

Council

Minutes of the 109th meeting of the Health and Care Professions Council as follows:-

Date: Wednesday 8 February 2017

Time: 2pm

Venue: Rooms D & G, Health and Care Professions Council, Park House,
184 Kennington Park Road, London SE11 4BU

Present: Elaine Buckley (Chair)
Stephen Cohen
Maureen Drake
Sue Gallone
Sonya Lam
Eileen Mullan
Joanna Mussen
Gavin Scott
Robert Templeton
Graham Towl
Nicola Wood
Stephen Wordsworth

In attendance:

Claire Amor, Secretary to Council
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
John Barwick, Acting Director of Fitness to Practise
Michael Humphreys, Professional Standards Authority
Jacqueline Ladds, Director of Communications
Louise Lake, Director of Council and Committee Services
Greg Ross-Sampson, Director of Operations
Marc Seale, Chief Executive and Registrar
Kirsty Taylor, Professional Standards Authority

Public Agenda – Part 1

Item 1.17/1 Chair's welcome and introduction

- 1.1. The Chair welcomed Council members and those seated in the public gallery to the 109th meeting of Council.

Item 2.17/2 Apologies for absence

- 2.1 No apologies were received.

Item 3.17/3 Approval of Agenda

- 3.1 The Council approved the agenda.

Item 4.17/4 Declaration of Members' interests

- 4.1 No new interests were declared.

Item 5.17/5 Minutes of the Council meeting of 7th and 8th December 2016

- 5.1 The Council considered the minutes of the 108th meeting of the Health and Care Professions Council.
- 5.2 The Council agreed that the term 'higher risk approach to external engagement' in paragraph 13.3 of day one required amendment to reflect a wider approach.
- 5.3 The Council agreed that its discussion of Item 4.16/215 Professional Standards Authority performance review report 2015-16, should include a stronger statement of the HCPC's receptiveness to the learning opportunities the PSA review presented.
- 5.4 The Council agreed the minutes subject to the amendments outlined.

Item 6.17/6 Matters arising

- 6.1 The Council noted those matters arising from the meetings held on 7 and 8 December 2016.
- 6.2 The Council noted the report.

Item 7.17/7 Chair's report

7.1 The Council received a report from the Chair.

7.2 During discussion the following points were noted:-

- the Allied Health Professions strategy launch event showcased a number of examples of new care models and demonstrated how AHPs were working in a variety of extended roles. These include roles which do not reflect protected titles. The Council noted public awareness of the HCPC's role could be more challenging in this respect;
- the Council of Deans of Health Annual General Meeting included discussion on reducing student applications, it is thought this is linked to the removal of bursaries in England and possibly the UK's planned withdrawal from the EU; and
- at the Meet the HCPC event in East London, there was discussion on the SCPE and the issue of raising concerns about colleagues, or where registrants consider that their employers' instructions conflict with the HCPC's standards.

7.3 The Council noted the report.

Item 8.17/8 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:-

- Sylvia Armstrong, the HCPC's receptionist, retired in December 2016 following over 20 years of service to the HCPC and CPSM. The Executive and the Council thanked Sylvia for her contribution;
- no further detail is known on the timing of the expected four country consultation on the reform of health and care professional regulation;
- a meeting took place between the Chief Executives and Chairs of the regulators on 15 December 2016. The purpose of the meeting was to discuss the possibility for future joint working and collaboration. The HCPC has agreed to lead on exploring joint standards, the Council agreed that possibilities for joint working should be explored; and
- a consultation regarding the regulation of physicians associates is expected in early 2017. The Council will be asked to consider the HCPC's response to any consultation. The Chair has facilitated a visit to the University of Sheffield Hallam for DoH officials to learn more about the physicians' associate profession.

- 8.3 The Council discussed the impact of the UK's decision to leave the EU. It was noted that EEA applications had reduced following the vote. At a meeting with NHS Employers, workforce concerns were focused on groups such as care workers rather than the regulated professions.
- 8.4 The Council discussed the future regulation of social workers in England. During discussion the following points were noted:-
- the Children and Social Work Bill has completed the Committee stage in the House of Commons, a date for the report stage has yet to be fixed;
 - meetings have been held over recent weeks with Department for Education (DoE) and Department of Health (DoH) officials to increase their understanding of the work of the HCPC and help them identify the key issues for the Government's work in establishing the new regulator of social workers in England. The Executive has communicated its concerns regarding the time required to establish a regulator given the proposed transfer date of September 2018;
 - funding for a project manager has been approved by the DoH. The project manager will be funded by the DoH but will be a HCPC employee. This arrangement has been used on previous projects;
 - the government's plans for the establishment new regulator remain unclear. The HCPC does not currently know if all regulatory functions will transfer at once or if a phased approach will be taken. The Executive and Council have not at present formed a view as to the preferred option;
 - the Executive are modelling the possible financial impacts of the transfer to the new regulator, including the impact of a phased approach and this will be presented to Council in March and
 - from 1 January 2017 vacancies will be assessed as to whether they should be filled with fixed term contract employees.
- 8.5 The Council discussed the potential risks of an ineffective new regulator. The Council agreed that it was in the HCPC's interest for the new regulator to succeed as failure would reflect badly on the HCPC and would pose a risk to public protection. The Council agreed that the HCPC should present its preferred option to the DoH and DoE in the absence of detailed plans being forthcoming.
- 8.6 The Council noted the report.

Item 9.17/9 Fitness to Practise Report

- 9.1 The Council received a report from the Executive.

9.2 During discussion the following points were noted:-

- the number of open pre-ICP cases is below forecast. This reflects the lower than expected number of new cases being received as well as the number of cases being closed pre-ICP. However, fewer cases were closed pre-ICP in December due to the shorter working month;
- an interactive guide to the fitness to practise hearing centre is being developed as part of the project to establish the Health and Care Tribunal Service (HCPTS); and
- the Tribunal Advisory Committee appointments exercise has concluded. Induction is scheduled for March with the first meeting of the Committee following in June.

9.3 The Council agreed that the report should include information on the types of cases being considered, beyond the processes and timescales involved.

9.4 The Council noted the contents of the paper.

Item 10.17/10 Fitness to Practise Mediation Pilot update

10.1 The Council received a report from the Executive.

10.2 During discussion the following points were noted:-

- in October 2011 the Council decided that a mediation pilot should be undertaken, the pilot was to consist of six cases or last a period of six months. The pilot began in September 2013 and was designed to include cases where there has either been a case to answer or no case to answer decision made by a panel of the Investigating Committee;
- in February 2016 the Council reviewed the pilot and decided it should continue for a further year;
- despite additional activities undertaken since February 2016 to encourage the take up of mediation there has been little change in the position since the last review, and there remains only one case to date that has been through the mediation process successfully; and
- the Executive now recommends that the pilot is brought to an end.

10.3 The Council expressed its regret that the pilot had not been successful, but noted that valuable knowledge had been gained regarding mediation and a relationship with a mediation provider has been developed. It was agreed that the pilot should conclude, and that the use of mediation would be revisited in future, possibly at an earlier stage in the process, if legislative change allowed.

10.4 The Council agreed that the mediation pilot should be brought to an end.

Item 11.17/11 Finance report

11.1 The Council received a paper from the Executive.

11.2 The Council noted that the month 9 reforecast shows a small surplus will be recorded for the year subject to revaluation of freehold property.

11.3 The Council discussed how the registrant forecast is developed. It was noted that the registrant forecast was separate from the 5 year plan and was undertaken by the Business Process Improvement team rather than the Finance Department. The registrant forecast is calculated using historical data and intelligence on expected future changes.

11.4 It was noted that the registrant forecast has proved accurate over the long term as reported to Council previously in a comparison exercise. The HCPC also benefits from a 'portfolio' effect whereby changes to one profession impact less due to the total of 16 professions making up the register.

11.5 The Council noted the contents of the paper.

Item 12.17/12 Operations Report

12.1 The Council received a paper from the Executive.

12.2 The Council noted that social workers and operating department practitioners renewed in the reporting period. Unusually social workers contacted the HCPC with renewal queries significantly more than the previous renewal.

12.3 The Council discussed the redevelopment of 186 Kennington Park Road. In response to a question it was noted that the entire estate would be a more valuable option to sell if relocation was decided in future rather than selling 186 alone.

12.4 The Council noted the contents of the paper.

Item 13.17/13 Revision to Practice Statement: Registration Appeals

13.1 The Council received a paper from the Executive.

13.2 During discussion, the following points were noted:-

- in September 2016, the Council approved a new practice statement which provides guidance on the management of Registration Appeals;
- an internal audit of the Registration Appeals process took place in October 2016;
- a recommendation arising from the audit is that, in order to reduce the risk of erroneous documents being provided to the Appeals Panel, documents provided by the appellant should be subject to the same verification checks carried out on documents received as part of an application; and
- the proposed practice statement has been revised to reflect this verification check.

13.3 The Council approved the revised Registration Appeals Practice Statement.

Item 14.17/14 Policy and Standards Report

- 14.1 The Council received a paper from the Executive.
- 14.2 The Council noted that the required correction to medicines legislation to require legally that orthoptists are annotated before accessing medicines under an exemption list, discussed at Council in September 2016, has been delayed. The legislative change was expected to be in place in April 2017 but is now expected in October 2017. The Council will be updated on any additional delays to the legislation.
- 14.3 The Council noted that the research being carried out by the University of Surrey is progressing to timetable. An interim report will be considered by the Council in March 2017.
- 14.4 The Council noted the contents of the paper.

Item 15.17/15 Education Report

- 15.1 The Council received a paper from the Executive.
- 15.2 During discussion the following points were noted:-
- the impact of the funding and commissioning changes to allied health profession provision in England is beginning to impact the approval case numbers in the first quarter of the 2017-18 financial year;
 - the Department continues to see an increase in external stakeholder work in the area of higher and degree apprenticeships. This involves formal engagement with three trailblazer groups (biomedical scientists;

chiropractors and social workers) and initial (expressions of interest) work with seven professions and Health Education England and Skills for Care; and

- the Council agreed that a development session on apprenticeships would be useful in preparation for the anticipated increase in the use of this model of education delivery.

15.3 The Council noted the contents of the paper.

Item 16.17/16 Communications Report

16.1 The Council received a paper from the Executive.

16.2 During discussion the following points were noted:-

- the web review project online survey received around 1500 responses, more in depth telephone interviews are currently underway as well as a number of internal employee workshops;
- the Department has recently undertaken engagement activity with registrant employers to better understand their information needs. The Executive proposed a future development session to explore this data; and
- the Council discussed the impact of direct engagement with registrants and employers at HCPC events and the feasibility of capturing any themes or issues that could be fed back into the organisation.

16.3 The Council noted the contents of the paper.

Item 17.17/17 Information Technology Report

17.1 The Council received a paper from the Executive.

17.2 The Council noted that there had been a number of short outages in IT systems during the reporting period. Enhanced monitoring has been implemented to ensure early issue identification.

17.3 The Council noted that two vacancies within the Infrastructure team are being actively recruited, there being difficulty in attracting quality candidates. It was noted that the roles have been reviewed to increase their competitiveness in the current market. The Council thanked the IT team for consistent delivery over a period of long term vacancies in the team.

17.4 The Council noted the contents of the paper.

Item 18.17/18 Secretariat Report

- 18.1 The Council received a paper from the Executive.
- 18.2 The Council noted that four Council members are eligible for reappointment when their current terms end on 31 December 2017. The process for reappointments will be initiated following the annual performance review process completion, reviews are currently scheduled for March.
- 18.3 The Council noted the contents of the paper.

Item 19.17/19 Human Resources Report

- 19.1 The Council received a paper from the Executive.
- 19.2 The Council noted that the new HR system went live in mid-December 2016, some minor system issues resulted but these are now resolved or in the process of resolution.
- 19.3 The Council noted that the last employee survey took place in 2016. The survey response plan identified a number of actions, which the Executive are currently undertaking. A further follow up 'pulse' survey is planned for late 2017 to measure progress on target areas.
- 19.4 The Council noted the contents of the paper.

Item 20.17/20 Committee appointments

- 20.1 The Council received a paper from the Executive.
- 20.2 During discussion the following points were noted:-
- Joy Tweed and Richard Kennett stepped down from Council at the end of 2016. Their departure has resulted in a number of vacancies on the committees. Expressions of interest were sought for the vacancies;
 - it is recommended that Stephen Cohen, currently a Committee member, be appointed as the Chair of the Audit Committee, additionally it is recommended that Sue Gallone join the Committee as a member;
 - it is recommended that Stephen Wordsworth be appointed as Chair of the Education and Training Committee. Additionally it is recommended that Sue Gallone and Gavin Scott be appointed as members of the Education and Training Committee;
 - it is recommended that Graham Towl be appointed to the Remuneration Committee; and

- following an appointments exercise, the following Tribunal Advisory Committee membership is proposed;
 - Graham Aitken (Tribunal Chair member)
 - Catherine Boyd (Tribunal Chair member)
 - Philip Geering (Tribunal Chair member)
 - Sheila Hollingworth (Lay member)
 - Alan Kershaw (Lay member)
 - Marcia Saunders (Lay member)

20.3 The Council approved Committee appointments as set out in the paper.

Item 21.17/21 Any other business

21.1 There were no additional items for consideration.

Item 22.17/22 Future agenda items and meeting evaluation

22.1 The following points were discussed:-

- it was noted that the balance of the agenda had progressed but still required consideration;
- the suggestion for a scorecard format for reporting was put forward; and
- the Council agreed that space for debate was important to maintain for forthcoming strategic issues.

Item 23.17/23 Date and time of next meeting:

Wednesday 22 March 2017 at 2pm and Thursday 23 March 2017 at 10am at Park House, 184 Kennington Park Road, London SE11 4BU

Item 24.17/24 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
25	c

Item 25.17/25 Private Minutes of the Council meeting of 7th December 2016.

25.1 The Council approved the minutes of the private meeting of 7 December 2016.

Chair:

Date:

