

Council

Minutes of the second day of 107th meeting of the Health and Care Professions Council as follows:-

Date: Thursday 7th July 2016

Time: 10am

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 Mullan
Joanna Mussen
Robert Templeton
Graham Towl
Joy Tweed
Nicola Wood
Stephen Wordsworth

In attendance:

Claire Amor, Information Governance Manager
Natalie Berrie, Registrations Manager
Jonathan Bracken, Solicitor to Council
Roy Dunn, Head of Business Process Improvement
Brendon Edmonds, Head of Educational Development
Guy Gaskins, Director of Information Technology
Andy Gillies, Director of Finance
Michael Guthrie, Director of Policy and Standards
Teresa Haskins, Director of Human Resources
Kelly Holder, Director of Fitness to Practise
Zoe Maguire, Head of Adjudications
Greg Ross-Sampson, Director of Operations
Marc Seale, Chief Executive and Registrar

Public Agenda – Part 2

Item 1.16/113 Chair's welcome and introduction

- 1.1. The Chair welcomed Council members and those seated in the public gallery to the second day of the 107th meeting of Council.

Item 2.16/114 Apologies for absence

- 2.1 No apologies were received.

Item 3.16/115 Approval of Agenda

- 3.1 The Council approved the agenda.

Item 4.16/116 Registrations numbers forecast

- 4.1 The Council received a paper from the Executive.
- 4.2 The Council noted the contextual setting of HCPC's various documents and plans including the annual reports, the risk register, the departmental work plans and the strategic intent.
- 4.3 The Council noted that the registrant numbers forecast is revised every year and is produced in the FAST format. The model does not calculate income but is used as a basis for this process within the Finance department and also supports the financial three year plan.
- 4.4 During discussion, the following points were made:-
 - the forecast was produced before the UK EU membership referendum result was known and so this has not been considered in the forecast;
 - social workers have not been removed from the forecast as no detailed timetable has been set by the government for a new social worker regulator. The Council agreed that as the HCPC remains the regulator of social workers in England these registrants should be factored in. The Council agreed that an explanatory note should be added to the forecast document stating this rationale; and
 - possible changes as a result of a Law Commission consultation have not been included as no details are known and the plan covers 3 years and any changes are unlikely to impact in this period.
- 4.5 The Council noted that the Executive away day in July will focus on planning for social workers leaving the register and possible changes as a result of the

Law Commission consultation. The Council requested a report on the away day activity be brought to a future Council meeting.

- 4.6 The Council discussed current government policy development. It was noted that at the Council strategy event in October, a session will focus on stakeholders which will include government.
- 4.7 The Council discussed the accuracy of the registrant forecast by reference to subsequent actual registrant numbers. It was agreed that a report on this performance would be brought to the September Council meeting.
- 4.8 The Council noted the paper.

Item 5.i.16/117 Finance report

- 5.i.1 The Council received a paper from the Executive.
- 5.i.2 The Council noted the main activities of the Finance department. The report sets out the main activities of the Finance Department since the May 2016 meeting of Council. It included statistical information and highlights key work undertaken.
- 5.i.3 During discussion, the following points were noted:-
- the PCI/DSS project has engaged a consultant to prepare a gap analysis for current card payment systems. This has indicated that changes required will not be extensive;
 - Grant Thornton's internal audit programme for 2015-16 is complete and the National Audit Office (NAO) external audit for 2015-16 is substantially complete, and neither found any major issues;
 - an un-forecasted increase in interim order applications has impacted on the FTP budget. The FTP budget undergoes a 3 month reforecast each year as actual new case numbers for the year are more certain at that point. This reforecast is currently underway;
 - anecdotally, other regulators are also seeing an increase in FTP complexity; and
 - in 2015-16 the FTP budget was delivered within 1% of the forecast.
- 5.i.4 The Council discussed the increasing complexity of the FTP caseload. It was noted that the realignment of FTP functions will enable increased efficiencies and effectiveness through specialisation. The FTP annual report will be presented to Council in September.
- 5.i.5 The Council noted the report.

Item 5.ii.16/128 Three year plan

- 5.ii.1 The Council received a paper from the Executive
- 5.ii.2 The Council noted the plan is a financial forecast which helps to ensure the financial viability of the HCPC's finances. The plan also supports the Council's approval of the Annual Report and Accounts. In approving the accounts, Council are required to consider whether the HCPC is a going concern.
- 5.ii.3 During discussion, the following points were made:-
- the plan normally covers a five year period but, because of the uncertainty around the detail and timing of the government's plans to establish a new regulator for social workers in England, this iteration of the plan only covers three years, to 31 March 2019;
 - the Executive will update the plan to cover the full five year period when the likely impact on the HCPC of the establishment of the new regulator is clearer; and
 - the Council agreed that it would be prudent to aim to run a surplus in 2017-18 and 2018-19 in anticipation of the removal of social workers from the register and the potential significant loss of income.
- 5.ii.4 The Council agreed that the plan should be referred to as the financial plan rather than 5 or 3 year plan for clarity.
- 5.ii.5 The Council approved the plan.

Item 5.iii.16/119 National Audit Office (NAO) report to those charged with governance

- 5.iii.1 The Council received a paper from the NAO.
- 5.iii.2 The Council noted the NAO's audit completion report summarised the key matters from their audit of the 2015-2016 HCPC Financial Statements.
- 5.iii.3 The Council noted that the NAO have raised a medium priority recommendation regarding the granularity of the management accounts. The Executive will consider the recommendation and a formal response will be provided to the next Audit Committee meeting in September. The Council agreed that it considered the information provided in the management accounts to be appropriate.
- 5.iii.4 The Council agreed that the uncorrected errors in the 2015-16 financial statements identified in the NAO's report should not be corrected, since those errors were immaterial.
- 5.iii.5 The Council discussed the report and noted its contents.

Item 5.iv.16/120 2015 – 16 Annual Report and Accounts

- 5.iv.1 The Council received a paper from the Executive.
- 5.iv.2 The Council noted the NAO had substantially completed their audit and expect to give an unqualified audit report.
- 5.iv.3 The Council discussed the potential impact on the HCPC of the UK leaving the European Union as per the recent referendum result. The Council agreed that it was not possible to quantify a potential impact at this early stage and the annual report should not be amended in light of this.
- 5.iv.4 The Council discussed the use of the annual report and accounts. It was noted that these were not used as a promotional document. The Council noted that the Communications Department intend to produce a publication 'An introduction to the Health and Care Professions Council' which will explain the role of the HCPC and its key functions.
- 5.iv.5 The Council discussed and approved the Annual Report and Accounts 2015-2016.

Item 6.16/121 Minutes of the Audit Committee of 16 June 2016

- 6.1 The Council considered the minutes of the 53rd meeting of the Audit Committee.
- 6.2 The Council noted the minutes.

Item 7.i.16/122 Operations report

- 7.i.1 The Council noted this item.

Item 7.ii.16/123 Trends in International Applications

- 7.ii.1 The Council received a paper from the Executive.
- 7.ii.2 The Council noted that the paper was presented in order to draw the Council's attention to a trend in the volume of International registrations. It describes how HCPC processes International registrations and the approach taken to forecast, monitor and manage significant changes in demand.
- 7.ii.3 During discussion the following points were made:-
- additional costs associated with an unforecasted rise in International registrations are always offset by the International registrations scrutiny fee which covers all the direct and indirect costs associated with processing an application;

- the impact of the UK leaving the EU on international registrations is currently unknown, impact will be considered by the Executive; and
- the HCPC's remit does not extend to workforce planning but data can be used to inform decision makers.

7.ii.4 The Council discussed the report and noted its contents.

Item 8.16/124 Continuing Professional Development Audit Report 2013-15

- 8.1 The Council received paper from the Executive
- 8.2 The Council noted that this is the fourth report on the CPD audit process. It reviews of the 16 professions audited between 2013 and 2015 including social workers in England who have been audited for the first time.
- 8.3 The Council noted that the report was recommended for approval by the Education and Training Committee at its meeting in June 2016
- 8.4 The Council discussed the report and noted its contents.

Item 9.i.16/125 Policy and Standards report

- 9.i.1 The Council noted this item.

Item 9.ii.16/126 Audit of final fitness to practise decisions 1 October 2015 – 31 March 2016

- 9.ii.1 The Council received a paper from the Executive.
- 9.ii.2 The Council noted that the purpose of the audit is to review the quality of decisions reached by fitness to practise committee panels. The audit covered the period 1 October 2015 through 31 March 2016.
- 9.ii.3 The Council discussed the audit's usefulness to the organisation. It was noted that it assists the Policy team in understanding FTP considerations and acts as an assurance to FTP as well as a training aid for Partners.
- 9.ii.4 The Council noted that feedback from panelists, registrants and complainants involved in hearings is a separate work stream. It was agreed that a paper on this feedback would be presented to Council in December 2016.
- 9.ii.5 The Council agreed that a similar audit should take place for future registration appeals.
- 9.ii.6 The Council discussed the report and noted its contents.

Item 9.iii.16/127 Regulation of physician associates and physician assistants (anaesthesia)

9.iii.1 The Council noted this item.

Item 10.16/128 Fitness to Practise report

10.1 The Council noted this item.

Item 11.16/129 Health and Care Professions Tribunal Service

11.1 The Council received a paper from the Executive.

11.2 The Council noted that, at its meetings in September 2014, March 2015 and February 2016, the Council considered papers in relation to enhancing independence in adjudication. The Council is now asked to approve the establishment of the Health and Care Professions Tribunal Service.

11.3 The Council noted that the Standing Orders will be amended to insert 'subject to any policy established by the Council'

11.4 The Council discussed the terms of reference for the Tribunal Advisory Committee. It was noted that the Council is able to delegate more authority to the Tribunal Advisory Committee in the future if this is deemed appropriate. The Council agreed to review this relationship when the service has been running for two years. The Council noted that this could form an area for internal audit focus at that time.

11.5 The Council resolved that:-

- the Practice Committees of the Health and Care Professions Council are from 7 July 2016 to be known collectively as, and to conduct all proceedings under Part V of the Health and Social Work Professions Order 2001 under the name of, the Health and Care Professions Tribunal;
- the revised Standing Orders for Committees of the Health and Care Professions Council put before the Council today are adopted and are to be incorporated into the HCPC Code of Corporate Governance and the previous Standing Orders are revoked;
- the revised Scheme of Delegation put before the Council today is adopted and is to be incorporated into the HCPC Code of Corporate Governance and the previous Scheme is revoked; and
- the Chair, acting on behalf of the Council, has delegated authority to approve arrangements for the recruitment, selection and nomination of members of the Tribunal Advisory Committee.

Item 12.16/130 Secretariat report

12.1 The Council noted this item.

Item 13.i.16/131 Human Resources and Partners report

13.i.1 The Council noted this item.

Item 13.ii.16/132 Appointments process for Council members

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

13.ii.2 The Council noted and approved the proposed composition of the assessment and selection panel as set out in paragraph 6 of the paper.

Item 13.iii.16/133 Council Members performance and development review

13.iii.1 The Council noted this item.

Item 14.16/135 Information Technology report

14.1 The Council noted this item.

Item 15.16/136 Chief Executive's Summary of key issues

15.1 The Council noted the Chief Executive's summary.

Item 16.16/137 Any other business

16.1 There were no additional items for consideration.

Item 17.16/138 Meeting evaluation

17.1 The following points were discussed:-

- the Council agreed that having some departmental reports to note allowed them to continue to develop their role of strategic oversight
- the need to hold occasional private discussions as well as public was noted;

- it was noted that developing the strategy of the organization was equally dependent on input from Council , the Executive and other key stakeholders; and
- due to planned refurbishment works, Council meetings will be held in the old council chamber for approximately six months.

Item 18.16/139 Date and time of next meeting:

Wednesday 21st September 2016 at 2pm and Thursday 22nd September. 2016 at 10am at Park House, 184 Kennington Park Road, London SE11 4BU.

Chair: Elaine Buckley

Date: 21.09.2016