
Council

Minutes of the 75th meeting of the Health Professions Council held as follows:-

Date: Thursday 10 May 2012

Time: 10.30am

Venue: The Council Chamber, Health Professions Council, Park House, 184
Kennington Park Road, London SE11 4BU

Present: Anna van der Gaag (Chair)
Pradeep Agrawal
Jennifer Beaumont
Mary Clark-Glass
Malcolm Cross
John Donaghy
Sheila Drayton
Julia Drown
John Harper
Richard Kennett
Jeff Lucas
Morag MacKellar
Arun Midha (Items 1-10)
Penelope Renwick
Keith Ross
Deep Sagar (Items 3-10)
Eileen Thornton
Annie Turner
Joy Tweed

In attendance:

Jonathan Bracken, Solicitor to HPC
Alison Croad, Policy Officer
Roy Dunn, Head of Business Process Improvement
Brendon Edmonds, Head of Educational Development
Guy Gaskins, Director of IT
Ebony Gayle, Media and Public Relations Manager
Abigail Gorringe, Director of Education
Michael Guthrie, Director of Policy and Standards

Louise Hart, Secretary to Council
Teresa Haskins, Director of HR
Kelly Johnson, Director of Fitness to Practise
Jonathan Jones, Publishing Manager
Jacqueline Ladds, Director of Communications
Tim Moore, Interim Director of Finance
Mark Potter, Stakeholder communications Manager
Steve Rayner, Secretary to Committees
Greg Ross-Sampson, Director of Operations
Tracey Samuel-Smith, Education Manager
Marc Seale, Chief Executive and Registrar
Robert Silverman, Project portfolio Manager
Charlotte Urwin, Policy Manager
David Waddle, Customer Services Manager

Item 1.12/64 Chair's welcome and introduction

- 1.1 The Chair welcomed all members and observers to the meeting.
- 1.2 The Chair took the opportunity to congratulate Arun Midha on his recent appointment as High Sheriff of South Glamorgan.
- 1.3 The Chair wished to place on record her thanks to Annie Turner and John Harper as they would be stepping down from Council at the end of June. The Chair reflected on their time on Council with John and Annie having been Council members for ten and seven years respectively, working on committees, PLGs and representing the HPC externally. The Chair noted their contribution in shaping the organisation.

Item 2.12/65 Apologies for absence

- 2.1 Apologies for absence were received from Diane Waller.

Item 3.12/66 Approval of agenda

- 3.1 The Council approved the agenda.

Item 4.12/67 Declaration of Members' Interests

- 4.1 Julia Drown declared an interest as a member of NMC's Audit Committee and Keith Ross declared an interest as his wife is a member of the CHRE.

Item 5.12/68 Minutes of the Council meeting of 29 March 2012 (report ref:- HPC48/12)

- 5.1 The Council agreed that the minutes of the 74th meeting of the Health Professions Council should be confirmed as a correct record and signed by the Chair.

Item 6.12/69 Matters arising

- 6.1 With reference to paragraph 10.3 of the minutes in relation to the budget for 2012-2013, the Council noted that HPC was still awaiting a decision on the Department of Health (DH) grant for 2012-2013 to cover the operational cost of transferring the social work register.

Item 7.12/70 Chair's report (report ref:- HPC49/12)

- 7.1 The Council received a paper from the Chair.
- 7.2 During discussion, the following points were made:-
- The meeting at the Department of Health on 26 April was convened to discuss professionalism and there were representatives from all health professions with the exception of nursing. It was noted that the work being undertaken by the HPC had generated a lot of interest across the professions. Further work could be undertaken beyond those professions regulated by HPC in relation to professionalism;
 - On 2 May, the Chair met with the new Chief Executive of the Social Care Institute of Excellence. This was an introductory meeting although there was discussion about extending the current research on professionalism to include social workers;
 - On 4 May, the Chair attended a CPD assessment day to understand better how the CPD assessment process works. The Chair recommended that other Council members attend an assessment day, particularly those members who will be assisting with the "Meet the HPC" events since CPD is often an area of concern for those registrants that attend these events;
 - It was noted that over 200 applications had been received for the two Council member vacancies. Interviews were due to take place during the week beginning 14 May and the recommendation of the panel would be considered by the Appointments Commission at a meeting in mid-June.
- 7.3 The Council noted the report.

Item 8.12/71 Chief Executive's report (report ref:- HPC50/12)

8.1 The Council received a paper from the Chief Executive.

8.2 During discussion, the following points were made:-

- At the end of the financial year for 2011-2012, the results showed that HPC was £16,000 underspent compared to the budget. Compared against a budget of £17.3M, this was a very good outcome;
- The CHRE performance review would be published in the next four weeks. Thanks was given to those members that had provided feedback on the draft report;
- In relation to the Law Commission's work on the regulatory framework, they were expecting to issue a policy document in Spring 2013 with draft legislation being published in Spring 2014;
- With regard to the work on the regulation of herbal medicine practitioners, the Council noted that no resource would be put into the project until such time as the draft legislation had been published;
- The Case Management System has successfully "gone live." One of the benefits of the system that Council would be able to see is the more sophisticated management reporting;
- Between April 2011 and March 2012, 415 new health and character cases were received. It was noted that this figure was broadly in line with expectations. However, a paper was due to be submitted to a future meeting of the Education and Training Committee which would present an analysis of cases received and considered;
- In relation to the audit currently being undertaken by the National Audit Office, the Council noted that this was going well and the issue of deferred income that arose last year had now been resolved;
- The Council noted that the judge's decision on the flexiplan pension scheme was still being awaited;
- In relation to the Communications update, the Council noted the social worker specific events being held, namely employer and information events for social workers. The events were booking well with over 100 people having attended the event in

Manchester on 9 May. Some of the events were fully booked. In relation to invitees, the Council noted that HPC had worked with the GSCC to determine the invite list;

- The Council noted that there were two current High Court appeal cases. HPC had provided responses to both cases and one case had now been listed for 21-22 May. In relation to budgeting for these cases, the Council noted that an annual budget allocation is made although an insurance policy is also in place;
- The Council noted that 266 complaints about misuse of title had been received between April 2011 and March 2012. No prosecutions had been pursued since a letter from HPC's solicitors had been sufficient deterrent. The Council noted that ongoing spot-checks were made in relation to those that had previously misused a title;
- A query was raised as to why the value of the fixed assets had not increased in line with the capital expenditure. The Executive undertook to revert to the member with relevant information on this;
- In response to a query about whether the new CMS system would have an impact on the length of time for cases to be heard, the Council noted that it was anticipated that over the next two to three years, case managers would be able to handle a greater number of cases as a result of increased efficiencies, although it was difficult to assess this at this stage. In addition, more sophisticated reporting would result in the Executive responding to trends more quickly;
- Concern was expressed at the increase in the number of allegations received. The Council noted that a detailed analysis for this would be presented to the next meeting of the Fitness to Practise Committee at the end of the month. It was due in part to the change in policy so that Health and Character issues are now dealt with through the FtP process;
- It was noted that there were a high number of complaints received from the public against practitioner psychologists. The Council noted that often expert witnesses were used in child cases and sometimes complaints originated from families who were dissatisfied with the outcome. The Council noted that the Executive had met with the Ministry of Justice who were looking to develop standards for expert witnesses;
- In response to a question about why there had been a sharp increase in international applications at the end of March, the Council noted that as a result of the implementation of the

PCIDSS project (an information security project which ensures that payment cardholder data is encrypted), all international applications “in progress” needed to be processed before payment arrangements were changed;

- It was further noted that changes to visa arrangements for non-UK graduates from UK programmes may have had an impact on the number of international applications received.

8.3 The Council noted the report.

Strategy and Policy

Item 9.12/72 Student fitness to practise and registration (report ref:- HPC51/12)

9.1 The Council received a paper for discussion/approval from the Executive.

9.2 The Council noted that HPC had consulted between 1 November 2011 and 2 March 2012 on the most effective way of ensuring the fitness to practise of students, including the registration of social work students in England. The consultation had made no specific proposals but HPC had said that the consultation would inform our decisions about student fitness to practise and registration, including whether:

- the HPC’s current approach to student fitness to practise should be maintained across the Register; or
- the HPC should maintain a voluntary register of social work students in England; and/or
- the HPC should establish any voluntary registers of students for some or all of the existing regulated professions.

9.3 The paper invited the Council to make a range of decisions in this area in light of the consultation responses and a completed literature review.

9.4 During the course of discussion, the following points were made:-

- That there are currently 17,500 students registered with the GSCC which equates to 95% of the student population;
- That currently the GSCC administers education support grants and this is linked to the registration of social work students in England. However, this linked funding would not continue should HPC decide to regulate social work students in England;

- That whilst registering social work students in England would not be in line with HPC's existing policy, there were political sensitivities and reputational risks surrounding the issue which needed to be addressed;
- That should the funding link disappear, there would be no impetus for social work students in England to be registered with the HPC and so it was likely that the 95% of students on a register would only reduce over time;
- HPC currently set standards of education and training against which education providers are assessed in order to ensure that a student that completes the programme will meet the standards of proficiency. A student register would in effect be circumventing the education providers who are responsible for delivering the programmes including practice placements;
- Student registration is incompatible with the way in which HPC approach regulation;
- Currently the education providers are reliant upon support from the regulator. However, there was no evidence to support the efficacy of student registration;
- Any decision needed to be approached with caution since were the decision be taken to not continue a register of social work students in England, HPC could be criticised should a serious issue arise in relation to a social work student in England;
- Whilst the body of opinion supported the continuation of a register for social work students in England, the body of evidence did not necessarily support this;
- Practice placements for student social workers were fragile and this could be further destabilised should HPC not continue student registration in the short-term;
- There was broad support from members of Council that a transitional process was required as the social work community, the education providers and practice placements were not prepared for the discontinuation of student registration for social workers in England;
- As part of the transition process, the quality assurance process for the education and training of social work students in England needed to be strengthened;
- The consultation showed that there was not strong support for registration of students across the other professions regulated by HPC;

- Concern was expressed that should HPC continue a form of student registration for social workers in England, the financial burden would fall upon the existing cohorts whilst HPC gathered evidence to support the efficacy or otherwise of student registration;
- There was concern that communicating a decision that the social work student register would be discontinued would be met with discontent, but the reality may in fact be very different;
- That whilst the consultation responses showed support for the continuation of the student register for social workers, it is a consultation rather than an opinion poll and the fundamental issue for members to consider was whether a student register would ensure the protection of the public;
- It was noted that the establishment of student registers was also being considered by the Law Commission as part of their review and so student registration may be introduced or ceased altogether under their proposals;
- Should the decision be taken to undertake a transitional process, consideration needed to be given to the funding of such an arrangement.

[The Council took a short break at 12.05 and the meeting reconvened at 12:20pm.]

- 9.4 When the meeting resumed, the Chair summarised the debate so far. It was noted that there appeared to be no appetite for student registration across the professions currently regulated by HPC. Secondly, that the Council's view was that student registration for social workers in England was not the appropriate quality assurance mechanism in the long term. However, the Council recognised the need to support the social work community in achieving higher levels of quality assurance of practice placements and therefore a transitional arrangement was required.
- 9.5 The suggestion was made that an additional meeting of Council be held in June to consider more detailed proposals in relation to a transitional arrangement. It was noted that no decision was being taken on whether student registration for social workers would continue either in the short or long term but that further information was needed.
- 9.6 Members requested that the proposals to be considered at the additional meeting of Council should include details on financial arrangements and professional suitability procedures.

9.7 The suggestion was made that two papers be considered, one in relation to social worker in England programmes and the second in relation to transitional arrangements for the registration of social work students.

9.8 The Council agreed:

- (i) the text of the consultation responses document for publication on the HPC website;
- (ii) That the HPC would not pursue student registration in relation to the existing professions regulated by the HPC; and
- (ii) further information be presented to an additional meeting of Council as set out under paragraph 9.7.

Item 10.12/73 Regulation of health care professionals and the Regulation of social care professionals in England – HPC’s consultation response (report ref:- HPC52/12)

10.1 The Council received a paper for discussion/approval from the Executive.

10.2 The Council noted that on 1 March 2012 the Law Commission, Scottish Law Commission and Northern Ireland Law Commission had issued a joint consultation on the regulation of healthcare professionals in the UK and the regulation of social care professionals in England. A summary of the consultation proposals had been included in the papers at the Council’s meeting in March 2012. Tim Spencer-Lane and Justin Leslie from the Law Commission had also presented on the consultation proposals at that meeting.

10.3 The Council agreed the following amendments to the consultation response circulated:-

- **Question 2-16:** That should CHRE have the power to recommend statutory regulation, they should also have the power to recommend removal of a profession from statutory regulation;
- **Question 3-1:** The Council agreed that reference to maintaining confidence should be included. However, it should be “confidence in” something rather than “confidence of the public by ensuring...” The Executive undertook to amend the wording accordingly;
- **Question 4-1:** Concern was expressed that it would be difficult to have a Council of eight members which could fulfil all the conditions of the constitution order (e.g. four country representation). The response was therefore amended to read “We are broadly supportive of the proposals to reduce the size of

the HPC Council in order that the Council operates with a more “board-like” approach....”

- **Provisional proposal 4-7:** Concern was expressed that the proposed definition for “lay” members may preclude people that have at some point in their life been on another health and social care register but who have changed direction in terms of their career and are no longer practising. They would be precluded from applying although they may have the requisite skills and competencies to serve as a Council member. An alternative view was presented that the definition needed to go further so that those who had been regulated by a predecessor body such as the CPSM or if an individual had practised a profession before it was statutory regulated then they should also be precluded from being a lay member. The Council agreed to amend the definition to allow individuals that had been registered with another health or social care regulator to be able to apply to be a lay member;
- **Question 9-2 and Question 9-3:** It was agreed that these paragraphs needed to be looked at in order to emphasise the separation of the investigation and adjudication functions whilst ensuring that the responses were not contradictory;
- **Provisional Proposal 9-8:** It was agreed that paragraph two needed strengthening to state that “We consider that the statute should provide an express provision that a panel considering a case **must** include a registrant from the same part of the register as the registrant concerned;
- **Question 9-16:** It was noted that this paragraph should in fact refer to the “Youth, **Justice** and Criminal Evidence Act 1999.”

10.4 The Council approved the text of the consultation response for submission, subject to amendments agreed at the meeting (under 10.3) and minor editing amendments.

Item 11.12/74 Annotation of the Register – qualifications in podiatric surgery (report ref:- HPC53/12)

- 11.1 The Council received a paper for discussion/approval from the Executive.
- 11.2 The Council noted that it had powers to annotate the Register. These were discretionary powers and it was for the Council and the Education and Training Committee to decide whether to exercise those powers. HPC had consulted between 1 November 2010 and 1 February 2011 on its proposals related to post-registration qualifications and annotation of the Register. The consultation sought stakeholders’ views on two different areas:

- the criteria that HPC will use to make decisions about whether to annotate a post-registration qualification on the Register; and
 - whether HPC should consider annotating qualifications in podiatric surgery and neuropsychology on the Register.
- 11.3 The Council noted that the Education and Training Committee and Council had agreed a policy statement setting out the principles that HPC would use in deciding whether or not we annotate a qualification on the Register. It was now necessary to consider how those principles apply to the specific qualifications identified in the consultation.
- 11.4 The Council noted that the paper focused on the qualifications in podiatric surgery. It provided information about podiatry practice and then looked at the evidence gathered by the Executive for and against annotation of the Register. The Education and Training Committee had considered the paper at its meeting in March 2012 and had recommended to Council that HPC should annotate the qualification in podiatric surgery on our Register.
- 11.5 The Council agreed to annotate the qualification in podiatric surgery on the Register.

Item 12.12/75 Annual department workplans (report ref:- HPC54/12)

- 12.1 The Council received a paper for discussion/approval from the Executive.
- 12.2 The Council noted that the workplans had been circulated as part of the Council papers. The workplans had been considered by the relevant committees and recommended to Council for approval, in accordance with the terms of reference of each committee.
- 12.3 The Council approved the department workplans.

Item 13.12/76 Transfer of regulatory functions from General Social Care Council to HPC (report ref:- HPC 55/12)

- 13.1 The Council received a paper for discussion/approval from the Executive.
- 13.2 In accordance with the decision of Council to be kept informed of ongoing work relating to the transfer of regulatory functions from the GSCC to the HPC, a standard item had been put on the agenda of every meeting of Council.
- 13.3 During the course of discussion, the following points were made:-

- The joint meetings on casework in relation to Fitness to Practise was progressing well;
- The penultimate meeting of the Oversight Group was due to take place on Friday 11 May;
- Operationally, all the departments at HPC were ready for the Register of Social Workers in England to transfer;
- There were several outstanding HR issues to be dealt with;
- Work was ongoing with the implementation groups of the Social Work Reform Board;

13.4 The Council noted the update.

Item 14.12/77 Reserves policy (report ref:- HPC56/12)

- 14.1 The Council received a paper for discussion/approval from the Executive.
- 14.2 The Council noted that it had last approved the reserves policy at its meeting in March 2011. The policy had been approved by the Finance and Resources Committee on 15 March 2012 and was attached to the paper. The Finance and Resources Committee had recommended that the policy should be reviewed again in one year's time.
- 14.3 The Council approved the reserves policy.

At 13.30 hrs, with the meeting having been convened for three hours, Council agreed to suspend Standing Order No. 13 in order that the rest of the business could be transacted that day.

Corporate Governance

Item 15.12/78 Draft HPC annual report (report ref:- HPC57/12)

- 15.1 The Council received a paper for discussion/approval from the Executive.
- 15.2 The Council noted that, in recent years, it had been asked to consider the front part of the annual report at its May meeting and this had included a foreword from the Chair and Chief Executive and background information in relation to the Council and Committees. The reporting requirements for the annual report had changed and now required the HPC to produce a 'governance statement' in place of the 'statement of internal control.'
- 15.3 The Council noted that the governance statement included attendance records for Committee and Council meetings. Whilst the decision had been made by the Council in December 2010 to remove these from the

annual report, this was one of the requirements of the governance statement.

15.4 During the course of discussion, the following points were made:-

- The attendance tables needed revising to reflect the fact that new members were appointed in July and so could not have attended all the Council meetings held during the course of 2011/12;
- A statement relating to the training undertaken by Council as whole and individual members during the course of the year needed to be included; and
- A reference from CHRE's performance review needed to be incorporated into the governance statement.

15.5 The Council agreed that the annual report and accounts be reviewed by the Audit Committee and the Finance and Resources Committee and recommended for approval at the meeting of Council in July.

Item 16.12/79 Education and Training Committee rules (report ref:- HPC58/12)

16.1 The Council received a paper for discussion/approval from the Executive.

16.2 The Council noted that the Education and Training Committee Rules had been amended to reflect the name change of the Health Professions Council to the Health and Care Professions Council and the widened remit in terms of regulating social workers in England from 1 August 2012. Subject to the Council's agreement of the amendment, it would also be necessary to make a consequential amendment to the generic Committee standing orders, to provide that the composition of the Education and Training Committee should be determined by the Council in accordance with the Health and Care Professions Council (Education and Training Committee) (Constitution) Rules 2012.

16.3 The Council:-

- (1) approved the draft Health and Care Professions Council (Education and Training Committee) (Constitution) Rules 2012;
- (2) agreed that the draft Rules be adopted and sealed the day the social work register transfers from the GSCC to the HCPC; and
- (3) the consequential amendment to the generic standing orders as detailed above.

**Item 17.12/45 Minutes of the Audit Committee held on 13 March 2012
(report ref:- HPC59/12)**

- 17.1 The Council received a paper for approval from the Executive.
- 17.2 The Council approved the recommendations therein.

**Item 18.12/46 Minutes of the Finance and Resources Committee held on
15 March 2012 (report ref:- HPC60/12)**

- 18.1 The Council received a paper for approval from the Executive.
- 18.2 The Council approved the recommendations therein.

The Council noted the following papers:-

**Item 19.12/47 Professionalism and conscientiousness in healthcare
professionals – progress report for study 2 (report ref:- HPC61/12)**

**Item 20.12/48 Reports from Council representatives at external meetings
(report ref:- HPC62/12)**

**Item 21.12/49 Minutes of the Education and Training Committee held on
8 March 2012 (report ref:- HPC 63/12)**

Item 22.12/50 Any other business

- 22.1 There was no other business.

Item 23.12/51 Date and time of next meeting

- 23.1 Further to discussion under item 9, an additional meeting of Council would be held in June to discuss proposals for a transitory process in relation to the registration of student social works. The Secretariat would contact members to identify a suitable date.
- 23.2 The next scheduled meeting of the Council would be held at 10:30 am on Thursday 5 July 2012.

Item 24.12/52 Resolution

The Council agreed to adopt the following resolution:-

“The Council hereby resolves that the remainder of the meeting shall be held in private, because the matters being discussed relate to the following;

- (i) information relating to a registrant, former registrant or application for registration;
- (ii) information relating to an employee or office holder, former employee or applicant for any post or office;
- (iii) 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;
- (iv) negotiations or consultation concerning labour relations between the Council and its employees;
- (v) any issue relating to legal proceedings which are being contemplated or instituted by or against the Council;
- (vi) action being taken to prevent or detect crime to prosecute offenders;
- (vii) the source of information given to the Council in confidence; or
- (viii) 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	iv
26	v
27	iv

Item 25.12/53 Transfer of regulatory functions from General Social Care Council to HPC (report ref:- HPC64/12)

25.1 The Council noted the update in relation to the transfer of regulatory functions from the General Social Care Council to HPC.

Item 26.12/54 Judicial review (report ref:- HPC65/12)

26.1 The Council received a paper on a final settlement in relation to a judicial review.

Item 27.12/55 Minutes of the private part of the Audit Committee held on 13 March 2012 (report ref:- HPC66/12)

27.1 The Council considered these minutes and approved the recommendations therein.

Item 28.12/56 Any other business for consideration in private

28.1 There were no other items for consideration in private.

Chair:

Date:

Unconfirmed