

Council

Minutes of the 98th meeting of the Health and Care Professions Council as follows:-

Date: Thursday 14 May 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
Sonya Lam
Eileen Mullan
Joanna Mussen
Robert Templeton
Graham Towl
Joy Tweed
Nicola Wood
Stephen Wordsworth

In attendance:

John Barwick, Acting Director of Fitness to Practise (Items 1-15)
Jonathan Bracken, Solicitor to HCPC (Items 5-15)
Roy Dunn, Head of Business Process Improvement (Items 1-15)
Liz Craig, PA to the Director of Education (Items 1-15)
Brendon Edmonds, Head of Educational Development (Items 1-15)
Edward Foster, Stakeholder Communications Officer (Items 1-15)
Guy Gaskins, Director of Information Technology (Items 1-15)
Andy Gillies, Director of Finance (Items 1-15)
Michael Guthrie, Director of Policy and Standards (Items 1-15)
Grant Imlach, Media and PR Manager (Items 1-15)
Jonathan Jones, Stakeholder Communications Manager (Items 1-15)
Jacqueline Ladds, Director of Communications (Items 1-15)
Louise Lake, Director of Council and Committee Services
Greg Ross-Sampson, Director of Operations (Items 1-15)
Alan Shillabeer, Investigations Manager, FtP (Items 1-15)

Marc Seale, Chief Executive and Registrar
Eve Seall, Head of Case Management (Items 1-15)
Rebekah Taylor, Media and PR Officer (Items 1-15)

Public Agenda – Part 1

Item 1.15/112 Chair's welcome and introduction

- 1.1. The Chair welcomed Council members and those seated in the public gallery to the 98th meeting of Council.

Item 2.15/113 Apologies for absence

- 2.1 There were no apologies.

Item 3.15/114 Approval of Agenda

- 3.1 The Council approved the agenda.

Item 4.15/115 Declaration of Members' interests

- 4.1 Nicola Wood declared an interest in relation to item 9, 'Information Governance report' as she is a non-executive director of the Information Commissioner's Office Management Board.
- 4.2 Elaine Buckley, Sonya Lam, Robert Templeton, Graham Towl, Anna van der Gaag and Stephen Wordsworth (as registrant members of Council) declared an interest in relation to item 5, 'Outcomes of the consultation on HCPC fees'.

Items for discussion/approval

Strategy and Policy

Item 5.15/116 Outcomes of the consultation on HCPC fees (report ref:- HCPC70/15)

- 5.1 The Council received a paper from the Executive.
- 5.2 The Council noted that a consultation was held between 27 March 2015 and 6 May 2015 on proposals to increase the registration fees. The Council is required to consult the Education and Training Committee before it varies the registration fees and before it makes Rules in connection with the payment of fees. The Education and Training Committee noted the paper at their meeting held earlier that day.

5.3 During discussion, the following points were made:-

- Approximately 2400 consultation responses were received with the majority of the respondents unhappy at the proposal to increase the fee. However, this represents only a very small percentage of our total number of registrants;
- In 2006, there were approximately 1150 respondents to a similar consultation. However, the size of the Register in 2006 was approximately 50% of the current registrant population. Furthermore, with the introduction of an online consultation tool, it is now easier for individuals to respond;
- The change to the proposal to increase the restoration fee was welcomed;
- That the word 'reluctantly' needed to be repeated in paragraph 5.3 under 'Our comments and decisions' to emphasise that we were proposing the fee increase out of necessity rather than choice;
- Concern was expressed in relation to the consultation timeframe although Council noted the reason for this;
- Whilst there was a reluctance to increase the fees, it was important to note that the HCPC registration and renewal fees remained the lowest compared to other healthcare regulators;
- The fee rise was in large part a consequence of external factors beyond our control (i.e. the PSA levy, and increasing FTP caseload). However, it was also necessary to invest in our resources to ensure the sustainability of the organisation in order that we continue to deliver effective, efficient and cost-effective regulation;
- It was important to ensure appropriate communications in relation to the fee rise. To that end, members of the Council and employees would be provided with a 'Fees FAQ';
- That no commitment was being made in terms of future increases to the HCPC registration fees.

5.4 The Council agreed:-

- (i) The fee levels as set out in the attached document effective (subject to necessary amendments to the relevant Rules) from 1 August 2015.
- (ii) The text of the consultation responses document (subject to minor editing amendments and any changes agreed by the Education and Training Committee and by the Council at this meeting).

(iii) To make the Rules in Appendix 1 by applying the Council seal.

Item 6.15/117 Review of Registration Appeals Process (report ref:-HCPC71/15)

6.1 The Council received a paper from the Executive.

6.2 The Council noted the handling of registration appeals over the three year period January 2012 – December 2014 and how the Executive intended to transfer the day-to-day management of registration appeals from Fitness to Practise Department to the Registration Department, subject to Council approval.

6.3 During discussion, the following points were made:-

- Concern was expressed in terms of the number of Registration Appeal Hearings and the number of Council members that were eligible to Chair Registration Appeals;
- Given that 47% of registration appeals were upheld, a review was welcomed since there should be a mechanism to allow these applicants onto the Register sooner;
- It was hoped that the revised process would see applications dealt with before they reached a hearing and so this in turn should lead to a decrease in costs of hearings although greater resources may be required earlier in the process;
- In response to a suggestion that ‘virtual’ panels could be held, the Council noted that telephone-based hearings were being explored in the hope that this could accelerate the process.

6.4 The Council discussed the paper and endorsed the approach set out.

Item 7.15/118 Revisions to the Standard of Acceptance for Allegations (report ref:-HCPC72/15)

7.1 The Council received a paper from the Executive.

7.2 The Council noted the key amendments to the ‘The Standard of Acceptance for Allegations’. It was noted that the paper was not intended to raise the bar in terms of the standard of acceptance itself but instead provide greater clarity around the decision making process at this stage.

7.3 During discussion, the following points were made:-

- In response to a question about whether service users are consulted in terms of public-facing materials, the Council noted that the majority of documents went through the ‘plain English’ process. Furthermore, input

is sought as appropriate, for example, the Patients Association were involved in the review of closure letter templates;

- The suggestion was made that the word 'unrestricted' in the final paragraph of page 5 of 17, "raise doubts about whether they should be allowed to continue to practise, either on an **unrestricted** basis or at all" should be replaced with 'restricted';
- The Council noted that all Fitness to Practise documentation was subject to the HCPC's data retention policy. Should an allegation not meet the standard of acceptance, although it does not form part of a registrant's formal record, the intelligence would be taken into account should a further allegation be made. This information would be retained in line with the retention policy and the standard of acceptance also provided that cases received 5 years after events took place would not generally be pursued unless there were exceptional circumstances;
- With reference to page 9 of 17, concern was expressed at the over-reliance on a Court to deal with a complaint made against an expert witness who is on the HCPC register. It was noted that unless there was an additional dimension to the complaint, it would not be a matter for the HCPC. The suggestion was made that the section be reordered to make that explicit at the start;
- There was concern over the use of the term 'credible evidence' since it would be difficult to define. In response, the Council noted that this together with the term 'reasonable person' was difficult to define. However, these are familiar descriptors within the legal context.

7.4 The Council approved the revised policy 'Standard of Acceptance for Allegations.'

Item 8.15/119 Risk Register (report ref:-HCPC73/15)

8.1 The Council received a paper from the Executive.

8.2 The Council noted the contents of the risk register which reflects current and recent levels of risk recognised by risk owners.

8.3 During discussion, the following points were made:-

- The Council noted the process for reviewing the risk register with risk owners keeping their relevant risks under continued review and the Executive Management Team reviewing the document as a whole on a regular basis with consideration of the Risk Register by the Audit Committee at alternate meetings. Furthermore, the Audit Committee receive a presentation at each meeting from a number of 'risk owners' and this is carried out on a cyclical basis;

- Concern was raised about those risks that run across different functions and whether there was a process for identifying these risks to ensure they are captured within the risk register. The Council noted that extracts from the risk register are appended to the annual work plans and so risks impacting on more than one function would appear in all relevant work plans in order to reduce the risk of anything 'slipping through the net'.

8.4 The Council noted the paper.

Item 9.15/120 Information Governance Report (report ref:-HCPC74/15)

9.1 The Council received a paper from the Executive.

9.2 The Council noted the Information Governance function within the Secretariat Department is responsible for the HCPC's ongoing compliance with the Freedom of Information Act 2000 (FOIA), the Environmental Information Regulations 2004 (EIR) and the Data Protection Act 1998 (DPA). The Department also manages the HCPC's relationship with the Information Commissioner's Office (ICO), the information rights body and deals with information incidents that occur across the organisation.

9.3 During discussion, the following points were made:-

- Employees, Council members and Partners were expected to undergo 'computer-based training' (CBT) in relation to data security and a new training programme was going to be deployed shortly;
- The Council noted that when Fitness to Practise bundles are sent out, an email is sent to the intended recipients advising them that the bundle has been posted and asks them to contact the FTP administration team if they do not receive it. The Fitness to Practise department were looking at best practise in relation to data security and circulation of documentation;
- It was important to ensure a manageable workload for employees to decrease the likelihood of data breaches occurring as a result of human error;
- In response to a question about document destruction for partners in receipt of large bundles of paper, the Council noted that the HCPC do offer to cover the cost of a 'shredder'. In addition, a greater level of redaction was now applied to much of the paperwork and so there was less concern about any potential data breach;
- Consideration was being given to sending out some paperwork electronically, for example registration appeals. This would minimise any issues in terms of data security;

- The Council would welcome regular updates in this area of work and a briefing from the Information Governance Manager.

9.4 The Council discussed the paper and noted the contents.

Corporate Governance

Item 10.15/121 Membership of the Education and Training Committee (report ref:-HCPC75/15)

10.1 The Council received a paper from the Executive.

10.2 The Council noted the proposed changes to the membership of the Education and Training Committee and, in addition, the change in approach to attendance at Education and Training Panel meetings.

10.3 The Council agreed:-

- (i) The composition of the Education and Training Committee as follows:-

Education and Training
Elaine Buckley
Sonya Lam
Eileen Mullan
Joanna Mussen
Joy Tweed
Steve Wordsworth

- (ii) All members of the Education and Training Committee would now be expected to attend all meetings of the Education and Training Panel.

Item 11.15/122 Minutes of the Audit Committee meeting held on 19 March 2015 (report ref:-HCPC76/15)

11.1 The Council considered the minutes of the 49th meeting of the Audit Committee.

11.2 The Chair of the Audit Committee updated the Council on various aspects of the minutes. In response to a question about the business of the Committee, the Council noted that this was within the Committee's Terms of Reference which were in the gift of Council. If Members felt that these needed to be reconsidered, this could be done as part of the governance discussion at the October away day.

11.3 The Council considered the minutes endorsed the recommendations contained within.

Item 12.15/123 Any other business

12.1 There were no additional items for consideration that day.

Item 13.15/124 Meeting evaluation

13.1 The Council noted that the papers were of a high standard.

Item 14.15/125 Date and time of next meeting

14.1 The next meeting of the Council would be held on Monday 29 June 2015 at 2pm and Tuesday 30 June 2015 at 9.30pm at Park House, SE11 4BU.

Item 15.15/126 Resolution

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;

- (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.’

Item	Reason for Exclusion
16	c

Item 16.15/127 Minutes of the Private part of the Council meeting held on 26 March 2015 (report ref:-HCPC77/15)

16.1 The Council received the minutes of the private part of the Council meeting held on 26 March 2015.

16.2 The Council approved the minutes, subject to the deletion of Eileen Mullan from the list of attendees.

Chair: ... *Anna Vander Gaag* .

Date: ...29.06.2015.....