health & care professions council

Agenda Item 5

Enclosure 1

Health and Care Professions Council 21 September 2016

Minutes of the Council meeting of 6 and 7 July 2016

For discussion and approval

From Claire Amor, Information Governance Manager

health & care professions council

Council

Minutes of the 106th meeting of the Health and Care Professions Council as follows:-

- Date: Wednesday 6th July 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 Joanna Mussen Robert Templeton Graham Towl Joy Tweed Nicola Wood Stephen Wordsworth

In attendance:

Claire Amor, Information Governance Manager Nicole Casey, Policy Manager Guy Gaskins, Director of Information Technology Andy Gillies, Director of Finance Michael Guthrie, Director of Policy and Standards Teresa Haskins. Director of Policy and Standards Kelly Holder, 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

Public Agenda – Part 1

Item 1.16/89 Chair's welcome and introduction

1.1. The Chair welcomed Council members and those seated in the public gallery to the 106th meeting of Council.

Item 2.16/90 Apologies for absence

2.1 Eileen Mullan sent her apologies.

Item 3.16/91 Approval of Agenda

3.1 The Council approved the agenda.

Item 4.16/92 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 5.16/93 Minutes of the Council meeting of 19 and 20 May 2016

- 5.1 The Council considered the minutes of the 105th meeting of the Health and Care Professions Council.
- 5.2 The Council agreed the minutes.

Item 6.16/94 Matters arising

- 6.1 The Council noted those matters arising from the meetings held on 19 and 20 May 2016.
- 6.2 The Council noted the report.

Item 7.16/95 Chair's report

- 7.1 The Council received a report from the Chair.
- 7.2 The Council noted that the Chair, Chief Executive and Director of Policy and Standards attended the World Health Professions Regulation Conference on 21 and 22 May. The Council discussed the question emerging from the conference regarding risk based regulation. The Council agreed that the Audit Committee should consider the question of how risk based the HCPC's approach was at a future meeting.

- 7.3 The Council noted that the Chair would be leading a Council briefing session in September on her experiences of the IMD programme's governance sessions.
- 7.4 The Council noted the report.

Item 8.16/96 Chief Executive's report

- 8.1 The Council received a report from the Chief Executive.
- 8.2 The Council discussed recent international engagement. It was noted that The New Zealand Dental Council visited the HCPC on 23 May and the HCPC visited the Ministry of Health in Toronto on 20 June. The Ministry of Health in Malaysia also visited the HCPC in June and a further three of their employees will be visiting the HCPC in August. It was noted that these organizations' faced similar issues.
- 8.3 The Council noted the report.

Item 9.16/97 New Regulatory body for social work

- 9.1 The Council received a verbal update on developments following the announcement on 14 January 2016 by Rt. Hon. Nicky Morgan MP, Secretary of State for Education that a "new regulatory body for social work" would be setup in England.
- 9.2 During discussion, the following points were made:-
 - the Children and Social Work Bill was published and received its first reading in the House of Lords on 19 May 2016. The second reading took place on 14 June 2016;
 - concerns about the use of delegated powers in relation to establishing the new regulator were raised by a number of peers during the second reading;
 - a number of peers also questioned the Government's decision to establish a new regulator, and a number highlighted the HCPC's good performance as the regulator of social workers in England;
 - the House of Lords Select Committee on the Constitution published a report on the Bill on 13 June. The Committee raised concern about the appropriateness of introducing legislation which would give powers to create a regulator of social workers to the Secretary of State via regulations, rather than setting out the detail to some degree on the face of the Bill;

- a report from the House of Lords Delegated Powers Committee recently made similar findings to Constitution Committee, criticising part two of the Bill for not including anything about 'the identity of the regulator, or about its membership and constitution';
- the next stage is the Committee stage. This is where line-by-line examination of the Bill first takes place. Amendments can be put forward and voted on. The consideration of the Bill is likely to continue into the next session of Parliament from September 2016; and
- the Council noted that a meeting with Department of Health and Department for Education officials to discuss the planned reforms to social worker regulation is currently scheduled for 11 July 2016.

Item 10.16/98 Reforming health and care professional regulation

- 10.1 The Council received a presentation form the Chief Executive regarding health and care professional regulation reform.
- 10.2 During the presentation, the following points were made:-
 - Ben Gummer MP, Parliamentary Under Secretary of State for Health, wrote to the regulatory body chairs on 26 May 2016. His letter confirms a forthcoming policy consultation which is anticipated to take place in autumn 2016;
 - the four country governments are arranging a series of five stakeholder 'pre-consultation events'. These events will take place in July and August 2016 and one of the regulators will give a short address at each of the events. The HCPC is supporting the event in Cardiff on 20 July 2016;
 - pre-consultation meetings have focused on three themes' the purpose of regulation, agile regulation and cost effective regulation. Other themes include, the number of regulators, governance, autonomy and accountability;
 - a Department of Health meeting scheduled to take place on 6 July 2016 will be focused on role the regulators might be able to play in 'prevention' of fitness to practise issues;
 - the role of regulators in prevention was discussed in the Profession Standards Authority (PSA) 'Rethinking regulation' and is likely to be a theme addressed in the forthcoming consultation. The HCPC recently commissioned research looking at the prevalence of fitness to practise concerns about paramedics and social workers engages this agenda; and

- the HCPC will continue to seek legislative changed via Section 60 orders. The changes sought to fitness to practise rules could result in cost savings that could be directed to increased work on prevention.
- 10.3 The Council noted that in due course a consultation will require a response from the HCPC and so Council's views are being sought at this point to shape the Executives drafting. The Council agreed that public protection considerations should be at the forefront of any response and any proposed changes.
- 10.4 The Council agreed that having more than one regulator reduced risk in terms of organisational failure, it also enables comparison between similar organisations to be made.
- 10.5 The Council agreed that the HCPC should highlight its achievements and experiences in establishing a successful model of multi profession regulation
- 10.6 The Council discussed the theme of governance. It was agreed that four country representation on the Council was important and that the Council should not increase in size. The Council considered that the challenge in a unitary board model was clarity of responsibility and the risk of a 'two tier' structure developing with Executives and Non-Executives.
- 10.7 The Council noted that the Executive would be considering the themes outlined in the presentation as well as social worker regulation at its away day in July. It was agreed that a summary report of these discussions would be presented to the Council.
- 10.8 The Council noted that dependent on progress an update paper would be presented at the September meeting, with email updates provided in the interim.
- 10.9 The Council noted the paper.

Item 11.16/99 Education report

11.1 The Council noted this paper.

Item 12.16/100 Minutes of the Education and Training Committee 9 June 2016

12.1 The Council considered and approved the minutes of the public section of the 70th meeting of the Education and Training Committee.

Item 13.i.16/101 Consultation on revised returning to practice guidance For discussion and approval

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

- 13.i.2 The Council noted that, in late 2014, a senior manager from the Australian Health Practitioner Regulation Agency (AHPRA) on placement undertook a rapid appraisal of the HCPC's return to practice requirements and guidance. The appraisal highlighted the need for further clarity and guidance in a number of areas, and as a result the HCPC committed to reviewing the 'Returning to practice' guidance document.
- 13.i.3 The Council noted that, at its meeting in June 2016, the Education and Training Committee recommended the revised guidance and consultation document to the Council for approval. The Executive currently expects that the consultation will run for 12 weeks between mid-July and early October 2016.
- 13.i.4 The Council noted that the Education and Training Committee had requested clarification on the issue of annotations being retained by those returning to practice. It was noted that legal advice had said that requiring separate evidence for currency of skills for annotations would be out of keeping with the approach taken for the professional to judge what is required to ensure adequacy.
- 13.i.5 The Council approved the consultation document and draft revised guidance for consultation, subject to formal legal scrutiny and minor editing amendments.

Item 13.ii.16/102 Consultation on revised standards of education and training (SET's) and supporting guidance

- 13.ii.1 The Council received a paper from the Executive.
- 13.ii.2 The Council noted that, at its meeting in June 2016, the Education and Training Committee recommended the draft revised standards of education and training and the consultation document to the Council for approval. The Executive currently expects that the consultation will run for 12 weeks between 5 September and 25 November 2016.
- 13.ii.3 The Council approved the consultation document and draft revised guidance for consultation, subject to formal legal scrutiny and minor editing amendments.

Item 13.iii.16/103 Outcomes on consultation on draft standards for use of exemptions by orthoptists to sell, supply and administer medicine

- 13.iii.1 The Council received a paper from the Executive.
- 13.iii.2 The Council noted that legislative amendments which came into effect on 1 April 2016 introduced exemptions to enable orthoptists who are appropriately trained to sell, supply and administer certain prescription only medicines without the usual need for a prescription.

- 13.iii.3 The Council noted that the HCPC ran a public consultation between 8 March and 3 May 2016 on the draft standards for the use of exemptions by orthoptists to sell, supply and administer medicines.
- 13.iii.4 The Council noted that, at its meeting in June 2016, the Education and Training Committee agreed to recommend the consultation response document and draft standards to Council for approval.
- 13.iii.5 The Council approved the text of the consultation analysis document and the standards for the use of exemptions by orthoptists, subject to minor editing amendments and formal legal scrutiny.

Item 13.iv.16/104 Outcomes on consultation on renaming the 'local anaesthetic' and 'prescription only medicines' annotation for chiropodists and podiatrists

- 13.iv.1 The Council received a paper from the Executive.
- 13.v.2 The Council noted that the HCPC ran a public consultation between 8 March and 3 May 2016 on renaming the 'local anaesthetic' and 'prescription only medicines' annotations in order to ensure that they reflect the respective exemption lists to which they refer, and also that they are easily understood by professionals and members of the public who use the online Register.
- 13.v.3 The Council noted that as a result of the consultation it is proposed that the annotation 'Local anaesthetics' becomes 'Prescription only medicines administration' and 'Prescription only medicines' becomes 'Prescription only medicines sale/supply'.
- 13.v.4 The Council noted that, at its meeting in June 2016, the Education and Training Committee recommended the consultation analysis document and the renaming, to the Council for approval.
- 13.v.5 The Council approved the the renaming of the annotations as set out in paragraph 13.v.2 and the text of the consultation analysis document, subject to minor editing amendments and formal legal scrutiny.

Item 13.v.16/105 HCPC response to the Report of the Mid Staffordshire NHS Foundation Trust Public Inquiry – Third update on commitments

13.v.1 The Council noted this paper.

Item 14. 16/106 Communications report

14.1 The Council noted this paper.

Item 15. 16/107 Minutes of the Remuneration Committee 20 May 2016

15.1 The Council considered and approved the minutes of the public section of the 19th meeting of the Remuneration Committee.

Item 16.16/108 Any other business

16.1 There were no additional items for consideration.

Item 17.16/109 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;

Item	Reason for Exclusion
18	b
19	а

- (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 18.16/110 Minutes of the private Remunerations Committee meeting of 20 May 2016

18.1 The Council considered and approved the minutes of the private section of the 19th meeting of the Remunerations Committee.

Item 19.16/111 Minutes of the private Education and Training Committee meeting of 9 June 2016

19.1 The Council considered and approved the minutes of the private section of the 70th meeting of the Education and Training Committee.

Chair:
Date:

health & care professions council

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

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 its 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:	
Date:	