

Council

Minutes of the 97th meeting of the Health and Care Professions Council as follows:-

Date: Thursday 26 March 2015

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 Buckley
Stephen Cohen
Richard Kennett (item 5 onwards)
Sonya Lam
Joanna Mussen
Robert Templeton
Graham Towl
Joy Tweed
Nicola Wood
Stephen Wordsworth

In attendance:

John Barwick, Acting Director of Fitness to Practise
Natalie Berrie, Registration Manager (Items 1-18)
Jonathan Bracken, Solicitor to HCPC (Items 8-19)
Nicole Casey, Policy Manager (Item 5 - 18)
Roy Dunn, Head of Business Process Improvement (Items 1-18)
Guy Gaskins, Director of Information Technology
Andy Gillies, Director of Finance
Abigail Gorringe, Director of Education (Items 1-18)
Michael Guthrie, Director of Policy and Standards (Items 1-18)
Steve Hall, Facilities Manager
Grant Imlach, Media and PR Manager (Items 1-18)

Amar Karia, Interim Finance Business Partner (Items 1-18)
Sarita Khaira, Head of FtP Service Improvement (Item 9 -18)
Daniel Knight, Publishing Manager (Items 1-18)
Jacqueline Ladds, Director of Communications (Items 1-18)
Louise Lake, Director of Council and Committee Services
Zoe Maguire, Head of Adjudication (Items 1-18)
Sushila Pindoria, BDB (Items 8-19)
Greg Ross-Sampson, Director of Operations
Keely Scott, Events Manager (Items 1-18)
Marc Seale, Chief Executive and Registrar
Edward Tynan, Policy Officer (Item 6-18)

Public Agenda – Part 1

Item 1.15/70 Chair’s welcome and introduction

- 1.1 The Chair welcomed Council members and those seated in the public gallery to the 97th meeting of Council.

Item 2.15/71 Apologies for absence

- 2.1 Apologies were received from Eileen Mullan.

Item 3.15/72 Approval of Agenda

- 3.1 The Council approved the agenda.

Item 4.15/73 Declaration of Members’ interests

- 4.1 Sonya Lam declared an interest under item 10 ‘Results of the consultation on standards for podiatric surgery’, since her employer, NES, is developing an education programme for podiatric surgery.

Items for discussion/approval

Strategy and Policy

Item 5.15/74 Registration numbers forecast (report ref:- 41/15)

- 5.1 The Council received a paper from the Executive.
- 5.2 The Council noted that the Registration numbers forecast is revised every year. It is used to see changes to numbers of registrants over time. The information

has been produced in the FAST format, a methodology suggested by Mazars, to allow rapid determination of errors if they occur.

5.3 During discussion, the following points were made:-

- Market changes such as a reduction in local authority spending agreement do not always impact on registrant numbers since registrants tend to remain active in their profession during periods of unemployment;
- With reference to the international applicant figures on page 13, the Council noted that the HCPC were expecting a 'spike' of EU Social worker applicants in the next financial year. The forecast for the subsequent years is reflective of previous new professions;
- There had been a small 'spike' of international paramedic applicants owing to the recruitment drive undertaken by the London Ambulance Service. However, this had now returned to 'normal' levels;
- The Council noted that the Chair of the herbal medicines working group is due to publish his report imminently in relation to the regulation of herbal medicine. The Council continue to be very clear that herbalists and Traditional Chinese Medicine practitioners should be statutory regulated;
- There was a disconnect between workforce planning and commissioning and so a decrease in jobs available did not necessarily mean a decrease in the number of registrants;
- That whilst the HEFCE cap is going to be removed later this year and so there will be no limit on numbers of students in England, the difficulty comes in terms of number of practice placements available for students.

5.4 The Council discussed the paper and noted the contents.

Item 6.15/75 5 year plan: 2015-16 to 2019-20 (report ref:-42/15)

6.1 The Council received a paper from the Executive.

6.2 The Council noted that the financial forecast helps to ensure finances are sustainable and to plan whether and when fee increases may be necessary. The plan and budget are being presented alongside each other to show the longer term financial impact of the key decisions.

6.3 During discussion, the following points were made:-

- The plan showed that we would be in deficit in 2015/16 and 2016/17 moving into surplus in 2017/18. This was as a result of the 'lag' effect of any fee increase since registrants only pay the higher fee on renewal;

- With reference to the head count which remains broadly stable at 240 employees, the Council noted that whilst there may be occasional increases to headcount, this number would remain stable. This was due to reaching a sufficient staff level and also in part to technological improvements being made to HCPC's systems which in turn had an impact on efficiencies;
- It was noted that these figures were prudent and did not include a figure for property revaluation;
- It was noted that payment of the PSA levy would need to be made annually in advance within 30 days of receiving the invoice and that this was factored into the cash flow;
- All work in relation to the regulation of public health specialists would be covered by a Department of Health grant which had been included in these figures.

6.4 The Council approved the 5 year plan.

Item 7.15/76 Consultation on Fees (report ref:-HCPC43/15)

7.1 The Council received a paper from the Executive.

7.2 The Council noted the proposal for increasing the HCPC's registration fees. It agreed the consultation would run between 27 March 2015 and 6 May 2015. The results of the consultation would be reported to an additional meeting of the Education and Training Committee on 14 May 2015 followed by Council on 14 May 2015, with the intention for changes to become effective during July 2015 (although this was subject to the legislative passage).

7.3 During discussion, the following points were made:-

- We should be more explicit about the increase to the restoration fee within the Executive Summary;
- There was some concern that the increase to the restoration fee was not aligned to our restorative and rehabilitative approach to fitness to practise. However, Council felt it was appropriate as it was a reflection of the costs incurred in putting a registrant back on the Register;
- Paragraph 3.25 needed to be changed as the word 'currently' appeared too frequently;
- The suggestion was made that under 5.9, the proposal to bring in monthly direct debit should be amended to "more frequent" direct debits;

- With reference to paragraph 1.5, 'We would continue to have the lowest renewal fee of all the regulators of health and care professionals overseen by the PSA' the suggestion was made that this statement needed to be made more prominent;
- With reference to paragraph 1.3, 'The announcement has prompted us to review our current fee levels earlier than we had anticipated' the suggestion was made that this language be strengthened to reflect our position in that the announcement 'compelled' us to review our fees. Furthermore, that the language used within the Executive Summary needed to be 'strengthened' where possible;
- We need to be clear that the reason why the increased fee was being charged from August was as a result of the PSA levy being imposed from August;
- The justification for increasing the restoration fee in paragraph 4.23 needed to be articulated earlier in the document;
- We needed to look at the language in relation to question 7 of the consultation document so that registrants understood that there would be an option for them to print their own certificates.

7.4 The Council:

- (i) Agreed the document (subject to amendments detailed) and;
- (ii) Agreed that a consultation should be held on proposals to increase the registration fees.

Item 8.15/77 Budget for year to 31 March 2016 (report ref:-HCPC44/15)

8.1 The Council received a paper from the Executive.

8.2 The Council noted the proposed budget for the year ending 31 March 2016 including the process for development of the budget, the income and expenditure, the capital expenditure, the cash flow and balance sheet and the reserves policy.

8.3 During discussion, the following points were made:-

- This was considered to be a prudent and sustainable budget. It did not include bank interest on cash reserves which may amount to £100k;
- It was noted that the major projects budget for 2015-16 consisted of 14 projects, of which 11 were continuations of projects already underway and 3 were new. The 2014-15 major projects budget consisted of 15 projects, of which 6 were continuations and 9 were new. Budgeting for ongoing projects is more accurate than budgeting for new projects. So with reference to the query raised on the underspend on the 2014-15

major projects budget (minutes of the 97th meeting, 25 March, point 11.3) the 2015-16 major projects budget was quite likely to be underspent but the underspend was unlikely to be as large as the underspend in 2014-15;

- Budget holders were targeted to achieve an outturn +/- 5% of their budget at year end.

8.4 The Council approved the budget for the year ending 31 March 2016.

Item 9.15/78 Consultation on revised standards of conduct, performance and ethics (report ref:-HCPC45/15)

9.1 The Council received a paper from the Executive.

9.2 The Council noted that a PLG was established to assist in putting together the draft revised standards of conduct, performance and ethics. It was noted that the consultation document had been recommended for approval by the Education and Training Committee at their meeting on 5 March 2015. The consultation will run between 1 April 2015 and 26 June 2015 and the new standards will come into effect from January 2016.

9.3 During discussion, the following points were made:-

- With reference to standard 2 'Communicate with service users and carers', it was highlighted that the word 'must' is used for all standards but this then changes to 'should' under 2.6. It was noted that it was felt that it was possible to make 2.6 obligatory but that this could be reconsidered in light of responses to the consultation;
- In relation to the new standard 7 on 'report concerns about safety', it was noted that there was always a standard relating to whistleblowing although it was now more explicit. Further information in relation to this was available on the website for registrants. Feedback had not indicated that the proposed standard would cause any concern;
- Clarification was sought in relation to the language used under standard 1.3 and it was noted that service users were keen on the notion of 'empowerment' as this emphasised shared decision making between professionals and service users;
- There was some discussion about standard 2.7 relating to 'use of social networking' sites and the Council noted that employees had a similar policy within the employee handbook. There was discussion about the heading of the standard since the standard referred to wider communication as well as social networking but the title referred to social networking only. It was agreed that the title was a good way to 'signpost' registrants.

9.4 The following amendments were suggested and agreed as follows:-

- The suggestion was made that the word 'relevant' under 2.6 be amended to read 'appropriate';
- Following legal scrutiny, the text of 2.7 had been amended and should now read: 'You must make sure that you use all forms of communication appropriately and responsibly, including any use of social media and networking websites.'

9.5 The Council agreed:-

- (i) The text of the consultation paper;
- (ii) That the document should be recirculated to Council once the amendments had been made; and
- (iii) The text of the draft revised standards for consultation (subject to minor editing amendments) subject to the incorporation of the amendments detailed under paragraph 9.4.

Item 10.15/79 Results of the consultation on standards for podiatric surgery (report ref:-HCPC46/15)

10.1 The Council received a paper from the Executive.

10.2 The Council noted that a consultation on the proposed standards for podiatric surgery had been held between 1 October 2014 and 16 January 2015. 120 responses had been received and subsequent amendments were made to the draft standards. The Education and Training Committee had considered this document and the revised standards on 5 March 2015 and recommended them to Council.

10.3 The Council agreed the text of the consultation analysis document and revised standards for podiatric surgery as set out in Appendix 1 of the document.

Item 11.15/80 Outcomes of the consultation on standards of proficiency for practitioner psychologists (report ref:-HCPC47/15)

11.1 The Council received a paper from the Executive.

11.2 The Council noted that in accordance with the overall review of the profession-specific standards, a consultation on the draft standards of proficiency for practitioner psychologists was held between 14 July 2014 and 17 October 2014. The consultation analysis document together with the revised standards were considered by the Education and Training Committee

at their meeting on 5 March 2015 and they recommended the revised standards to the Council.

11.3 During discussion, the following points were made:-

- This review was particularly challenging because of the domains within the profession;
- It was difficult to come to an agreement on the most appropriate term for a 'service user' within these standards since different domains use different terms, for example an occupational psychologist works with 'organisations' yet other registrants within other domains may have 'patients' or 'clients'. It was agreed that the term 'service user' would be used throughout with an explanation as to who was covered by that term.

11.4 The Council agreed:-

- (i) the revised standards of proficiency for practitioner psychologists as set out in appendix one (subject to minor editing amendments and formal legal scrutiny); and
- (ii) the text of the consultation response analysis document (subject to minor editing amendments and formal legal scrutiny).

Item 12.15/81 Fitness to Practise – Employer Engagement (report ref:- HCPC48/15)

12.1 The Council received a paper from the Executive.

12.2 The Council noted that this project arose partly as a result of Sir Robert Francis' report on the Mid Staffordshire NHS Foundation Trust and also as a result of the Fitness to Practise department identifying the need to enhance employer engagement.

12.3 During discussion, the following points were made:-

- That feedback received from a recent employer event in Edinburgh was that the case studies used had been thought provoking;
- Originally, the draft brochure contained three case studies, two of which related to social workers. This had now changed and included a case study on a social worker, one on a paramedic and one in relation to a biomedical scientist;
- This work would be evaluated in 2016;
- That the information provided to employers was more detailed than that provided by other regulators. However, we would keep other regulators

work under review to see if anything could be learned to inform the way in which we do things.

12.4 The Council discussed and noted the paper.

Item 13.15/82 HCPC response to the report of the Freedom to Speak Up Review (report ref:-HCPC49/15)

13.1 The Council received a paper from the Executive.

13.2 The Council noted that the Freedom to Speak Up Review, published by Sir Robert Francis, makes a number of recommendations for the government, NHS England, healthcare providers and system and professional regulators, aimed at creating a more open and honest reporting culture. This paper provides some background to the report; an analysis of the recommendations; and the HCPC's response including planned work which is relevant to the issues raised in the report.

13.3 During discussion, the following points were made:-

- That it would be good to see a link with OFSTED to ensure issues in systems regulation relating to children were being addressed;
- With reference to action 18.2 as detailed on page 12, the website required some signposting so that students knew where to go in order to raise a concern. In response the Council noted that the Executive were looking at the audience pages on the website and in addition, as a result of the recent research, some further work was being undertaken in terms of engagement with students;
- The suggestion was then made that further work needed to be undertaken to signpost students where they could raise a concern with an education provider. The Council noted that currently this was done via an education provider since we do not have direct contact with students. We could consider looking at the website to provide signposting although the education provider should have all the necessary information;
- The Council noted both the importance of the standard in relation to reporting a concern within the Standards of Education and Training and the education programme visits to ensure that students were being educated in relation to raising concerns;
- The suggestion was made that commissioning quality assurance could feed into HCPC processes. In response the Council noted that some education providers submit this as part of their monitoring submission although not all programmes are commissioned;

- With reference to paragraph 3.4 of the paper, concern was expressed that referrals to professional regulators were sometimes made in retaliation for blowing the whistle. In response, the Council noted the Standard of Acceptance for a complaint assists in dealing with frivolous complaints.

13.4 The Council discussed the paper and agreed that a review be undertaken to identify whether additional signposting is required on the website.

Item 14.15/83 Professional Indemnity - Changes to admission forms (report ref:-HCPC50/15)

14.1 The Council received a paper from the Executive.

14.2 The Council noted all admission forms for registrants had been amended in order to accommodate the new requirement for registrants to hold appropriate indemnity insurance.

14.3 The suggestion was made that the guidance on page 10 of the UK application form needed to be looked at since all boxes except one had words emboldened. The Executive undertook to look into this with the Communications Team.

14.4 The Council agreed the changes to the registration forms.

Item 15.15/84 Any other business

15.1 There were no additional items for consideration that day.

Item 16.15/85 Meeting evaluation

16.1 During discussion, the following points were made:-

- That Council preferred the circular layout of tables for the meeting;
- It was felt that the agenda was too large for part one of the meeting and so not all the workplans were given appropriate consideration. It was agreed that going forward, Council would be made aware when any of the agenda were particularly large and they could make arrangements so that meetings could run later;
- Concern was expressed that Council is being asked to approve the work plans rather than to have regard to them in agreeing the related papers such as the annual budget and registrant forecast figures;
- Concern was expressed about the appropriateness of raising an issue that may have already been covered when the paper was considered at a meeting of the Education and Training Committee. In response, the Council noted that in all likelihood, the paper would need Council

approval and so it was entirely appropriate to raise any issues at Council.

Item 17.15/86 Date and time of next meeting:

17.1 Wednesday 13 May at 2pm and Thursday 14 May at 9:30am at Park House, 184 Kennington Park Road, London SE11 4BU

Item 18.15/87 Resolution

18.1 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
19	c
20	c

- (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.'

A summary of items considered whilst the public were excluded from the meeting:

Item 19.15/88 Accommodation for the HCPC's Tribunal Services (report ref:- HCPC51/15)

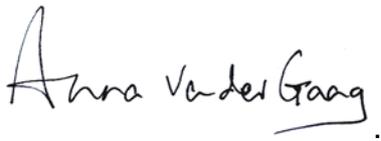
19.1 The Council received a paper from the Executive.

19.2 The Council agreed that a lease be entered into to accommodate the Tribunal function of the HCPC.

Item 20.15/89 Public Law Tender (report ref:-HCPC52/15)

20.1 The Council received a paper form the Executive.

20.2 The Council noted the procurement process followed and the tender results, namely that Bircham Dyson Bell were the preferred bidder and the contract with them would commence on 1 April 2015.

Chair: ...  .

Date: ...13.05.2015.....