

Council

Minutes of the 94th meeting of the Health and Care Professions Council as follows:-

Date: Wednesday 3 December 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 Buckley
Mary Clark-Glass
John Donaghy
Sheila Drayton
Richard Kennett
Sonya Lam
Keith Ross
Robert Templeton
Graham Towl (Item 8 onwards)
Joy Tweed
Nicola Wood

In attendance:

John Barwick, Head of Investigations
Laura Coveney, Policy Officer
Mark Dittmer, Communications Officer
Guy Gaskins, Director of Information Technology
Andy Gillies, Director of Finance
Abigail Gorringer, Director of Education
Michael Guthrie, Director of Policy and Standards
Teresa Haskins, Director of Human Resources
Samantha Herelle, Events Manager
Kelly Holder, Director of Fitness to Practise
Daniel Knight, Publications Manager

Jacqueline Ladds, Director of Communications
Louise Lake, Director of Council and Committee Services
Greg Ross-Sampson, Director of Operations
Marc Seale, Chief Executive and Registrar
Rebekah Taylor, Communications Officer
Alex Urquhart, Education Officer

Public Agenda – Part 1

Item 1.14/174 Chair’s welcome and introduction

- 1.1 The Chair welcomed Council members and those seated in the public gallery to the 94th meeting of Council.

Item 2.14/175 Apologies for absence

- 2.1 There were no apologies for absence received.

Item 3.14/176 Approval of Agenda

- 3.1 The Council noted that Item 21 “Correspondence with the British Association for Applied Nutrition and Nutritional Therapy” was “for discussion” not “to note” as stated in the agenda. With that amendment, the Council approved the agenda.

Item 4.14/177 Declaration of Members’ interests

- 4.1 Keith Ross declared an interest since his wife is a Council member of the Professional Standards Authority.

Item 5.14/178 Minutes of the Council meeting of 16 October 2014 (report ref:- 153/14)

- 5.1 The Council considered the minutes of the 93rd meeting of the Health and Care Professions Council.
- 5.2 In relation to the minute of the item “HCPC response to Department of Health consultation on the regulation of public health specialists from non-medical backgrounds” the following issues were raised:-
- paragraph 6.3: it was noted that whilst the statement may be accurate, it may be construed as conjecture. It was therefore agreed that the words “in an attempt to avoid proceedings” be removed; and
 - paragraph 6.7: it was noted that the Chair would approve the answers to the questions, not the questions.

5.3 The Council agreed the minutes subject to inclusion of the amendments detailed under 5.2.

Item 6.14/179 Matters Arising (report ref:-HCPC154/14)

6.1 The Council noted the matters arising from the meeting held on 16 October 2014.

Item 7.14/180 Chair's report (report ref:-HCPC155/14)

7.1 The Council received a report from the Chair.

7.2 During discussion the following points were made:-

- In relation to the Council member interviews (item 11), the Council noted that the names of four candidates had been recommended to the Privy Council and we were awaiting confirmation from them;
- The meeting with PSA (item 2) was to discuss negative registration and understand in more detail how it works. There was concern about the use of the word "negative" and it was noted that alternative names were discussed, including "suitability scheme."
- In relation to the meeting with Jocelyn Cornwell, Director, The Point of Care Foundation, the Council noted that the organisation, where Robert Francis QC is a Trustee, focussed on improving patient experience of care, principally through the delivery of Schwartz Rounds. It was further noted that Jocelyn was interested in the work of the HCPC and this could be a positive new collaboration which sits well with our work on professionalism;
- With regard to the meeting with the Executive Director of Which? the Council noted that this was an initial meeting which focussed on complaints handling and accessibility of information. The organisation was also interested in our mediation pilot;
- It was noted that the meeting with Paul Burstow MP on 18 November was in relation to the suitability scheme for adult social care workers. This was a follow-up after the Liberal Democrat Conference where Mr Burstow had expressed an interest in the Scheme. Mr Burstow had issued a report on 2 December which included positive references to the scheme.

7.3. The Council noted the report.

Item 8.14/181 Chief Executive's report (report ref:-HCPC156/14)

8.1 The Council received a report from the Executive.

8.2 During discussion, the following points were made:-

- On 27 November 2014, the Smith Commission published its report detailing Heads of Agreement on further devolution of powers to the Scottish Parliament. However, there were no references to healthcare regulation;
- There was ongoing work with the Department of Health and the Department for Education and the two chief social workers in relation to social work education;
- 94% of social workers in England had renewed together with 97% of operating department practitioners;
- With reference to the meeting in Canada with the Registrar and CEO of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario, it was noted that this was an interesting meeting and an opportunity to see how this group were being regulated; and
- It was noted that the meeting with Kate Mathers from the NAO was an annual update covering general issues as opposed to discussing our specific audit process.

8.3 The Council noted the report.

Strategy and Policy

Item 9.14/182 Preventing small problems from becoming big problems: a study of competency drift and disengagement in health and care professionals (report ref:-HCPC157/14)

9.1 The Council received a report from the Executive.

9.2 The Council noted that in March 2014, we commissioned a piece of research with Picker Europe to gain a better understanding of the factors which gives rise to complaints and concerns about health and care professionals. The purpose of this research was to explore what might cause registrants to become 'disengaged' and to understand more about what the public and registrants views are on the causes of disengagement and 'competency drift.' It is anticipated that Council will receive this research report in February 2015.

9.3 At the same time, we also commissioned Zubin Austin from the University of Toronto to review the relevant literature related to competence in the context of the health and care professions.

9.4 During discussion, the following points were made:-

- That whilst the paper had an emphasis on health, there was no reason it why it would not equally apply to social work practise. The Chair noted that there was an opportunity to 'tweak' wording should we wish to do so and any suggestions should be fed back to the Executive;

- That this paper links with our other areas of activities such as CPD and could also be useful in influencing our forthcoming review of the Standards of Education and Training;
- That there could be some learning from an Fitness to Practise perspective in that greater support of an individual may mean that Fitness to Practise proceedings may be avoided;
- The conclusions drawn in this paper could be used across the organisation;
- That there is a consistency about the conclusions in this paper and the research being carried out by the University of Durham with its emphasis on the value of mentoring and coaching;
- That it may be difficult to operationalise this, for example, how could one measure constructs such as 'kindness'?

9.5 The Council discussed the paper and noted the contents therein.

Departmental Reports

Item 10.14/183 Fitness to Practise Report (report ref:- HCPC158/14)

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 Fitness to Practise Department since the September meeting of Council.

10.2 During discussion, the following points were made:-

- The publication "information for employers" was currently being updated and the amended version would be published in March 2015. In response to a concern about a related increase in complaints, the Council noted that this was more of a guide for employers about when to refer a case, what information was required from them and at what stage of the process this was required;
- In response to a question about the high number of cases per case manager, the Council noted that some temporary staff had been employed to undertake some of the more routine work in order to alleviate some of the workload. In addition, the department had recently recruited five individuals who were about to take up their posts and so this should further assist in alleviating workloads. The Director of Fitness to Practise noted that some work was being undertaken to see if cases could be weighted to ensure a fairer distribution of caseload amongst the case managers;
- With reference to the level of social worker cases, the Council noted that one individual often complains about a number of social workers. The Council noted that a review of the Standards of Acceptance was going to be

carried out to understand those cases that become “no case to answer” and what, if anything, could be done earlier in the process so these cases were not progressed;

- Following on from this, the Council noted that if the Executive were looking at the standard of acceptance, particularly in relation to social work cases that involved childcare proceedings, it would be worthwhile looking into the difference between what was a difficult decision taken by the social worker, versus malpractice;
- A new training advisor had been appointed within the department and this person could look at resilience training;
- The Council noted that in October, they were informed that the number of registration appeals were relatively low. However, the number is now at one of its highest levels. In response, it was noted that the figure provided in October was up to and including August 2014. The Council noted that the Executive were looking at how the length of time taken to process registration appeals could be shortened;
- It would be helpful if, in future, the graphs on each page of the Report could be aligned with the tables beneath.

10.3 The Council noted the report.

Item 11.14/184 Policy and Standards Report (report ref:-HCPC159/14)

- 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 Policy and Standards Department since the September meeting of Council.
- 11.2 The Council noted that the Welsh Language Commissioner was undertaking a standards investigation to see how far regulators were treating English and Welsh on an equivalent basis when conducting business in Wales. The Council noted that in addition to the availability of publications in Welsh, invitations to ‘Meet the HCPC’ events in Wales are sent bilingually.
- 11.3 The Council noted that the PSA’s report on duty of candour had now been published and a report would be considered at the February meeting of Council. In response to a question about whether the PSA provided feedback on our view of “should apologise” as opposed to “must apologise” the Council noted that the report set out our view in factual terms and that, interestingly, whilst the GMC and the NMC had signed up to the terminology of “must apologise” in the statement, their recent consultation on joint candour guidance says that their registrants ‘should apologise’.”
- 11.3 The Council noted the report.

Item 12.14/185 Operations Report (report ref:- HCPC160/14)

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 September meeting of Council.

12.2 During discussion, the following points were made:-

- In relation to CPD profiles, 81% had been received by 2 December 2014;
- That there may be an increase in international applications but this transaction is cost neutral and therefore not a budgetary concern;
- The Council noted that, owing to a shortage of paramedics in London, the London Ambulance Service (LAS) had carried out a recruitment drive in Australia and New Zealand and were now seeking to expedite the registration of approximately 600 paramedics. Concern was expressed at the reputational issues surrounding this: on one hand if we did not register the paramedics quickly enough then blame may be apportioned on us but secondly, our overriding concern must be to ensure the protection of the public, and in all respects due process needed to be followed; and
- It was noted that six of the registration assessors for paramedic worked for the LAS and therefore conflicts of interest would need to be monitored carefully.

12.3 The Council noted the report.

[A short break was taken at 3:35pm and the meeting resumed at 3:45pm.]

Item 13.14/186 Secretariat Report (report ref:-HCPC161/14)

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 Secretariat Department since the September meeting of Council.

13.2 The Council noted the report.

Item 14.14/187 Education Report (report ref:-HCPC162/14)

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 Education Department since the September meeting of Council.

14.2 The Council noted the report.

Item 15.14/188 Information Technology Report (report ref:-HCPC163/14)

- 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 Information Technology Department since the September meeting of Council.
- 15.2 In relation to the graph on page 12, IT service availability, the downtime seen in August was a fault on routing which is external to HCPC's infrastructure.
- 15.3 The Council noted the report.

Item 16.14/189 Communications Report (report ref:-HCPC164/14)

- 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 September meeting of Council.
- 16.2 The Council noted that in the coming months, some further work would be done in relation to the communications campaign on tax relief for registrants. The suggestion was made that it may be worthwhile contacting a "money saving" website to run an article. In response, the Council noted that some work could be done with the registration team on communication with registrants.
- 16.3 The Council noted the report.

Item 17.14/190 Finance Report (report ref:-HCPC165/14)

- 17.1 The Council received a paper for discussion from the Executive. The Council noted that the report set out the main activities of the Finance Department since the September meeting of Council.
- 17.2 During discussion, the following points were made:-
- the budget forecast provides a prudent overview and no corrective action was required; and
 - that the shortfall in income was down to a miscalculation in terms of the number of registrants in receipt of a reduced fee level;
- 17.3 The Council noted the report.

Item 18.14/191 Human Resources Report (report ref:-HCPC166/14)

- 18.1 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 Department since the September meeting of Council.

- 18.2 There was some concern over the level of staff turnover and it was noted that often one member of staff on long term sickness absence can impact on the figures. Concern was expressed that whilst comparatively speaking this level of turnover did not seem too high, in order to make a suitable assessment, it would be helpful to compare the figure to an organisation with a similar age profile.
- 18.3 The Council noted the report.

Item 19.14/192 Correspondence with the British Association for Applied Nutrition and Nutritional Therapy (report ref:-HCPC169/14)

- 19.1 Further to item 3 of the agenda, it was agreed that this paper was for discussion.
- 19.2 The Council received a paper for discussion from the Executive.
- 19.3 The Council noted that on 4 September 2014, the British Association for Applied Nutrition and Nutritional Therapy (BANT) wrote to the HCPC with a petition seeking amendment of the dietitians part of the HCPC Register to provide for the regulation of nutritional therapists. A request was also sent to the Privy Council.
- 19.4 The Council noted our position, based on legal advice, is that an amendment of the Register in the manner requested would be ultra vires. Further, that the standards of proficiency for dietitians have to be set at a level required for safe and effective practice and cannot be varied in the manner described. To date no subsequent correspondence has been received.
- 19.5 The Council endorsed the approach taken.

The Council noted the following items:-

Item 20.14/193 Response to Department of Health consultation on the Professional Standards Authority (PSA) Fee (report ref:-HCPC167 /14)

- 20.1 The Council received a paper to note from the Executive.
- 20.2 Concern was expressed that under the proposals, HCPC registrants would pay a higher amount than registrants of other healthcare regulators who are generally paid more than our registrants.
- 20.3 The suggestion was made that the levy should be a percentage of the fee multiplied by the number of registrants.
- 20.4 The comments of the Council were noted.

Item 21.14/194 Professionalism study – final interim report (report ref:- HCPC168/14)

Item 22.14/195 Suitability Scheme for adult social care workers in England (report ref:-170/14)

Item 23.14/196 Employee Exit Interview report 2013/14 (report ref:-HCPC171/14)

Item 24.14/197 Reports from Council representatives at external meetings (report ref:- HCPC172/14)

Item 25.14/198 Minutes of the Education and Training Committee meeting held on Thursday 20 November 2014 (report ref:-HCPC173/14)

Item 26.14/199 Any other business

26.1 The Council noted that there were no further items for consideration that day.

Chair:

Date: