

Council

Minutes of the 108th meeting of the Health and Care Professions Council as follows:-

Date: Wednesday 7 December 2016

Time: 2pm

Venue: The Council Chamber, Health and Care Professions Council, Park House,
184 Kennington Park Road, London SE11 4BU

Present: Elaine Buckley (Chair)
Stephen Cohen
Maureen Drake
Richard Kennett
Sonya Lam
Eileen Mullen
Joanna Mussen
Robert Templeton
Graham Towl
Joy Tweed
Stephen Wordsworth

In attendance:

Claire Amor, Information Governance Manager
Guy Gaskins, Director of Information Technology
Andy Gillies, Director of Finance
Abigail Gorringe, Director of Education
Michael Guthrie, Director of Policy and Standards
Teresa Haskins, Director of Human Resources
Kelly Holder, Director of Fitness to Practise
Jacqueline Ladds, Director of Communications
Claire Reed, Project Portfolio Manager
Greg Ross-Sampson, Director of Operations
Marc Seale, Chief Executive and Registrar

Public Agenda – Part 1

Item 1.16/188 Chair's welcome and introduction

- 1.1. The Chair welcomed Council members and those seated in the public gallery to the 108th meeting of Council.
- 1.2. The Chair and Council thanked Joy Tweed and Richard Kennett for their contribution to the HCPC's Council, noting that they would be stepping down at the end of December.
- 1.3. The Chair and Council congratulated the Chief Executive on his recent honorary doctorate from the University of Hertfordshire.
- 1.4. The Chair and Council wished the Director of Fitness to Practise well for her approaching maternity leave, and thanked her for her contribution as Secretary to Council.

Item 2.16/189 Apologies for absence

- 2.1 Apologies were received from Nicola Wood.

Item 3.16/190 Approval of Agenda

- 3.1 The Council approved the agenda.

Item 4.16/191 Declaration of Members' interests

- 4.1 No new interests were declared.

Item 5.16/192 Minutes of the Council meeting of 21 and 22 September 2016

- 5.1 The Council considered the minutes of the 107th meeting of the Health and Care Professions Council.
- 5.2 The Council agreed the minutes.

Item 6.16/193 Matters arising

- 6.1 The Council noted those matters arising from the meetings held on 21 and 22 September 2016.
- 6.2 The Council noted the report.

Item 7.16/194 Chair's report

7.1 The Council received a report from the Chair.

7.2 During discussion the following points were noted:-

- the HCPC's cycle of annual meetings with the professional bodies has begun, these have been well received. Agenda items have focused on current consultations, updates on the HCPTS and general discussion around the forthcoming consultation about the future of professional regulation. A number of actions have emerged, including planning joint campaigns;
- the Chair, Chief Executive and Stakeholder Communications Manager met with Hazel Winning the AHP lead in Northern Ireland along with Civil Service colleagues from workforce planning and regulation. Their AHP strategy was about to be launched and it was apparent that AHPs would become more prominent within the workforce. The Chair volunteered to speak at a relevant event during 2017; and
- the Northern Ireland location of the 2017 HCPC strategy away day was discussed and received very positively and it was agreed Hazel would be involved in the planning of any associated stakeholder events.

7.3 The Council noted the report.

Item 8.16/195 Chief Executive's report

8.1 The Council received and noted a report from the Chief Executive.

8.2 During discussion the following points were noted:-

- a test of the HCPC's business continuity arrangements took place on 14 November. This provided an opportunity to test a new electronic method of accessing business continuity plans;
- a meeting with Department of Health (DoH) and Department for Education (DofE) officials took place in Leeds on 29 November. Discussion topics included the forthcoming consultation and the regulation of social workers; and
- initial discussion has taken place between the Chief Executives of the regulators about a GMC proposal to produce joint guidance between the regulators on conflicts of interest. If this progresses, further updates will be provided in the Policy and Standards Directorate report at future meetings.

8.3 The Council noted the report.

Item 9.16/196 New Regulatory body for social work

- 9.1 The Council received a paper which provided an update about developments since the last Council meeting relating to the transfer of the regulation of social workers in England to a new regulator.
- 9.2 During discussion the following points were noted:-
- discussion of part two of the Children and Social Work Bill (which addresses the regulation of social workers) took place on 8 November. In advance of the discussion, the Government laid proposed amendments to the Bill;
 - instead of an executive agency of the DoF, the new body will be an arm's length body and will be named 'Social Work England';
 - the PSA will have oversight of the new regulator, this includes being able to refer final hearing decisions to the High Court;
 - the third reading took place on 23 November, Peers agreed an amendment which requires an independent review of Social Work England to be undertaken after the new regulator has been operational for five years;
 - Government's current timetable aims for the regulator to open its register to social workers in England in September 2018;
 - Unison have published the outcomes of a survey of social workers regarding the reforms. The report is critical of the proposed reforms, concerns raised relate to the independence of the proposed regulator and potential fee increases for social workers and other HCPC regulated professions; and
 - a project risk register has been established for the transfer, similar to the one used for the onboarding of social workers in 2012.
- 9.3 The Council discussed engagement with the DoH and DoF. It was noted that the Executive recently met with officials working on the establishment of the new regulator. The Director of Fitness to Practise led an intensive session on Fitness to Practise processes, similar sessions are planned for Registration and Education processes.
- 9.4 The Council discussed the cost incurred by the HCPC in assisting Government with the establishment of a new regulator. It was noted that the Executive have been clear that the HCPC has no ability to use registrant fees for non-HCPC activity. A budget is being prepared for consideration by DoH and DoF. The HCPC's budget for the 2017-18 financial year will take into account uncertainty around social worker regulation.

9.5 The Council agreed that the HCPC's primary focus must remain its own performance and that this will continue to take priority when assisting Government in their efforts to establish a new regulator.

9.3 The Council noted the paper.

Item 10.i.16/197 Policy and Standards report

10.i.1 The Council received a report from the Executive.

10.i.2 During discussion the following points were noted:-

- the changes agreed by the Council to how the medicines exemption annotations held by some chiropractors and podiatrists are described have now been implemented;
- the regulations necessary to implement the revised European Professional Qualifications Directive are now in force; and
- research being carried out by the University of Surrey is progressing to timetable with an interim report due to be considered by the Council in March 2017.

10.i.3 The Council noted the report.

Item 10.ii.16/198 Reforming health and care professional regulation

10.ii.1 The Council received a paper from the Executive.

10.ii.2 The Council noted that, at its meeting on 6 July 2016, the Chief Executive presented on the themes which were to be addressed during the four country 'pre-consultation events' which took place in the summer of 2016. It is expected that a four country government consultation will take place to inform the content of any legislation.

10.ii.3 It was noted that the paper forms a discussion piece centred on two topics which may feature in the consultation, governance and joint working or shared services. The Council's discussion on these topics will then inform further conversations and the draft of a response once a consultation has been published.

10.ii.4 During discussion on the topic of governance, the following points were noted:-

- two issues relating to governance were discussed at the pre-consultation events, unitary boards and the board size;

- other considerations include the continuation of the current requirement for membership of councils to be drawn from the four countries of the UK;
- in a 2011 report, the PSA concluded that smaller boards were associated with greater effectiveness, with a range of 8 to 12 members;
- research on board effectiveness appears to concern the behaviors required for success suggesting that size may be less important than relationships between members. These behaviors are revisited regularly by the Council and the Executive;
- unitary boards are frequently used in the private sector and in NHS Trusts;
- a drawback of a unitary board model would be the hesitancy of Executive members to challenge one another;
- the HCPC Executive are present during Council meeting and are invited to contribute to discussions. Due to this the Council did not consider that it was lacking in in-depth knowledge of operations;
- Non-Executive Directors provide an external view of the organization;
- a change to a unitary board would require changes to the supporting committee structure;
- one Member stated that their preference was for a unitary board of 9 members. Others stated that they had seen both models work well and had no preference on model;
- the Council discussed the split between registrant and lay membership, some members considered that the distinction between the two roles was artificial and unhelpful; and
- the Council noted that it had explored the four country requirement previously and had concluded that this requirement did add value.

10.ii.5 The Council agreed that the needs of the individual organisation should determine its governance arrangements, rather than conforming to a model that may not be suitable.

10.ii.6 During discussion on the topic of collaboration and shared services, the following points were noted:-

- the PSA was previously commissioned to provide advice to DoH about the possibility of 'shared functions' between the regulators but concluded that there was no agreement and no conclusions or recommendations that could be made;

- in 'Regulation rethought' the PSA says the regulators should consider opportunities to share functions and collaborate to establish a shared, public register for statutorily regulated professions. The PSA also propose a single fitness to practise adjudicator;
- the Law Commissions made a number of recommendations for legislative change to better promote co-operation between the regulators;
- joint working between the regulators routinely takes place and includes various cross regulatory groups and memoranda of understanding, and, on occasion, common policy statements between the regulators;
- the Health and Social Work Professions Order 2001 already includes a duty to co-operate with other public bodies. Without other legislative changes, a duty to co-operate would not compel greater joint working or shared services;
- evidence from other sectors shows that there are considerable challenges with effectively sharing 'back office functions' between organisations and that the cost savings are often not as great as anticipated;
- a previous attempt at achieving a single adjudicator, the Office of the Health Professions Adjudicator, failed because of concerns about costs;
- the HCPC already shows the cost-efficiencies that can accrue from effectively sharing functions across 16 different professions in a common model;
- it was noted that the most effective way of achieving the benefits anticipated through joint working and shared services might be to reduce the number of regulators; and
- concern was expressed that control and quality may suffer if shared services were implemented. Responsibility would be harder to place and balancing the 9 regulators requirements and priorities would be complex, the resulting compromise would be unlikely to be fit for purpose.

10.ii.7 The Council agreed that the HCPC was in a good position to lead in this area due to its successful multi-profession regulation model, effectively sharing services between 16 professions.

10.ii.8 In response to a question it was noted that there does not appear to be much enthusiasm for shared services among the other regulators. A suggestion was put forward to share internal audit provider, but in practice this would not result in savings or benefit.

10.ii.9 The Council agreed it would be helpful to collate a list of cross regulatory working groups to better demonstrate collaboration.

10.ii.10 The Council noted the contents of the paper.

Item 11.i.16/199 Finance report

11.i.1 The Council received a paper from the Executive.

11.ii.2 During discussion, the following points were noted:-

- the month 6 reforecast shows FTP costs exceeding original budget, as a result of increases in the volume and complexity of hearings and additional resources that have been allocated to the FTP directorate to contribute to ensuring the effective progression of cases.
- the FTP department has in place a range of measures to address the causes of increased hearing complexity, this includes the realignment of the department;
- the FTP overspend is offset by underspends on Major Projects and in other departments; and
- international scrutiny fees income is ahead of budget with an offsetting overspend on international assessor fees within the Registration department.

11.ii.3 The Council noted an error in the paper. It was noted that the reforecast indicates a small deficit rather than surplus for the year.

11.ii.4 The Council discussed and noted the contents of the paper.

Item 11.ii.16/200 Finance department strategy

11.ii.1 The Council received a paper from the Executive.

11.ii.2 During discussion, the following points were noted:-

- the HCPC Finance Department strategy sets out the broad aims of the Department's work. It is consistent with HCPC's values and the Strategic Intent 2016-2020, and HCPC's Code of Corporate Governance;
- the strategy was developed with input from Grant Thornton. It was recommended to Council for approval by the Audit Committee in November;

- it describes the approach that the Department has been following for the last 2-3 years and intends to continue with, rather than any significant change of direction;
- the strategy will inform the annual workplans prepared by the Finance Department for presentation to Council in March each year; and
- the strategy will be reviewed by Council every three years or more frequently if circumstances change.

11.ii.3 The Council approved the Finance Department strategy.

Item 12.16/201 Minutes of the meeting of the Audit Committee on 22 November 2016

12.1 The Council considered the minutes of the 56th meeting of the Audit Committee.

12.2 The Council noted the minutes.

Item 13.16/202 HCPC's Risk Appetite

13.1 The Council received a paper from the Executive.

13.2 During discussion, the following points were noted:-

- the HCPC's current risk appetite is low or risk averse. The Executive considers a low risk appetite is appropriate for HCPC's public protection remit for both operational and financial reasons; and
- an updated risk appetite statement and strategy were considered by the Audit Committee in September 2016. The Audit Committee asked for the risk appetite to be considered by the Council, to determine if the low risk appetite remains appropriate.

13.3 The Council discussed a varied risk appetite, low in some areas moving to medium in others. It was agreed that the HCPC's communications strategy could move away from low risk in terms of external engagement and promotion of the HCPC's regulation model. The Council considered that not publicly responding to some topics could be unintentionally creating risk for the HCPC. The Council agreed to consider its approach to external engagement at a future meeting.

13.4 The Council approved the HCPC's risk appetite as set out in the paper.

Item 14.i.16/203 Human Resources and Partners report

14.i.1 The Council received a paper from the Executive.

14.i.2 During discussion the following points were noted:-

- the new HR IT system has been launched;
- the HCPC's voluntary employee turnover rate has risen over the course of the financial year to 18% however, overall labour turnover stands at 19% which is below the national average of 21.5%. The recruitment market remains buoyant and increases in labour turnover are being reported across most sectors; and
- higher employee turnover has impacted on the volume of recruitment carried out by the HR team and additional temporary resource has been engaged to assist with this additional workload.

14.i.3 The Council discussed recruitment and retention, in response to a question it was noted that the HCPC closely monitors market pay rates to ensure it remains competitive.

14.i.4 The Council noted the report.

Item 14.ii.16/204 Whistleblowing policy for Partners and Council Members

14.ii.1 The Council received a paper from the Executive.

14.ii.2 During discussion the following points were noted:-

- the PSA published its report into the GDC's handling of a whistleblowing disclosure in December 2015;
- the HCPC's response to this report was reviewed by Council in February 2016, along with an action plan which included a review of internal whistleblowing arrangements for HCPC partners;
- the presented whistleblowing policy draws on best practice advice from the NAO, central government and the findings of the 2015 PSA report; and
- HCPC's whistleblowing arrangements were recently reviewed by the HCPC's auditors Grant Thornton, the resulting audit recommendations have been incorporated; and
- the policy will be included in future partner training sessions accompanied by case studies.

- 14.ii.3 The Council discussed paragraph 4.1 of the policy. The extent to which the HCPC can ensure reporters are protected from third party reprisals was discussed. It was agreed that the policy should state the HCPC will take all possible steps to achieve this.
- 14.ii.4 The Council approved the new whistleblowing policy for Partners and Council Members

Item 14.iii.16/205 Employee Survey Action Plan

14.iii.1 The Council received a paper from the Executive.

14.iii.2 During discussion the following points were noted:-

- the 2016 Employee Engagement Survey took place in May 2016 and was run by People Insight;
- results on the whole were positive. People Insight grouped the areas for improvement into themes, these were collaboration, career development and leadership;
- the action plan will be implemented over a two year period, a further employee engagement survey will be conducted in 2018; and
- EMT will regularly review the progress of the action plan and updates will be provided to all employees through news articles and all employee meetings.

14.ii.3 In response to a question it was noted that the feedback regarding leadership referred to EMT and employees were not specifically asked about Council. The feedback on EMT leadership was that employees would like more visibility and face to face engagement.

14.ii.4 The Council discussed career progression as a theme. It was noted that a new sabbatical and secondment policy was being developed, this will be manager and employee led to ensure suitability and benefit.

14.iii.5 The Council discussed and noted the contents of the paper.

Item 14.iv.16/206 Equality and Diversity Annual Statistics

14.iv.1 The Council noted this paper.

Item 15.16/207 Operations report

15.1 The Council received a paper from the Executive.

15.2 During discussion the following points were noted:-

- unusual spikes in the volumes of telephone calls were experienced and the call phasing did not follow the patterns and trends that were expected;
- there were significant employee changes during the period particularly within the registration appeals team, the new team is now in place; and
- 69.3% more international applications were registered compared to the same period last year. This equated to 74.5% more than forecast.

15.3 The Council discussed major projects and the financial aspects of project reporting. It was noted that no current projects are considered business critical, and are rather aiming to make improvements to current processes. Quality of the project deliverable is paramount and projects are able to take the time they need to achieve the most benefit to the HCPC.

15.4 The Council noted the paper.

Item 16.16/208 Any other business

16.1 There were no additional items for consideration.

Item 17.16/209 Resolution

The Council is invited to adopt the following:

‘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
18	c

Summary of business considered in private session

The Council approved a procurement exercise relating to the renovation of 186 Kennington Park Road.

Chair: Elaine Buckley

Date: 08/02/2017