.1 Keith Ross declared an interest since his wife is a Council member of the PSA.
- 4.2 Sonya Lam declared an interest in agenda item 13, Consultation on draft standards for podiatric surgery, due to her role of Director of Allied Health Professions at NHS Education for Scotland.

Strategy and Policy

Item 5.14/180 PSA Performance Review Report 2013-14 (report ref:- HCPC130/14)

- 5.1 The Council received a paper for discussion from the Executive.
- 5.2 The Council noted that in June 2014, the PSA published its annual performance review of the regulatory bodies for 2013-14. This included its performance assessment of the HCPC.
- 5.3 During discussion the following points were made:-
- the HCPC received a largely positive performance report this year with the PSA stating that the HCPC had 'maintained its performance as an effective regulator across most of its regulatory functions and continued to meet all of the Standards of Good Regulation';
 - the PSA commended the HCPC's performance in relation to the involvement of service users and carers in its work, as well as its success in managing the transition to statutory regulation of social workers in England;
 - however, the PSA concluded that the HCPC's performance had declined against the fourth and sixth standards for fitness to

practice and that it had performed inconsistently against the tenth standard for fitness to practise; and

- the report concluded that the PSA found no evidence to suggest that the HCPC's approach to regulation of social work education was inappropriate as suggested by the two independent reviews of social work education by Martin Narey and David Croisdale-Appleby.

- 5.4 The Council discussed the accessibility of the HCPC's standards. It was noted that the Standards of Conduct, performance and Ethics Professional Liaison Group had made recommendations relating to multiple formats and accessibility. A communications strategy will accompany the publication of the new standards. A discreet standard on reporting concerns is also being considered.
- 5.5 The Council discussed the information provided on timeliness of the fitness to practise process. The Council praised this work and agreed it was very helpful in explaining the many factors involved in a case.
- 5.6 The Council suggested that enhanced signposting at case reception of factors such as timeliness and the standards of acceptance could help to reduce complaints about the process. It was noted that a piece of work is underway to review the standards of acceptance with a view to developing a complainant focused version.
- 5.7 The Council discussed the HCPC's mediation pilot. It was noted that work had been undertaken to review systems where mediation has proved successful and that mediation was gathering momentum in the regulatory environment. It was also noted that the Irvine review points to useful evidence on the use mediation.
- 5.8 The Council noted the report.

Item 6.14/181 HCPC response to Health Select Committee report (report ref:- HCPC131/14)

- 6.1 The Council received a paper for discussion from the Executive.
- 6.2 The Council noted that, at its meeting on 2 July 2014, it discussed the Health Select Committee's report of the HCPC's accountability hearing which took place in January 2014. The HCPC is now required to respond to the recommendations made in the report.
- 6.3 During discussion the following points were made:-
- the Department of Health is likely to respond to the recommendations about the extension of statutory regulation;

- the HCPC has been notified that another hearing will take place at a date to be confirmed in late 2014 or early 2015. The HCPC will also be asked to submit evidence for this meeting, and this will be an opportunity to raise any other issues not addressed in the report;
 - professional bodies will also likely submit their own evidence, including aspirant groups working towards statutory regulation;
 - the HCPC has listed nine groups in response to the Committee's recommendation relating to the regulation of new groups; and
 - the HCPC has not agreed with the recommendation for a 12 month start to finish timeline for fitness to practise cases.
- 6.4 The Council discussed the regulation of new groups. It was noted that those groups listed in the HCPC's response approached the HCPC independently rather than being risk assessed by the HCPC, and were previously recommended by the Council for regulation. The Council agreed that this should be made clearer in the response.
- 6.5 The Council noted that it had discussed the response.

Item 7.14/182 Fitness to Practise Annual Report 2013-14 (report ref:- HCPC132/14)

- 7.1 The Council received a paper for discussion/approval from the Executive.
- 7.2 During discussion the following points were made:-
- the report is designed to include a range of data that has been included in previous Annual Reports and follows a similar format to those published previously;
 - this year's report included some specific analysis of the cases that were transferred from the General Social Care Council on 01 August 2012;
 - a separate key information document will be published alongside the fitness to practise annual report; and
 - the report is intended to be statistical in nature and enable year on year comparisons of data.
- 7.3 The Council discussed the content of the report. It was agreed that the foreword could be more concise and that the use of complaint and concern needed more definition. The Executive agreed to review this

and pursue stakeholder feedback on the readability of the report following this year's publication.

- 7.4 The Council discussed the statistics contained within the report. It was agreed that it was essential for year on year comparisons to be made and therefore the format of the data should remain consistent. It was noted that the use of the data may be explored in a future project.
- 7.5 The Council approved the 2013-2014 Fitness to Practise annual report, subject to the amendments agreed during the course of discussion.

Item 8.14/183 Enhancing Independence in Fitness to Practise Adjudication (report ref:- HCPC133/14)

- 8.1 The Council received a paper for discussion/approval from the Executive.
- 8.2 During discussion, the following points were made:-
- one of the Law Commission's recommendations was that the PSA should oversee the regulators' progress towards introducing greater separation between investigation and adjudication;
 - there is already a degree of separation between the HCPC's investigation and adjudication functions. However, this separation may not be immediately apparent to stakeholders;
 - the Executive has undertaken a review of HCPC's current model of adjudication and has set out four options for developing independence;
 - option 3 sets out a proposal for the establishment of the Health and Care Professions Tribunal Service (HCPTS) similar to the existing Medical Practitioners Tribunal Service. This is the option which the Executive feels is mostly likely to secure the degree of separation and independence identified by the Law Commissions; and
 - further work will need to be undertaken on the financial implications based upon the option which is pursued.
- 8.3 The Council endorsed the need to show separation and agreed that option three should be pursued. The Council discussed the resource requirements of establishing the HCPTS. It was noted that this would form a major project and would be assessed and prioritised in the projects process.

- 8.4 The Council emphasised that clear governance structures and responsibilities would need to be developed for the HCPTS to effectively function. It noted that fully worked up plans and costings would be presented to the Council at a future date.
- 8.5 The Council noted the paper and agreed to receive more information regarding option three at a future date.

Item 9.14/184 Patients Association Review (report ref:- HCPC134/14)

- 9.1 The Council received a paper for discussion/approval from the Executive.
- 9.2 The Council noted that the HCPC engaged the Patients Association to facilitate a peer review of the HCPC fitness to practice process. This was undertaken in May 2014.
- 9.3 During discussion the following points were made:-
- the cases selected for review were those where the complainant was a service user and an interested party had made a complaint about the process;
 - the HCPC worked in conjunction with the Patients Association to adapt their usual scorecard to reflect the HCPC's processes, policies and legislation;
 - the HCPC has retained this scorecard and this will be used in future internal reviews and audits;
 - all resulting recommendations have been accepted by the Executive and a follow up report will be produced in 12 months' time; and
 - the Patients Association's input will be sought during the Departments tone of voice review of its correspondence.
- 9.4 The Council welcomed the Executive's approach in selecting challenging cases for peer review. It was agreed that this gave the review credibility and ensured it was not tokenistic.
- 9.5 The Council suggested that a future review could approach complaints from the registrant's point of view. It was noted that the peer review session had provided valuable training for HCPC staff.
- 9.6 The Council noted the report and agreed that it would write to the Patients Association to express its thanks and appreciation of the valuable exercise.

Item 10.14/185 5 Year Plan (report ref:- HCPC135/14)

- 10.1 The Council received a paper for discussion/approval from the Executive.
- 10.2 The Council noted that the five year plan is a financial forecast which helps to ensure that the HCPC's finances are sustainable. The plan is updated annually and presented to Council
- 10.3 During discussion the following points were made:-
- it was agreed at the September 2013 Finance and Resources Committee that the Executive would adopt FAST standards for the plan;
 - the Executive engaged consultants to rebuild the plan and the income model to the FAST standard;
 - the plan assumes that 186 Kennington Park Road remains in its current un-refurbished state as no decision has yet been reached by Council. When the options analysis for 186 Kennington Park Road is presented to Council, the five year plan will be updated to reflect the effects of the different options;
 - the sensitivity analysis shows that the variable with the largest impact on the budget is the rate of growth in registrant numbers; and
 - key ratios have been included in the plan. The Council agreed that these were useful and should continue.
- 10.4 The Council noted that the baseline assumption included within the plan for partners' and Council members' fees is an increase of £10 per day, or £3 per day on the Visitor and Registration Assessor fees, with effect from 1 April 2015. This assumption was informed by a recent independent benchmarking exercise. The actual changes in fees are subject to approval by the Council at a later date.
- 10.5 The Council agreed that the income summary table axis should read income rather than income by profession. It was noted that the figures for practitioner psychologists and prosthetists and orthotists under 2014-15 column required switching
- 10.6 The Council approved the plan in principle subject to consideration of further papers in due course.

Item 11.14/186 Expense Policy Review (report ref:- HCPC136/14)

- 11.1 The Council received a paper for discussion/approval from the Executive.
- 11.2 The Council noted that the main change to the policies was the removal of the reimbursement of alcohol costs with meals. In addition, references to Co-op Travel and to paying for one's own rail or air travel and accommodation and being reimbursed have been removed.
- 11.3 The Council approved the expense policies.

Item 12.14/187 Consultation on revised guidance for disabled people wanting to become health and care professionals (report ref:- HCPC137/14)

- 12.1 The Council received a paper for discussion/approval from the Executive.
- 12.2 The Council noted that the guidance was first published in 2006 and is now out of date and requires revision. This revision has been informed by Coventry University's commissioned research in this area.
- 12.3 The Council noted that, at its meeting on 11 September 2014, the Education and Training Committee agreed and recommended to the Council the consultation document and draft revised guidance for consultation.
- 12.4 The Council agreed the draft consultation document and draft revised guidance for public consultation.

Item 13.14/188 Consultation on draft standards for podiatric surgery (report ref:- HCPC138/14)

- 13.1 The Council received a paper for discussion/approval from the Executive.
- 13.2 The Council noted that, in June 2014, the Education and Training Committee agreed to proceed with public consultation on a set of proposed standards for podiatric surgery. It is proposed that the consultation will run from 1 October 2014 to 16 January 2015.
- 13.3 The Council agreed the draft standards for podiatric surgery and the text of the consultation paper.

Item 14.14/189 Consultation on Rules for professional indemnity (report ref:- HCPC139/14)

- 14.1 The Council received a paper for discussion/approval from the Executive.
- 14.2 The Council noted that in order to implement the requirement for professional indemnity insurance fully, the Health and Care Professions Council (Registration and Fees) Rules 2003 require amendment, a process which is subject to public consultation.
- 14.3 The Council noted that the draft Rules amendment Order were considered and recommended to Council by the Education and Training Committee at its meeting in September 2014.
- 14.4 The Council agreed the text of the draft consultation document and Rules.

Item 15.14/190 Results of profession-specific standards of proficiency consultation for biomedical scientists (report ref:- HCPC140/14)

- 15.1 The Council received a paper for discussion/approval from the Executive.
- 15.2 The Council noted that, following a review of the standards by the professional body for biomedical scientists, the HCPC publicly consulted on the draft standards of proficiency for biomedical scientists between 31 March and 20 June 2014.
- 15.3 The Council noted that the Education and Training Committee considered the consultation response analysis and revised draft standards at its meeting in September 2014.
- 15.4 The Council approved the revised standards of proficiency for biomedical scientists and the text of the consultation analysis document (subject to minor editing amendments and formal legal scrutiny).

Item 16.14/191 Results of profession-specific standards of proficiency consultation for clinical scientists (report ref:- HCPC141/14)

- 16.1 The Council received a paper for discussion/approval from the Executive.
- 16.2 The Council noted that, following a review of the standards by the professional body for clinical scientists, the HCPC publicly consulted on the draft standards of proficiency for clinical scientists between 31 March and 20 June 2014.
- 16.3 The Council noted that the Education and Training Committee considered the consultation response analysis and revised draft standards at its meeting in September 2014.

- 16.4 The Council approved the revised standards of proficiency for clinical scientists and the text of the consultation analysis document (subject to minor editing amendments and formal legal scrutiny).

Corporate Governance

Item 17.14/192 Competencies for the appointment of the Chair of Council (report ref:- HCPC142/14)

- 17.1 The Council received a paper for discussion/approval from the Executive.
- 17.2 The Council noted that the term of office of the Chair of Council will come to an end on 30 June 2015. In preparation for the recruitment exercise for the role, the Executive has reviewed the existing competencies for the role of Chair and has proposed amendments.
- 17.3 The proposed amendments have been informed by a review of competencies for similar roles, including those used in two recent exercises to recruit chairs to the other professional regulatory bodies.
- 17.4 The Council agreed the revised competencies for the Chair of Council.

Item 18.14/193 Appointment of an independent member to the Audit Committee (report ref:- HCPC143/14)

- 18.1 The Council received a paper for discussion/approval from the Executive.
- 18.2 The Council noted that, at its meeting on 27 March 2014, it agreed the process for appointing an independent member to the Audit Committee. Following a recent appointment exercise, the appointment panel decided, subject to ratification by the Council, to appoint Julie Parker to the Audit Committee.
- 18.3 The Council appointed Julie Parker to the Audit Committee for a term of four years commencing from 25 September 2014.

Item 19.14/194 Council members performance and development review 2013-14 (report ref:- HCPC144/14)

- 19.1 The Council received a paper for discussion from the Executive.
- 19.2 The Council noted that members who joined the Council in January 2014 did not complete the full review process as it was considered too early in their tenure to make a formal evaluation. Instead, all held one to one meetings with the Chair in July and will have an opportunity to

complete the full formal review in January 2015. The remaining Members completed the full review process as in previous years.

19.3 The council noted the paper.

Item 20.14/195 Minutes of the Audit Committee held on 24 June 2014 (report ref:- HCPC145/14)

- 20.1 The Council received a paper for discussion/approval from the Executive.
- 20.2 The Council approved the recommendations therein subject to the formal approval of the minutes by the Audit Committee.

Items to Note

Item 21.14/196 Directive 2013/55/EU - revised recognition of professional qualifications (RPQ) Directive (report ref:- HCPC146/14)

Item 22.14/197 Research on preparation for practice (report ref:- HCPC147/14)

Item 23.14/198 Registration service standards (report ref:- HCPC148/14)

Item 24.14/199 Reports from Council representatives at external meetings (report ref:- HCPC149/14)

Item 25.14/200 Any other business

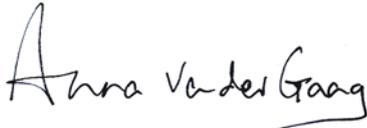
25.1 There was no further business.

Item 26.14/201 Meeting Evaluation

25.1 There were no comments from members.

Item 27.14/202 Date & time of next meeting:

The next meeting of the Council would be held Thursday 16 October 2014 at 1pm. This meeting will take place at Cragwood Hotel, Windermere, Cumbria, LA23 1LQ.

Chair: ... 

Date: ...03.12.2014.....