

Council

Minutes of the 114th meeting of the Health and Care Professions Council as follows:-

Date: Wednesday 6 December 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
Nicola Wood
Stephen Wordsworth

In attendance:

Claire Amor, Secretary to Council
John Barwick, Acting Director of Fitness to Practise
Kayleigh Birtwistle, Quality Compliance Auditor
Jonathan Bracken, Solicitor to Council
Rebecca Bryan, FTP Quality Compliance Manager
Ellis Christie, FTP Quality Compliance Officer
Laura Coffey, Head of Case Reception and Triage
Roy Dunn, Head of Business Process Improvement
Guy Gaskins, Director of Information Technology
Andy Gillies, Director of Finance
Abigail Gorringe, Director of Education
Kellie Green, Head of FTP Operations
Michael Guthrie, Director of Policy and Standards
Teresa Haskins, Director of Human Resources

Jacqueline Ladds, Director of Communications
Louise Lake, Director of Council and Committee Services
Matthew Nelson, Education Systems and Quality Manager
Greg Ross-Sampson, Director of Operations
Marc Seale, Chief Executive and Registrar
John Tallis, Assurance and Development Officer
John Witt, Capsticks Solicitors LLP

Public Agenda

Item 1.17/165 Chair's welcome and introduction

- 1.1. The Chair welcomed Council members and those seated in the public gallery to the 114th meeting of Council.

Item 2.17/166 Apologies for absence

- 2.1 Apologies were received from Graham Towl.

Item 3.17/167 Approval of Agenda

- 3.1 The Council approved the agenda.

Item 4.17/168 Declaration of Members' interests

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

Item 5.17/169 Minutes of the Council meeting of 20 and 21 September 2017

- 5.1 The Council considered the minutes of the 113th meeting of the Health and Care Professions Council.
- 5.2 The Council agreed the minutes.

Item 6.17/170 Matters arising

- 6.1 The Council noted those matters arising from the meetings held on 20 and 21 September 2017.
- 6.2 The Council received a verbal update on matters arising item two, relating to the symbols used to represent the different HCPC professions. It was noted that the symbols have been in use since 2011 when the 'check the register' app was introduced. The symbols were tested with service user groups during the production of the guide 'What you should expect from your health and care professional'. No negative feedback has been received about the symbols, but these will be reviewed and tested with stakeholders as part of a planned HCPC visual identity review.
- 6.3 The Council noted the report.

Item 7.17/171 Chair's report

- 7.1 The Council received a report from the Chair.

7.2 During discussion the following points were noted:-

- in October the HCPC undertook a number of well received stakeholder engagement meetings in Northern Ireland. In addition, Council and the Executive held a successful development session identifying the key priorities which will inform the corporate business plan;
- several HCPC colleagues including the Chair and two Council members attended and contributed to the annual Scottish regulatory conference on 30 October;
- the Chair and Chief Executive have recently met with a number of professional bodies. Effort has been made to connect with the smaller professional bodies as part of this cycle of meetings; and
- following the recent Council governance review, recruitment of independent members of committees has now concluded.

7.3 The Council noted that, following confirmation from the Privy Council, Kathryn Foreman will join the Council as a lay member from 1 January 2018. The Chair requested that members begin to include Kathryn in group email discussion between Council meetings.

7.4 The Chair noted that Council member Nicola Wood would end her term of office on 31 December 2017 and that this was her last Council meeting, The Chair thanked Nicola for her contribution to Council and Remuneration Committee.

7.5 The Council noted the report.

Item 8.17/172 Chief Executive's report

8.1 The Council received a report from the Chief Executive.

8.2 The Chief Executive highlighted the following points from his report:-

- a further meeting with the Department of Health and Department for Education regarding the regulation of social workers in England took place on 25 October. Registration and education arrangements were discussed;
- the roles of Chief Executive and Chair of Social Work England are being advertised;
- on 30 November, the HCPC and GMC attended a roundtable meeting with Minister of State for Health, Philip Dunne, and the Royal Colleges. Those in attendance agreed that regulation of physician's associates is desirable;

- the Chief Executives and Chairs of the 9 healthcare professions regulators and the PSA met on 27 November to discuss regulatory reform. It was agreed that a common position should be sought on what the regulators are seeking from reform;
- Government has recently published three relevant consultations, regulation of medical associate professions including physician associates, reform of professional regulation and regulation of nursing associates in England. In addition, the PSA has published its report 'Right touch reform';
- on 15 November the HCPC held a joint research seminar with the Australian Health Practitioner Regulation Agency. The Director of Policy and Standards and Council member Stephen Wordsworth co-presented on the University of Surrey research; and
- the HCPC has agreed to seek to extend its contract with Kingsley Napley for a further 12 months to 31 March 2019. This decision was agreed by the Director of Fitness to Practise, Chief Executive and Chair, and was made in light of the current uncertainty about the timetable for the transfer of the regulation of social workers in England. The contract will be re-tendered in 2019-20.

- 8.3 The Council discussed the rise in open pre investigating committee fitness to practise cases. It was noted that this rise could be attributed to the extra scrutiny and proactive investigation work applied following concerns raised by the PSA.
- 8.4 The Council requested that in future the graph of registrant numbers on page 50 of the report be presented both with and without social workers in preparation for the transfer.
- 8.5 The Council discussed the registration transformation project. It was noted that unexpected issues arose during the penetration testing phase and that these bugs required a fix before the system could go live. The Executive are requesting an early release from Microsoft of the fix for these issues which is currently due to roll out in January 2018.
- 8.6 The Council noted that employee turnover rate remains relatively high. The average length of service of a HCPC employee is 4 years 7 months, the median is 3 years 4 months. The Council noted that focused work on retention is ongoing. The Executive has converted many fixed term positions into permanent roles as discussed by Council in September 2017, however this is not yet reflected in the report.
- 8.7 The Council agreed that the Chief Executive would report to the Council on progress of the PSA performance report action plan at future meetings.
- 8.8 The Council noted the report.

Item 9.17/173 Social Work England

- 9.1 The Chief Executive provided the Council with a verbal update on recent progress in the government's plans for a new regulator, Social Work England. The Council noted the following points:-
- the HCPC's input has been sought for a Cabinet Office infrastructure review of the current timetable for the project;
 - the Executive is reviewing detailed income assumptions with a focus on timing. The Executive considers it vital to avoid a situation where registrants are charged registration fees twice, as occurred with the GSCC transfer; and
 - no funding has been released to cover the HCPC's costs in preparing for the transfer. It is expected this will progress when secondary legislation is passed. It was noted that the current resource requirements are manageable.
- 9.2 The Council discussed the financial challenges posed by the loss of income post social worker transfer. The Council expressed the need for the Executive to alert the Council if and when action is needed in terms of a decision on fee levels. It was noted that analysis of the impact on income has been undertaken and discussed by Council but that this should continue and that the Council should reach a conclusion on fees before the new financial year due to the long lead times involved in achieving legislative agreement for any increase.
- 9.3 The Council did not consider that all possibilities for reducing costs had been explored and that this should continue.
- 9.4 The Council agreed that the HCPC's communication of what registrants get for their fees or making enhancements to this should also be explored if the Council agrees to pursue a rise in registration fee.

Item 10.17/174 Professional Standards Authority for Health and Social Care Performance Review Report 2016-17 and HCPC's future plan

- 10.1 The Council received a report from the Executive.
- 10.2 The Council noted that the PSA published its annual performance review of the HCPC in October 2017. The PSA concluded that the HCPC met all of the standards relating to guidance and standards, education and training and registration. However, of the ten fitness to practise standards, six were not met.
- 10.3 The Executive accepts the areas of concern identified by the PSA and acknowledge that an extensive programme of activity is needed to ensure the required improvement. This includes both strategic and operational changes.

10.4 During discussion the following points were noted:-

- on receipt of the PSA's draft performance report for 2016-17, immediate steps were taken to evaluate whether the higher risk concerns remained current. Where this was the case, steps have been taken to manage the risk while a longer-term improvement plan was developed;
- the PSA has recognised the progress made on timeliness and risk assessment quality since the last performance report;
- the Executive has initiated an FTP Improvement project to address the areas of improvement identified. This will be managed as a major project. This will ensure regular reporting and oversight by the Executive and Council as well as the consideration of potential resource impacts and impact on other departments;
- the realignment of the fitness to practise department was implemented in December 2016. A detailed evaluation of the impact of the realignment is part of the current departmental work plan;
- the turnover of Case Managers poses a challenge as reliance on temporary resource can have an impact on quality. The other health care regulators face similar challenge in this area and the HCPC is working with the other regulators to identify ways to improve retention;
- provision for an additional seven posts to ensure the department has sufficient capacity to address the key concerns has already been secured and reflected in the month 6 budget reforecast. Recruitment to these posts has commenced; and
- refresher training on the case closure process has already completed. New interactive training delivery is being utilized.

10.5 The Council welcomed the response to the report and proposed improvement plan as thorough and honest. It acknowledged the ambitiousness of the plans set out and the challenges ahead in effecting change.

10.6 The Council questioned the likelihood that the HCPC would meet the 10 FTP standards in the next performance report. It was noted that improvements would take time due to the life cycle of FTP cases and that the performance review process for 2017-18 has already been initiated. The PSA will be reviewing cases already in the system that will not be impacted by improvement work already undertaken. The Executive stated that it hoped that progress in the areas of risk assessment and timeliness would be acknowledged by the PSA in the next report due to the focused efforts to improve these areas over the last year.

10.7 The Council discussed how it will measure performance improvement resulting from the improvement plan. It was noted that key evaluation

activities are built into the plan for this purpose. Regular updates on the action plan will be provided through the Chief Executive's report. It was suggested that the Audit Committee could have a role in monitoring progress and that the internal auditors, Grant Thornton, could be engaged to provide an external scrutiny and support.

- 10.8 The Council discussed the reputational impact of the report. It was noted that the report was not picked up by the professional press. The Chair and Chief Executive have included the performance report on the agenda for their current cycle of professional body meetings. It was agreed that consideration of how best to communicate the HCPC's FTP messages is required.
- 10.9 The Council discussed the HCPC's relationship with the PSA. The Council considered that this was a weakness previously not identified and addressed adequately. It was noted that the Director of Fitness to Practise now regularly meets with the PSA's Director of Scrutiny and Quality, ensuring that they are informed of improvement progress in their areas of concerns. The Chair and Chief Executive also continue to meet regularly with their counterparts at the PSA.
- 10.10 The Council discussed the nature of PSA standards and how these are met. It was agreed that there is a level of interpretation for each regulator to engage with. It was agreed that the HCPC can judge its performance by looking for improvements on previous year's performance.
- 10.11 The Council discussed the HCPC performance against the PSA standards historically. It was noted that the level of performance required to meet the standards has developed with time and the HCPC's perception of the standards thresholds may not have kept up with this.
- 10.11 The Council agreed that it would hold a session to explore what the Council and Executive consider good performance looks like within the PSA standards framework. It was agreed that this session will take place before the Council meeting in February 2018. It was noted that this understanding could be enhanced by stakeholder engagement.
- 10.12 The Council emphasised that the Executive should raise with it any concerns about resource at the earliest opportunity. It was noted that Council will discuss the Corporate Plan and KPIs in January 2018. FTP improvement will be a key area for KPI development.
- 10.13 The Council thanked the Director of Fitness to Practice and his colleagues for their openness in developing an improvement plan to address the concerns raised. The Council emphasised shared ownership of the issues raised is required and that the action plan should be seen as HCPC wide and not specifically focused on the Fitness to Practise Directorate.
- 10.12 The Council noted the contents of the paper.

Item 11.17/175 Internal Quality Assurance

- 11.1 The Council received a report from the Executive.
- 11.2 The Council received an overview of current internal quality assurance activity.
- 11.3 It was noted that the Executive are reviewing arrangements in order to raise the profile of internal quality assurance. The Executive is working with internal auditors, Grant Thornton, to develop a brief for consultancy advice. It will focus on assurance on the quality of judgements that are made in the core regulatory processes, including the best way to organise and deliver this quality assurance activity and resource.
- 11.4 The Council noted that the Director of Policy and Standards will assume an oversight role for internal quality assurance. He will provide 'external' challenge to annual quality assurance work plans and receive and consider copies of audit reports. He will also look at developing improved reporting to the Chief Executive and Executive Management Team.
- 11.5 The Council noted the report.

Item 12.17/176 Resolution

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; 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
13	a, b, c, g, h
14	b
15	b

Summary of matters discussed in private session;

- The Council considered the private minutes of its meeting held on 20 and 21 September 2017
- The Council confirmed the membership of the Education and Training Committee
- The Council, Chief Executive and Director of Human Resources discussed future leadership at the HCPC

Chair: Elaine Buckley

Date: 07/02/2018