

Council

Minutes of the 105th meeting of the Health and Care Professions Council as follows:-

Date: Friday 20 May 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
Eileen Mullan
Joanna Mussen
Graham Towl
Joy Tweed
Nicola Wood
Stephen Wordsworth

In attendance:

Claire Amor, Information Governance Manager
John Barwick, Head of Investigations
Jonathan Bracken, Solicitor to Council
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
Jacqueline Ladds, Director of Communications
Greg Ross-Sampson, Director of Operations
Marc Seale, Chief Executive and Registrar
Alan Shillabeer, Investigations Manager
Paul Shinkfield, Australian Health Practitioner Regulation Agency
Sarita Wilson, Head of FTP Service Improvement

Public Agenda – Part 2

Item 1.16/71 Chair's welcome and introduction

- 1.1. The Chair welcomed Council members and those seated in the public gallery to the 105th meeting of Council.

Item 2.16/72 Apologies for absence

- 2.1 Richard Kennett sent his apologies.

Item 3.16/73 Approval of Agenda

- 3.1 The Council approved the agenda.
- 3.2 The Chair informed Council that Martin Fletcher, Chief Executive of AHPRA, was delayed and that Paul Shinkfield, AHPRA's National Director Strategy and Research, would deliver the AHPRA presentation.

Item 4.16/74 Declaration of Members' interests

- 4.1 Nicola Wood declared an interest as a non-executive Director of the Board of the Information Commissioner's Office.

Item 5.16/75 Presentation by Paul Shinkfield National Director, Strategy and Research, Australian Health Practitioner Regulation Agency (AHPRA)

- 5.1 The Council received a verbal presentation from Paul Shinkfield of AHPRA.
- 5.2 The presentation covered the following topics;
 - The organisation and working of the National Boards and Committees
 - Relationship with Governments, including, Federal, States and Territories
 - Relationship and working arrangements between the Executive and Boards
 - Recruitment and reappointment processes
 - Joint secondment programme between the AHPRA and the HCPC
- 5.3 During discussion following the presentation the following points were made:-

- HCPC and AHPRA share some similar governance issues for example a transition from profession specific to multi-profession regulation;
- AHPRA also faces the challenge of operating over 8 geographically dispersed states and territories which also reflect political complexity legislative differences in several jurisdictions; and
- AHPRA considers the exchange programme very valuable and is keen to welcome three HCPC secondees in early 2017 and to build on the success of previous exchanges and collaborative working.

5.4 The Council thanked Paul for his informative presentation and for stepping in at short notice to deliver it.

Item 6.16/76 Fitness to Practise report

6.1 The Council received a report from the Executive.

6.2 During the discussion the following points were made:-

- the structure of the FTP department is currently undergoing realignment to ensure it remains fit for purpose. The aim is enhanced specialisation of functions across the department;
- the department will be organised into five functional groups, with the current case management function being split into three separate specialised groups, though all case managers will continue to present. The heads of function are now in place;
- key deliverables are reducing the length of time of cases as specialised skills result in time efficiency savings. Bespoke targeted training will also be possible for dedicated case teams;
- FTP employees are currently being consulted on the changes. The realignment will be delivered within the FTP budget for the year; and
- 98% of tribunal suites is being utilised currently. Statistics on space utilisation will be included in future reports. Feedback from Panel members and representatives has been positive.

6.3 The Council discussed the realignment. In response to a question, it was noted that it is hoped the specialisation would provide more opportunities for employees to move between teams to progress, rather than making the case management function less flexible. It would also reduce the amount of time it takes to get a new case manager established as they will no longer be required to be fully up to speed with all processes and can focus in on their area.

6.4 The Council noted the contents of the report.

Item 7.16/77 HCPC's approach to Fitness to Practise

7.1 The Council received a report from the Executive.

7.2 The Council noted that the paper is intended to provide an overview of HCPC's approach to fitness to practise, including the legislative framework upon which it is based to inform future discussions of the Council in this area.

7.3 During the discussion the following points were made:-

- the approach that the HCPC takes to its fitness to practise process is designed to balance public protection with the rights of the registrant;
- the HCPC's legal framework operates on the civil standard of proof. The HCPC was the first regulator to adopt this standard, ahead of the Shipman enquiry recommendation that all regulators move to it. Council agreed this should be given more emphasis in the paper;
- the HCPC was the first regulator to put Panels at 'arm's length' in relation to the Council and end the practice of Council members sitting as Panel members;
- it is important for the HCPC to share its experiences and achievements. The Council discussed the report informing a blog piece; and
- the HCPC has led innovation in shaping the regulatory landscape. The Council agreed that a key message to add to the paper was the HCPC's commitment to future innovation and evolution of regulation.

7.4 The Council agreed that the report should be considered a working document and should be reviewed at a future date to measure progress. It was agreed that the report would form part of the induction process for new Council members, along with the research strategy.

7.5 The Council noted the contents of the report.

Item 8.16/78 Health assessments for drug and alcohol offences

8.1 The Council received a report from the Executive.

8.2 During the discussion the following points were made:-

- the HCPC does not require that registrants convicted of drug and alcohol related criminal offences routinely undergo a health assessment, instead a case by case approach is taken;

- the PSA has previously said that it considers that all regulators should consider requesting health assessments in these cases;
- the HCPC does not have powers to compel a registrant to undergo a health assessment;
- in its report of our accountability hearing published in 2014, the Health Committee noted our approach to handling these cases and said that it would revisit the issue in the following year; and
- the HCPC commissioned research to look at the published evidence on this topic to inform its position and approach going forward. A team from King's College London undertook this review.

8.3 In response to a question it was noted that statistics on drink related offences correlating to other fitness to practice issues was considered by Council a number of years ago. This report did not show a trend. The research piece 'preventing small problems from becoming big problems in health and care' also looked at this issue, however this was limited. The Executive agreed that it would revisit the data in a future paper.

8.4 The Council agreed that as an evidence informed regulator, it was necessary to approach this issue on a case by case basis.

8.5 The Council noted the findings of the literature review and agreed that the HCPC should maintain its existing case-by-case approach to managing cases where registrants are cautioned or convicted of drug or alcohol related offences.

Item 9.16/79 Standard of Acceptance for Allegations

9.1 The Council received a report from the Executive.

9.2 The Council noted that the Standard of Acceptance for Allegations sets out the Council's policy in relation to the threshold for fitness to practise allegations. It outlines a 'modest and proportionate' threshold which allegations must normally meet before they will be investigated by the HCPC.

9.3 The Council noted that the policy was last considered by Council at its May 2015 meeting and implemented in June 2015. A further amendment to the policy is now necessary to ensure that registrants who have been cautioned or convicted for criminal offences are treated equitably irrespective of the UK jurisdiction in which they practise or reside. The need for this change arises from legislative differences between the jurisdictions in relation to the rehabilitation of offenders.

9.4 The Council approved the amended Standard of Acceptance for Allegations policy.

Item 10.16/80 Secretariat report

- 10.1 The Council received a report from the Executive.
- 10.2 In response to a question it was noted that there is no one reason for the increase in FOI requests in April, however the number of statistical requests for student research remained higher than normal.
- 10.3 The Council noted the contents of the report.

Item 11.16/81 Committee Appointments

- 11.1 The Council received a report from the Executive.
- 11.2 The Council noted that the Chair of Council together with the Chair of the Education and Training Committee considered the expressions of interest for Committee vacancies and are in agreement that Nicola Wood should be recommended for appointment to the Remunerations Committee and Stephen Cohen for appointment to the Education and Training Committee.
- 11.3 The Council agreed the appointments as set out in paragraph 11.2.

Item 12.16/82 2017 Council and Committee dates

- 12.1 The Council received a report from the Executive.
- 12.2 The Council approved the schedule of Council and Committee meetings in 2017.

Item 13.16/83 Finance report

- 13.1 The Council received a report from the Executive.
- 13.2 The Council noted the main activities of the Finance department since March. It included statistical information and highlighted key work undertaken.
- 13.3 During the discussion the following points were made:-
 - the PCI/DSS project has started and a consultant has been engaged to undertake gap analysis for current card payment systems against the updated Payment Card Industry Data Security Standard;
 - the new Head of Financial Accounting, Tian Tian, and the new Finance and Procurement Officer, Antonio Pinheiro, joined the HCPC on 4 April. The permanent Finance Business Partner post has been removed with its duties reallocated amongst the team;

- the £414k surplus includes a £267k impairment reversal credit on the revaluation of 186 KPR. This is based on increased market rents for comparable commercial properties in the area; and
- the annual report and accounts will be presented to the Audit Committee on 15 June and to Council on 6 or 7 July.

13.4 The Council discussed the 2016-17 budget. It was noted that the HCPC has budgeted for a small deficit, however the budget is prudently prepared and so may result in a small surplus. A narrative to accompany any potential surplus will be provided when publishing results.

13.5 The Council noted the contents of the report.

Item 14.16/84 Human Resources and Partners report

14.1 The Council received a report from the Executive.

14.2 The Council noted the activities of the HR department.

14.3 During the discussion the following points were made:-

- the reporting period has been particularly busy with high levels of recruitment and learning and development activities, along with administering and supporting the appraisal and annual pay review processes;
- the realignment of FTP has been a key area of work;
- the all employee survey has been launched and results will be presented to Council at a future meeting; and
- in response to a question it was noted that the results of this year's survey will be used as a baseline for comparison with surveys in future years. Some comparison with the last survey would be possible, however not all areas covered were directly comparable.

14.4 The Council noted the contents of the report.

Item 15. 16/85 Chief Executive's Summary of key issues

15.2 The Council noted the following points:-

- the Chief Executive thanked Paul Shinkfield of AHPRA for stepping in and providing a very interesting presentation. The Council noted that a representatives from Irish health professionals' regulator CORU and the Ontario College of Pharmacists would present to Council at future meetings;

- thanks were given to the Executive for delivering a good year end financial performance;
- the issue of how the HCPC reacts to social worker regulation reform was revisited. It was noted that reflecting on how the HCPC communicates its successes will contribute to providing a positive proactive response when more detail on social worker regulation is known;
- Council agreed that instability for any professional group was not desirable and that more detail was required on planned reforms; and
- Council agreed that the July meeting agenda would include time for a further discussion on social worker regulation reform and the HCPC's response as well as progress in relation to changes in the health and social care regulatory landscape.

Item 16.16/86 Any other business

16.1 There were no additional items for consideration.

Item 17.16/87 Meeting evaluation

17.1 The following points were noted:-

- the Council discussed the public nature of the meeting. It was noted that whilst the meeting is held in public, members of the public are not invited to speak or ask questions and so are not introduced when the meeting opens;
- meeting agendas are open to suggestions from Council on topics for discussion. Council members were asked to consider this; and
- it was suggested that the Executive should sit round the table with Council members. The Executive team were asked to consider this suggestion.

Item 18.16/88 Date and time of next meeting:

Wednesday 6th July 2016 at 2pm and Thursday 7th July 2016 at 10am at Park House, 184 Kennington Park Road, London SE11 4BU.

Chair: Elaine Buckley

Date: 06.07.2016