

Council

Minutes of the 119th meeting of the Health and Care Professions Council as follows:-

Date: Thursday 5 July 2018

Time: 11:00am (The public part of the meeting was preceded by the private part of the Council meeting at 9:30am)

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

Present: Stephen Cohen
Maureen Drake
Kathryn Foreman
Sue Gallone
Sonya Lam
Joanna Mussen
Gavin Scott
Robert Templeton
Graham Towl
Stephen Wordsworth (acting Chair)

In attendance:

Claire Amor, Secretary to Council
John Barwick, Executive Director of Regulation
Mary Chapman, Chair of General Chiropractic Council
Laura Coffey, Head of Case Reception and Triage
Roy Dunn, Head of Business Process Improvement
Brendon Edmonds, Head of Education
Guy Gaskins, Executive Director of Operations and IT
Teresa Haskins, Director of Human Resources and Organisational Development
Michael Humphreys, Professional Standards Authority
Brian James, Head of Fitness to Practise
Jacqueline Ladds, Executive Director of Policy and External Relations
Zoe Maguire, Head of Tribunal Services
Sarah Ritchie, Policy Officer
Marcia Saunders, Chair of the Tribunal Advisory Committee
Eve Seall, Head of Investigations

Marc Seale, Chief Executive and Registrar
John Tallis, Assurance and Development Officer
Shannett Thompson, Kingsley Napley
Tian Tian, Acting Director of Finance
John Witt, Capsticks LLP

Public Agenda

Item 1.18/108 Chair's welcome and introduction

- 1.1. Stephen Wordsworth, acting as Chair for the meeting, welcomed Council members and those seated in the public gallery to the 119th meeting of Council.
- 1.2. It was announced that Elaine Buckley had stepped down as Council member and Chair of Council. The Council thanked Elaine for her service to the HCPC, her leadership and her commitment to public service as well as her integrity. They recognised her significant contribution and wished her well in her future career.
- 1.3. It was noted that, following the conclusion of the days meeting, Stephen Cohen would act as Deputy Chair until such a time that an appointment of a Chair is made following an appointments process.

Item 2.18/109 Apologies for absence

- 2.1 Apologies were received from Eileen Mullan.

Item 3.18/110 Approval of Agenda

- 3.1 The Council agreed to consider the Tribunal Advisory Committee annual report and the minutes of the Tribunal Advisory Committee 30 May 2018 as the first item of business following matters arising.

Item 4.18/111 Declaration of Members' interests

- 4.1 No interests were declared.

Item 5.18/112 Minutes of the Council meeting of 24 May 2018

- 5.1 The Council considered the minutes of the 118th meeting of the Health and Care Professions Council.
- 5.2 The Council agreed the minutes.

Item 6.18/113 Matters arising

- 6.1 The Council noted those matters arising from the meeting held on 24 May 2018.

Item 7.i.18/117 Tribunal Advisory Committee annual report

9.i.1 The Council received a report from the Chair of the Tribunal and Advisory Committee (TAC).

9.i.2 The Chair of TAC provided an overview of the year's TAC activity and the areas where TAC has been able to add value to the HCPC's adjudication processes. The Council noted the following points:-

- the report is the first annual review of TAC's work. TAC has met five times since it was established in April 2017;
- a key part of the TAC's role is to help the HCPC demonstrate the separation between the investigation and adjudication functions. TAC is an advisory Committee and also has delegated authority to review and approve HCPC Practice Notes;
- the importance of equalities monitoring in recruitment has been a recurrent feature of discussions of TAC, for example, the competency framework, panel members' training and feedback;
- FTP hearing panel member and chair recruitment, training and feedback has been a major area of focus over the year. A new competency framework is now in place;
- TAC has provided advice on the issues raised in the PSA's lessons learned review into the NMC's handling of concerns about midwives' fitness to practise at the Furness General Hospital. This advice will be included in the paper to be considered by Council in September 2018; and
- TAC particularly wishes to thank the HCPC employees who have supported the TAC's working.

9.i.3 The Council discussed the link between the TAC and Council. The Chair of TAC welcomed further embedding of TAC consideration in the Council's strategic, agenda-setting and prioritisation processes.

9.i.4 The Council noted the report and thanked the Chair of TAC for her valuable overview.

Item 7.ii.18/118 Minutes of the Tribunal Advisory Committee 30 May 2018

7.ii.1 The Council noted the minutes of the Tribunal Advisory Committee held on 30 May 2018.

Item 8.18/114 Chair's report

- 8.1 Joanna Mussen provided feedback on the recent engagement activity in Wales. It was noted that this had been positively received.
- 8.2 Gavin Scott noted that attendance at a recent meet the HCPC event in Aberdeen had been lower than expected. It was noted that the Communications team are reviewing attendance at these events.
- 8.3 The Council noted the report.

Item 9.i.18/115 Chief Executive's report – performance reporting and KPIs

- 9.i.1 The Council received a report from the Chief Executive outlining recent external and internal developments and engagement activity.
- 9.i.2 The Chief Executive highlighted the following points from his report:-
- the PSA have published their performance report for the HCPC. The report and the Executive's response will be considered by Council in September 2018;
 - Colum Conway, currently Chief Executive of the Northern Ireland Social Care Council, has been appointed as the Chief Executive of Social Work England (SWE). Initial meetings have taken place and will continue;
 - it is expected the SWE's regulations will be debated in parliament before summer recess;
 - the Chief Executive has been asked to attend the Cabinet Office's infrastructure review for the SWE project; and
 - the certificate of practical completion for 186 Kennington Park road has been received, and several teams have relocated to the new offices.
- 9.i.3 The Council welcomed the addition of KPI reporting. It was agreed that the report still requires refinement, member feedback was encouraged to adapt the report for the September 2018 Council meeting.
- 9.i.4 The Council noted that several KPIs were not being met and sought assurance that these KPIs would be met in future. The Executive agreed to provide estimated timescales for KPI target achievement.
- 9.i.5 The Council discussed the Registration Transformation and Improvement project. It was noted that the HCPC's internal auditors would be reviewing

the project prior to stage two initiation. The results of this review will be considered by Council in September 2018.

9.i.10 The Council noted the report.

Item 10.ii.18/116 Social Work England

10.ii.1 The Chief Executive provided the Council with an overview of recent developments in the establishment of SWE.

Item 11.18/119 Proposed Approach to a revised threshold policy for the acceptance of Fitness to Practise concerns

11.1 The Council received a paper from the Executive.

11.2 The Council noted the following points:-

- a review of the standards of acceptance (SOA) policy forms a central workstream in the FTP Improvement Plan;
- while it is proposed that a threshold policy be maintained, a new approach to a threshold policy is required to ensure that the decisions made in the initial stages of the fitness to practise process are proportionate, risk-based and consistent;
- a two stage decision making process involving triage and threshold assessment is being developed;
- a programme of stakeholder engagement activity will be undertaken over the summer in order to seek views on the proposed revised threshold approach; and
- an update on the outcome of the review and a draft of the threshold policy will be presented to Council at its September 2018 meeting.

11.3 The Council welcomed the consideration given within the paper to enabling flexibility within the policy to recognise and appropriately assess serious allegations.

11.4 The Council noted that a review of the other regulators policies had been undertaken to benchmark the HCPC's proposed approach.

11.5 The Council requested that the paper presented in September include narrative on how and when the working of the new policy will be assessed by the Executive.

11.6 The Council noted the proposed approach outlined in the paper.

Item 12.18/120 Review of fitness to practise case classification

- 12.1 The Council received a paper from the Executive.
- 12.2 The Council noted the following points:-
- given the focus on data use in the Corporate Plan, the Executive has identified a need to improve the data we are able to collect and report on in fitness to practise;
 - it is expected that the benefits of improving the FTP classification of allegation types, include enhanced ability to support more meaningful research, and provide more detailed FTP reports; and
 - a review of the other regulators classification structures has been undertaken to inform changes to the current HCPC structure. The Policy Team has also engaged with case managers and reviewed a sample of FTP cases to explore the most useful classifications that may be applied.
- 12.3 The Council discussed the potential to include equality and diversity data categorisation within the review. It was noted that the structure of the case management IT system would not enable this.
- 12.4 The Council noted that the Executive are exploring the first stages of scoping a new system, Council agreed that this should include a review of the other regulators systems that allow for equality and diversity monitoring.
- 12.5 The Council welcomed the improvement work, agreeing that there are many stakeholder audiences for improved HCPC data in this area.

Item 13.i.18/121 NAO audit completion report 2017-18

- 13.i.1 The Council received a report from the National Audit Office (NAO).
- 13.i.2 The Council noted that, In December 2017, haysmacintyre were appointed to audit the HCPC's accounts, working alongside the NAO. The NAO relies on the work of haysmacintyre where appropriate to support the Comptroller and Auditor General's certification to Parliament.
- 13.i.3 The Council noted that the report was considered by the Audit Committee at their meeting in June 2018.
- 13.i.4 The Council agreed that the unadjusted misstatement on page 7 of the report should not be amended as it was not considered to be material.
- 13.i.5 The Council thanked the NAO, haysmacintyre and the Executive for their work in ensuring the new arrangements for the HCPC's external audit was successful.

13.i.6 The Council noted the report.

Item 13.ii.18/122 haysmacintyre audit completion report 2017-18

13.ii.1 The Council received a report from the HCPC's external auditors, haysmacintyre.

13.ii.2 The Council noted that the report was considered by the Audit Committee at their meeting in June 2018.

13.ii.3 The Council agreed that the misstatement detailed in paragraph 3.2 of the report did not require amendment, as it was not considered material.

13.ii.4 The Council noted the report.

Item 13.iii.18/123 Draft annual report and accounts 2017-18

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

13.iii.2 The Council noted that the Audit Committee reviewed the draft Annual Report and Accounts at their June 2018 meeting. The Committee recommended that the Annual Report and Accounts should be approved.

13.iii.3 The Council agreed that its review points in the production process had worked well and should be continued for the 2018-19 annual report.

13.iii.4 The Council agreed that the Deputy Chair of Council, Stephen Cohen, should sign the Annual report and Accounts on behalf of the Council.

13.iii.5 The Council noted that the Deputy Chair's signing of the report, in light of the outgoing Chair's resignation, has been discussed with NAO. Formal assurance from the outgoing Chair to the Deputy Chair will be sought to enable sign off.

13.iii.6 The Council approved the annual report and accounts 2017-18.

Item 14.18/124 Estates Plan

14.1 The Council received a report from the Executive.

14.2 In response to a question, it was noted that the break clause period for 33 Stannary Street leased offices has passed, being 18 months into the lease.

14.3 The Council agreed that the paper did not form a plan, being a historical overview of the HCPC's accommodation development. Whilst it was agreed that this was helpful background for newer members of Council, what the Council requested from the paper, at its meeting in May 2018, was a more future focused paper with rationale for the proposed approach.

- 14.4 The Council requested that a forward looking paper be presented to the Council, taking into account the five year plan and its impact on future accommodation needs.
- 14.5 The Council requested that future significant decisions about estates be raised in good time and brought to Council.
- 14.6 The Council noted the report.

Item 15.18/125 Minutes of the Education and Training Committee meeting 7 June 2018

- 15.1 The Council noted the minutes of the Education and Training Committee held on 7 June 2018.

Item 16.i.18/126 Minutes of the Audit Committee meeting 12 June 2018

- 16.i.1 The Council noted the minutes of the Audit Committee held on 12 June 2018.

Item 16.ii.18/127 Draft Strategic Risk Register

- 16.ii.1 The Council received a report from the Executive.
- 16.ii.2 The Council agreed that the key question to address is how the register will be used to inform resource allocation.
- 16.ii.3 The Council agreed there should be a target score for each risk informed by the overall risk appetite.
- 16.ii.4 The Council noted that allocated risk owners were indicative only, having been discussed with the Audit Committee, and that these had not been confirmed.
- 16.ii.5 The Council noted that implementation of the final register is aimed for October 2018. A member proposed that when the register is in place reporting against it could form part of the Chief Executives performance report.
- 16.ii.6 Council members were encouraged to feed back to the Executive on the detail of the register by email.

Item 17.18/128 Code of Corporate Governance revisions

- 17.1 The Council received a report from the Executive.

- 17.2 The Council noted that, following the restructure of the Executive Management Team, the scheme of delegation and financial regulations have been reviewed to ensure they remain relevant in the new structure.
- 17.3 The Council noted that the Audit Committee reviewed the proposed changes to the financial regulations at their meeting on 12 June. The Committee agreed to recommend the amendments to Council for approval.
- 17.4 The Council approved the revised scheme of delegation and financial regulations.

Item 18.18/129 Registration numbers forecast

- 18.1 The Council noted this item, having considered it alongside the five year plan in private session.

Item 18.18/130 Any other business

- 18.1 The Council confirmed the increase of the HCPC credit card limit to £5k until the next meeting of Council. This had been necessary to agree by correspondence prior to the meeting due to a catering supply issue.

Item 19.18/131 Future agenda items

- 19.1 The Council noted that the following items would be considered at its September 2018 meeting:-

- PSA HCPC performance report
- PSA's lessons learned review into the NMC's handling of concerns about midwives' fitness to practise at the Furness General Hospital
- Report of the Williams Review
- Fees consultation paper
- 5 Year Plan
- Registration Transformation and Improvement project
- FTP threshold policy
- FTP annual report
- Stakeholder Engagement Plan
- Memorandum of Understandings summary
- Annual reviews of Feedback and Complaints and Information Governance

Item 20.18/132 Meeting evaluation

- 20.1 The Council welcomed the contributions of the Executive Directors and encouraged further sharing of views on non-Directorate business.
- 20.2 The Council thanked Stephen Wordsworth for his chairing of the meeting.

Item 21.18/133 Date and time of next meeting:

Wednesday 19 July at 9.30am at Park House, 184 Kennington Park Road, London SE11 4BU.

Chair: Stephen Cohen

Date: 19/09/2018