
Council

Minutes of the 99th meeting of the Health and Care Professions Council as follows:-

Date: Monday 29 June 2015

Time: 2pm

Venue: ETC Venues, 6 Avonmouth St, London SE1 6NX (Due to flooding in Kennington Park Road, the location of Council meeting was changed.)

Present: Anna van der Gaag (Chair)
Elaine Buckley
Stephen Cohen
Sonya Lam
Eileen Mullan
Joanna Mussen
Robert Templeton
Graham Towl
Joy Tweed
Nicola Wood (Items 1-9 inclusive)

In attendance:

Georgia Akuffo-Kumih, HR Business Partner
Claire Amor, Information Governance Manager
Roy Dunn, Head of Business Process Improvement
Guy Gaskins, Director of Information Technology
Andy Gillies, Director of Finance
Abigail Goringe, Director of Education
Michael Guthrie, Director of Policy and Standards
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

Public Agenda – Part 1

Item 1.15/128 Chair's welcome and introduction

- 1.1. The Chair welcomed Council members and those seated in the public gallery to the 99th meeting of Council. The Council noted that the location of the meeting had been changed as a result of flooding in Kennington Park Road which had resulted in the disaster recovery plan being invoked and the building evacuated. The Chair thanked all those involved in re-organising the meeting venue at such short notice.
- 1.2. The Chair wished to place on record her congratulations on behalf of the Council on the recent appointment of Elaine Buckley as Chair of Council, starting on 1 July 2015.

Item 2.15/129 Apologies for absence

- 2.1 Apologies for absence were received from Richard Kennett and Stephen Wordsworth.

Item 3.15/130 Approval of Agenda

- 3.1 The Council approved the agenda subject to the following:-
 - The Audit Committee minutes under item 20, enclosure 15 to be considered on 30 June because of their relevance to the Annual report which was also due to be considered on 30 June;
 - The additional item in relation to the Assessment and Selection Panel for the recruitment of a registrant Council member to be considered under item 25 'Any Other Business'.

Item 4.15/131 Declaration of Members' interests

- 4.1 Elaine Buckley declared an interest under item 19, 'Remuneration of Chair.'

Item 5.15/132 Minutes of the Council meeting of 13 and 14 May 2015 (report ref:-HCPC78/15)

- 5.1 The Council considered the minutes of the 98th meeting of the Health and Care Professions Council.
- 5.2 With reference to the minutes of the meeting held on 14 May 2015 in relation to the paper 'Outcomes of the consultation on the HCPC Fees' (paragraph 5.3, bullet point number nine), the suggestion was made that the sentence be shortened to reflect that not every fee rise would necessarily be as a direct

result of an increase to the PSA levy. The bullet point would therefore read as follows:- “That no commitment was being made in terms of future increases to the HCPC registration fees.”

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

Item 6.15/133 Matters Arising (report ref:-HCPC79/15)

6.1 The Council noted the matters arising from the meetings held on 13 and 14 May 2015.

6.2 The Council noted that the Information Governance presentation detailed on the paper would be rescheduled for September.

6.3 In response to a question about when the new HCPC website would be launched, the Council noted that phase one had been deployed and this included changes to the wording on the homepage. The second deployment was imminent.

6.4 The Council noted an additional ‘matters arising’ from the previous meeting, notably that the Audit Committee Terms of Reference would be considered at the October Away day meeting.

Item 7.15/134 Chair’s report (report ref:-HCPC80/15)

7.1 The Council received a report from the Chair.

7.2 During discussion, the following points were made:-

- That a series of meetings had been held in Washington with regulators, professional bodies and professional associations and the theme of the discussions was the HCPC model of multi-profession regulation. An interesting development in the US had been the use of gaming in on line tests of competence (for example, see National Board of Certification of OTs);
- A theme emerging from the CLEAR conference on 25-26 June was the lack of evidence in relation to the impact of continuing competence testing on performance – the policing model. Mentoring by trusted colleagues was more likely to have an impact on practise;
- The meeting on 19 May with Harry Cayton was to discuss the PSA performance review. Unlike previous years, the Chair and Chief Executive had met with the PSA before the finalisation of the report and had concluded that this new approach had worked well;

- There had been a positive feedback in relation to the disengagement report when it was presented at the 'Meet the HCPC' in Middlesbrough on 2 June;
- The Council were apprised of the approach to regulation taken in the US and noted the current issue whereby there were attempts to encourage the recognition of licences across states, (known as the licensure compact) in order to facilitate mobility of professionals between US states.

7.3 The Council noted the report.

Item 8.15/135 Chief Executive's report (report ref:-HCPC81/15)

8.1 The Council received a report from the Chief Executive.

8.2 During discussion, the following points were made:-

- With reference to the scheduled meeting on 14 July with the Occupational Therapy Board of New Zealand, the Council noted that overseas organisations often took an interest in HCPC's approach to multi-professional regulation;
- The Council noted that a memorandum of understanding was being drawn up with Jersey and this was to ensure ongoing co-operation in relation to any Fitness to Practise cases which may arise under their jurisdiction;
- The Council noted that the Chief Executive attended a session of the Health and Sport Committee at the Scottish Parliament on 23 June. This arose since members of the Scottish Parliament had triggered the 'praying' process in relation to the legislation to increase the HCPC's registration fees. A motion had been tabled to annul the legislation. It was noted that the Committee voted against the motion;
- The Chief Executive gave the Council a full briefing in relation to the floods that had occurred in Kennington Park Road that morning and the resulting action of invoking the 'disaster recovery plan;'
- In response to a concern about 405 Kennington Road and what would happen should that building flood, the Council noted that the electrical sub-station for the whole area was underneath that building;
- It was noted that no additional days would be added to the current renewal period as the short period that the online renewal facility was scheduled to be down would have little impact since the professions in the renewal cycle still had over two months left for renewal.

8.3 The Council noted the report.

Items for discussion/approval

Departmental Reports

Item 9.15/136 Human Resources Report (report ref:-HCPC82/15)

9.1 The Council received a report from the Executive.

9.2 The Council noted the main activities of the Human Resources department.

9.3 During discussion, the following points were made:-

- The Council noted that agency staff were generally required in specific roles in the Fitness to Practise department. The tendency is to group together any case manager recruitment and so the use of agency staff should decline;
- The Council were apprised of the approach to Partner performance reviews and the Council noted that whilst Higher Education providers do not feed back specifically on visitors, if an issue were to arise as part of a visit, they have the opportunity to feed this back;
- The Council noted that the gap between budgeted employees and total employees as set out on page 8 of the report was as a result of a number of organisational changes.

9.4 The Council discussed the paper and noted the contents.

Item 10.15/137 Finance Report (report ref:-HCPC83/15)

10.1 The Council received a report from the Executive.

10.2 The Council noted the main activities of the Finance department since the May 2015 meeting of Council. It included statistical information and highlights key work undertaken.

10.3 During discussion, the following points were made:-

- The department were working towards a process whereby partners will be paid their fees without physical invoicing;
- The investment policy states that the target rate of return for investments should equal or better the Bank of England base rate. That rate was 0.5% for 2014-2015 and HCPC achieved an average rate of 0.85% and so exceeded the target;
- That the management accounts for the month still included the accruals carried over from last year and, in addition, they showed a

positive variance against the budget of £1.06M which is mainly as a result of timing differences;

- There was some discussion about the reserves policy and the level it should be set at in relation to operating expenditure. It was noted that should HCPC move to monthly direct debits for payment of registration fees, this would need to be reviewed. The suggestion was made that this need to be looked at in line with the investment policy.

10.4 The Council discussed the paper and noted the contents.

Item 11.15/138 Communications Report (report ref:-HCPC84/15)

11.1 The Council received a paper from the Executive.

11.2 The Council noted the main activities of the Communications department since the last meeting of Council. It included statistical information and highlights key work undertaken across the range of communication channels.

11.3 During discussion, the following points were made:-

- There was discussion in relation to the disparity between the number of Fitness to Practise references within media coverage in April (170) compared to May (24). It was noted that this could be attributed to a particularly high profile case;
- With reference to press releases, it was noted that on occasions, we issue press releases in relation to Fitness to Practise cases although sometimes they may have already been picked up by the media. It was therefore a combination of both proactive and reactive media;
- In response to a question about the College of Social Work, the Council noted that no comment had been made about the closure as it was not felt appropriate for the regulator to do so.

11.4 The Council discussed the paper and noted the contents.

Item 12.15/139 Information Technology Report (report ref:-HCPC85/15)

12.1 The Council received a paper from the Executive.

12.2 The Council noted the main activities of the information Technology department.

12.3 During discussion, the following points were made:-

- The migration from lotus notes to Microsoft outlook had been delayed due to the anticipated impact of the rail strikes scheduled for June as this would have prevented having onsite 'floor walkers' on the first day;
- The subsequent go-live date was postponed after an issue was discovered with the Education system and how it processed emails. This had been escalated to Microsoft;
- With reference to the HR and partners systems build, the Council noted that we had gone through a full OJEU tender with documentation setting out the full specifications. The shortcomings in the technologies ability was not as a result of missing specifications. The technology vendor has resolved to develop the technology in order to close the gap.

12.4 The Council discussed the paper and noted the contents.

Item 13.15/140 Education Report (report ref:-HCPC86/15)

13.1 The Council received a paper from the Executive.

13.2 The Council noted the main activities of the Education Department in April, May and June 2015. The update included statistical information and highlighted key work undertaken.

13.3 During discussion, the following points were made:-

- There was discussion about whether a decrease in the number of approved programmes could lead to an impact on competition. In response, the Council noted that this is not something we would get involved in as our focus was to ensure that students completing an approved programme met our standards;
- The Council noted that there was a high number of paramedic programme approval visits planned for the summer. As a result, some approval visits would be conducted by one paramedic plus another visitor rather than two paramedics which was permissible under our legislation.

13.4 The Council discussed the paper and noted the contents.

Item 14.15/141 Secretariat Report (report ref:-HCPC87/15)

14.1 The Council received a paper from the Executive.

14.2 The Council noted the main activities of the Secretariat department which included preparing for a further recruitment campaign to recruit a registrant member in the place of Elaine Buckley.

14.3 The Council discussed the paper and noted the contents.

Item 15.15/142 Operations Report (report ref:-HCPC88/15)

15.1 The Council received a paper from the Executive.

15.2 The Council noted the main activities of the Operations department.

15.3 During discussion, the following points were made:-

- The Council wished to place on record their thanks to Roy Dunn and his team in achieving the recent ISO certification;
- With reference to the presentation of information, concern was expressed that some of the achievements of the registration department still needed to be highlighted within the report;
- The Council noted a 32.1% decrease in the number of telephone calls received by the registration team. Whilst this meant less personal interaction with registrants, it did mean that efforts could be re-directed into other areas of work.

15.4 The Council discussed the paper and noted the contents.

Item 16.15/143 Policy and Standards Report (report ref:-HCPC89/15)

16.1 The Council received a paper from the Executive.

16.2 The Council noted the main activities of the Policy and Standards department.

16.3 During discussion, the following points were made:-

- The Council noted that a submission had been made to Ben Gummer, the new Secretary of State for Health in relation to public health specialists although he had not yet responded. No legislation in relation to public health specialists was therefore expected until the next session of Parliament at the earliest;
- The Director of Policy and Standards would be spending some time at AHPRA (Australian Health Practitioner Regulation Agency) in August/September and planned to undertake some work in relation to continuing fitness to practice;
- The Council noted the ongoing work in relation to research and noted that the research team working on CPD perceptions and experiences are due to present their findings to the Education and Training Committee meeting in September 2015. The outcomes arising from

this research would be taken forward by various departments, not just the Policy and Standards team.

16.4 The Council discussed the paper and noted the contents.

Item 17.15/144 Fitness to Practise Report (report ref:-HCPC90/15)

17.1 The Council received a paper from the Executive.

17.2 The Council noted the main activities of the Fitness to Practise department. The report includes statistical information relating to case management and adjudication activity in May 2015 as well as length of time analysis.

17.3 The Council discussed the paper and noted the contents.

Item 18.15/145 Chief Executive's Summary of key issues

18.1 In response to a question about the government's agenda, the Council noted that we were still not clear on the government's direction of travel or their appetite or otherwise in relation to regulation.

18.2 It was noted that whilst the appetite for statutory regulation was not yet known, it was important to continue to drive the mediation agenda which had wider support.

The Council agreed to waive Standing Order no 13 in order that the rest of the business could be transacted that day.

Corporate Governance

Item 19.15/146 Remuneration of Chair (report ref:-HCPC91/15)

19.1 The Council received a paper from the Executive.

19.2 The Council noted that between January and May of this year, a recruitment campaign took place in order to appoint a new Chair of Council. The assessment and selection panel recommended one candidate to the Privy Council for appointment. Given the successful candidate's suitability for the role, this option was explored further and the proposal was that, in return for 3/5 of the candidate's current working time, the HCPC reimburse the employer at a rate of £58,250 per annum.

19.3 During the discussion the following points were made:-

- Concern was raised that the role as HCPC Chair required more than 3/5 of an individual's working week and may not be enough time to fulfil the commitments of the role. In response the Council noted that this was a realistic amount of time to dedicate to the role and whilst the

incumbent Chair had exceeded that time commitment this year, this was as a result of additional workload not specific to the role of Chair, for example working on research documents;

- In response to a question about whether the practicalities of such an arrangement had been explored in detail with the university, the Council noted that this had been detailed as part of the contract;
- There was support for an annualised fee rather than a daily rate for the role of Chair;
- That should the agreed time commitment be exceeded by the Chair, this needed to be flagged by the incumbent in order that arrangements could be reviewed;
- It was important to ensure that any package agreed with the employer was sufficient in order to maintain the same level of pension contributions for the individual;
- It was important for the Chair to know that they could call on members of Council for support, for example, to attend meetings.

19.4 The Council agreed:-

- (i) the approach for payment of fees for the HCPC Chair be changed;
- (ii) that an annual payment of £58,250 be made to the candidates employer in return for 3/5 of the candidates current working time in order that they can fulfill their role as Chair of HCPC;
- (iii) The detailed arrangements be documented in a contract entered into by HCPC and the employer.

Item 20. 15/147 Minutes of the Audit Committee meeting held on Wednesday 17 June 2015 (report ref:-HCPC92/15)

20.1 The Council agreed that this item be considered as part of the agenda for Tuesday 30 June 2015.

Items to Note

The Council noted the following reports:-

Item 21.15/148 Council members' performance and development review 2014-2015 (report ref:-HCPC93/15)

Item 22.15/149 Reports from Council representatives at external meetings (report ref:-HCPC94/15)

Item 23.15/150 Council and Committee dates 2016 (report ref:-HCPC95/15)

Item 24.15/151 Minutes of the Education and Training Committee meeting held on Thursday 4 June 2015 (HCPC96/15)

Item 25.15/152 Any other business:

Appointment of the Assessment and Selection Panel for the Recruitment of a Council member

- 25.1 The Council received a paper for discussion from the Executive.
- 25.2 The Council noted that an Assessment and Selection Panel was required in order to recruit a registrant Council member in the room of Elaine Buckley who had been appointed as Chair with a term starting on 1 July 2015.
- 25.3 The Council agreed the Assessment and Selection Panel as follows:-
- Elaine Buckley, Chair of Council and Chair of the Panel;
 - Gareth Hadley, Chair of the General Optical Council;
 - Penny Bennett, an independent.

Item 26.15/153 Resolution

26.1 The Council adopted the following resolution:

'The Council hereby resolves that the remainder of the meeting shall be held in private, because the matters being discussed relate to the following;

Item	Reason for Exclusion
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- (a) information relating to a registrant, former registrant or application for registration;
- (b) information relating to an employee or office holder, former employee or applicant for any post or office;
- (c) the terms of, or expenditure under, a tender or contract for the purchase or supply of goods or services or the acquisition or disposal of property;
- (d) negotiations or consultation concerning labour relations between the Council and its employees;
- (e) any issue relating to legal proceedings which are being contemplated or instituted by or against the Council;
- (f) action being taken to prevent or detect crime to prosecute offenders;
- (g) the source of information given to the Council in confidence; or

- (h) any other matter which, in the opinion of the Chair, is confidential or the public disclosure of which would prejudice the effective discharge of the Council's functions.'

27.15/154 Minutes of the private part of the Education and Training Committee meeting held on Thursday 4 June 2015 (report ref:-HCPC97/15)

27.1 The Council received the minutes of the private part of the Education and Training Committee meeting held on Thursday 4 June 2015.

27.2 The Council noted the minutes of the meeting.

Chair: Elaine Buckley

Date: 12.04.2016