
Council

Minutes of the 74th meeting of the Health Professions Council held as follows:-

Date: Thursday 29 March 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
Penelope Renwick
Deep Sagar (Items 1-11)
Eileen Thornton
Joy Tweed
Diane Waller

In attendance:

Alison Croad, Policy Officer (Items 1-30)
Roy Dunn, Head of Business Process Improvement (Items 1-30)
Brendon Edmonds, Head of Educational Development (Items 1-30)
Guy Gaskins, Director of IT (Items 1-30)
Ebony Gayle, Media and Public Relations Manager (Items 1-30)
Abigail Gorringe, Director of Education (Items 1-30)
Louise Hart, Secretary to Council
Teresa Haskins, Director of HR (Items 1-30)
Kelly Johnson, Director of Fitness to Practise (Items 1-30)

Jonathan Jones, Publications Manager (Items 1-30)
Jacqueline Ladds, Director of Communications (Items 1-30)
Tim Moore, Interim Director of Finance (Items 1-30)
Steve Rayner, Secretary to Committees (Items 1-30)
Greg Ross-Sampson, Director of Operations (Items 1-30)
Marc Seale, Chief Executive and Registrar
Charlotte Urwin, Policy Manager (Items 1-30)
James Wilson, Customer Services Manager (Items 1-30)

Item 1.12/29 Chair's welcome and introduction

- 1.1 The Chair welcomed all members and observers to the meeting.
- 1.2 The Council took the opportunity to congratulate John Donaghy on recently being conferred a fellowship of the College of Paramedics.

Item 2.12/30 Apologies for absence

- 2.1 Apologies for absence were received from Keith Ross and Annie Turner.

Item 3.12/31 Approval of agenda

- 3.1 The Council approved the agenda.

Item 4.12/32 Declaration of Members' Interests

- 4.1 Julia Drown declared an interest as Chair of the Audit Committee at the NMC.

Item 5.12/33 Minutes of the Council meeting of 9 February 2012 (report ref:- HPC21/12)

- 5.1 The Council agreed that the minutes of the 73rd meeting of the Health Professions Council should be confirmed as a correct record and signed by the Chair.

Item 6.12/34 Matters arising (report ref:- HPC22/12)

- 6.1 The Council noted the action list as agreed at the last meeting.

Item 7.12/35 Chair's report (report ref:- HPC23/12)

- 7.1 The Council received a paper from the Chair.

7.2 During discussion, the following points were made:-

- At the meeting with CHRE on 23 February, held to discuss the HPC's performance review, the Chief Executive of CHRE described the submission as a "model of excellence which was clear, transparent and commendable";
- The CHRE symposium held on 8-9 March was attended by Chairs and Chief Executives of the Healthcare Regulators. There was a constructive discussion in relation to the Law Commission review and the implications for the regulators;
- In response to a question relating to the meeting with the Chief Scientific Officer, the Council noted that there was still a lot of uncertainty surrounding the Modernising Scientific Careers Programme. However, there was an expectation that all clinical scientists programmes in England would be in place by September 2013 although this was dependent upon The Academy of Healthcare Science being approved as an Education Provider by HPC. Concern was expressed over those students graduating from healthcare science programmes this year and also the confusion amongst employers as to the status of these graduates. The Council noted that there was an important meeting taking place on 30 April and the Executive would be in a better position to update Council after that date;
- The Council noted that the Chair and Chief Executive met with the CQC on 12 March to explore voluntary registers for adult social care workers and how this might complement the licensing of facilities currently carried out by CQC. However, it was made clear that this was an initial exploration of the options, which would contribute to further discussions on the establishment of voluntary registers held by HPC.

7.3 The Council noted the report.

Item 8.12/36 Chief Executive's report (report ref:- HPC24/12)

8.1 The Council received a paper from the Chief Executive.

8.2 During discussion, the following points were made:-

- The Fitness to Practise Case Management system was due to go live on Monday 2 April;
- That the HPC was celebrating its 10th birthday on 1 April;

- The Health and Social Care Bill had received Royal Assent on Tuesday 27 March 2012;
- In relation to the regulation of herbal medicine, HPC were waiting for the Department of Health to issue a consultation paper which would include draft legislation and an impact assessment;
- It was noted that three rounds of recruitment were required to fill the post of infrastructure engineer in the IT Department. It was further noted that the original salary level was not high enough to attract a candidate of a high enough calibre and so the salary was increased, although this was done by use of a supplement as opposed to changing the banding of the post;
- In response to a question about a peak in the number of complaints about the registration department, the Council noted that there was a strong correlation between the number of complaints and the numbers of registrants going through the renewal cycle;
- In relation to the recruitment of employees in the Fitness to Practise department, the Council noted that there were two distinct recruitment drives. The first was as a result of the department restructure to include a case advancement team working on those cases that required more focussed activity and an assurance and development team. These posts related to the regulation of the HPC's existing 15 professions and external candidates including current GSCC employees were able to apply. The second recruitment drive was to accommodate the increase in workload as a result of transferring the regulation of social workers to the HPC. This would not take place until after the transfer and might involve pooling exercises if any employees were put at risk of redundancy following the transfer;
- The Council noted that the principles of the Cabinet Office Statement of Practice for Staff Transfers in the Public Sector (COSOP) had been applied in relation to the transfer of staff from the GSCC and that only those employees who were wholly or mainly assigned to the regulatory functions of the GSCC had been placed in scope to transfer.
- The Council noted that there had been a decrease in the number of Fitness to Practise cases heard at final hearing as the case to answer rate had decreased. Additionally, there had been a slight increase in the length of time for cases to be heard and this was as a result of an increase in adjourned and part heard cases.

8.3 The Council noted the report.

Strategy and Policy

Item 9.12/37 Regulation of health care professionals and the Regulation of social care professionals in England (report ref:- HPC25/12)

- 9.1 The Council received a paper to note from the Executive.
- 9.2 The Council noted that on 1 March 2012, the Law Commission had issued a consultation on provisional proposals which sought to simplify and modernise the legislation of the HPC and the other regulators. Tim Spencer-Lane and Justin Leslie from the Law Commission made a presentation on the proposals.
- 9.3 The presentation outlined the following:-
- The outline of the project;
 - The current legal framework;
 - The structure of reform;
 - The paramount duty of regulators;
 - Governance of regulators;
 - Registers;
 - Education; and
 - Fitness to Practise.
- 9.4 The Council were then given the opportunity to ask questions before noting the presentation and thanking Tim Spencer-Lane and Justin Leslie for attending Council.

Item 10.12/38 Budget for year to 31 March 2013 (report ref:- HPC26/12)

- 10.1 The Council received a paper for discussion/approval from the Executive.
- 10.2 The Council noted that on 15 March, the Finance and Resources Committee had agreed to recommend the budget to the Council for approval.
- 10.3 In discussion, the following points were made:-
- The Council noted the approach taken by HPC in putting together the budget;
 - The Council noted the following risks in relation to the budget:-

- Written confirmation of the £1.8M grant still needed to be received from the Department of Health;
 - That it is difficult to accurately budget for HPC projects given their size and complexity;
 - That the current proposal from the CHRE in terms of their levy was based on a percentage of regulators' income. A provision had been made on this basis. However, there was a risk that it may change and could be based on the number of registrants;
- In response to a question about why the increase in the Fitness to Practise budget was not proportionate to the increase in registrants on transfer of the register from the GSCC, the Council noted the following:-
 - There was not necessarily a direct link between the costs of the current process and the new registrants. For example, there would be no review hearings for new cases concerning social workers as the case would have to be heard at final hearing before the review process was triggered;
 - Economies of scale could be achieved with the increased registrant numbers;
 - The process of "disposal by consent" would create some savings; and
 - As a result of the refinement to processes, it was anticipated that there would be a decrease in the number of part-heard cases.
 - The Council welcomed the attempt to drive efficiency in the Fitness to Practise process. However, should these efficiencies not be delivered, there was a risk that the Fitness to Practise Department would be over-budget for the financial year 2012-2013. The Council therefore wished to ensure that this element of the budget could be revisited should the efficiencies not be realised;
 - In response to a question about legal costs, the Council noted that HPC currently have specific arrangements in place for covering such costs. The Council noted some further work being carried out; financial comparisons were being drawn up across the healthcare regulators and economists from the Centre for Health Service Economics and Organisation were looking at HPC's Fitness to Practise costs to see for instance if there was a link between a profession and cost of proceedings.

10.4 The Council approved the draft budget for the year ending 31 March 2013.

Item 11.12/39 Strategic Intent 2012-2015 (report ref:- HPC27/12)

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

11.2 The Council noted that, at its previous meeting, it had discussed a draft of the strategic intent for 2012-2015. The Council had agreed that the document be updated in light of the comments made at the meeting and presented for approval at the following meeting. The revised draft was attached to the paper.

11.3 In discussion, the following points were made:-

- The number of cases outlined in bullet four of the foreword needed to be compared against the number of registrants at that time. The suggestion was made that this should be expressed as a percentage of the register;
- To ensure clarity, some further work needed to be done on the dates contained within the foreword since the first bullet refers to HPC being formally opened in July 2003 although there are references to work carried out in 2002 in the foreword;
- Objective one needed to appear on the diagram;
- Some suggestions were made in relation to the issue of the devolution agenda and representation in NI, Scotland and Wales. However, Council felt that objectives five and six reflected the current position.

11.4 The Council agreed the text of the strategic intent for publication on the HPC website, subject to minor amendment.

Item 12.12/40 Revalidation (report ref:- HPC28/12)

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

12.2 The Council noted that, at its meeting in December 2011, it had discussed the outcomes of one of the revalidation research projects. The paper had indicated that a further report would be brought to the Council, 'drawing together the completed research reports, and reflecting on changes in the policy environment since the programme

of work was agreed'. Whilst no specific decisions were required, the purpose of the current paper was to bring to the Council's attention the revalidation policy context; to highlight the on-going work; and to stimulate discussion about this area.

12.3 During discussion, the following points were made:-

- Some further research needed to be carried out with regards to who should have overall responsibility for professionals undertaking revalidation should it be introduced;
- Until such time as we have more evidence, no decisions on revalidation can be made;
- The political landscape and thinking in this area seems to be changing;
- Agreement was needed in terms of the purpose of revalidation – whether it is aimed at quality control, quality improvement or both. This question needed to be addressed now and should not wait until 2013/2014;
- The research to date has been based on those professions that we currently regulate. Some further consideration needed to be given to social workers in the context of revalidation;
- Consideration needed to be given to firstly, building in professionalism into any process and secondly, modifying the CPD process to provide additional assurance;
- Some of the risks in relation to the professions regulated by HPC may not be as high as the risks in some of the other health professions.

12.4 The Council noted the report.

Item 13.12/41 Responses to the consultation on draft standards of proficiency for social workers in England (report ref:- HPC 29/12)

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

13.2 The Council noted that HPC had consulted between 18 July 2011 and 18 November 2011 on the draft standards of proficiency (SOPS) for social workers in England. The paper summarised the responses received to the consultation and identified the proposed changes to the standards in response.

13.3 The Council wished to place on record their thanks to members of the PLG for their work in drafting the standards and in addition, to those that had responded to the consultation.

13.3 During discussion, the following points were made:-

- A meeting was scheduled with the College of Social Work with a view to ensuring consistency between the standards and the Professional Capabilities Framework;
- This paper was drafted before Royal Assent was given to the Health and Social Care Bill. Therefore some language would need to be amended to reflect the fact that Royal Assent was given on 27 March 2012;
- It would be helpful to produce a diagram showing how HPC's SOPS and Standards of Conduct, Performance and Ethics related to the Professional Capabilities Framework;
- Concern was expressed at the reference to "service-users and carers" in paragraph 5.40 since HPC's definition is much wider. The Council noted that this was debated at length throughout the PLG and it was strongly articulated that this was recognised terminology within social work;
- A suggestion was made that standard 2.6 relating to "upholding values" needed to be moved to standard 6 which talks about "practising in a non-discriminatory manner." The Council noted however that "upholding values" was an "ability" as opposed to a "prescription of action" and so should remain under standard 2.

13.4 The Council agreed the text of the attached consultation paper and the standards of proficiency (subject to minor editing amendments and legal scrutiny).

Item 14.12/42 Responses to the consultation on the threshold level of qualification for entry to the Register as a social worker in England (report ref:- HPC30/12)

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

14.2 The Council noted that HPC had consulted between 18 July 2011 and 18 November 2011 on proposals in relation to setting a threshold level of qualification for entry to the HPC Register as a social worker in England. The consultation had proposed to set the level for social workers in England as a bachelor degree with honours. The paper summarised the responses received to the consultation.

14.3 The Council noted that this paper was drafted before Royal Assent was given to the Health and Social Care Bill. Therefore some language would need to be amended to reflect the fact that Royal Assent was given on 27 March 2012.

14.4 The Council:

- agreed the attached consultation responses document (subject to minor editing amendments and legal scrutiny); and
- agreed that the threshold level of qualification for entry to the Register as a social worker in England should be set at bachelor degree with honours.

Item 15.12/43 Consultation on the registration cycle for social workers in England – consultation analysis (report ref:- HPC31/12)

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

15.2 The Council noted that HPC had consulted between 7 December 2011 and 29 February 2012 on the proposed registration cycle for social workers in England. HPC had proposed that, dependent upon the passage and timing of the necessary legislation, the end date of the renewal cycle for social workers in England should be 30 November in even numbered years. The paper summarised the responses received.

15.3 The Council approved the consultation response document and agreed that the end date of the renewal cycle for social workers in England should be 30 November in even numbered years.

Item 16.12/44 Profession-specific standards of proficiency consultation (report ref:- HPC32/12)

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

16.2 The Council noted that the Executive had begun reviewing the profession-specific standards of proficiency for the professions which HPC currently regulated. The review followed from the Council's approval of new generic standards of proficiency in March 2011. Following the first round of professional body reviews, the paper proposed that HPC should consult publicly on the draft standards for the first two groups of professions which comprise arts therapists, dietitians, occupational therapists, orthoptists, physiotherapists, and radiographers.

16.3 In response to a question on leadership, the Council noted that the Education and Training Committee had discussed this at length and

agreed that the theme of leadership is already in many of the profession-specific standards. The consultation document was an opportunity for professions to inform HPC if there should be any specific standard of proficiency in relation to leadership.

- 16.4 The Council approved the attached consultation document and draft standards of proficiency for arts therapists, dietitians, occupational therapists, orthoptists, physiotherapists, and radiographers (subject to minor editing changes and formal legal scrutiny).

Item 17.12/45 Transfer of cases from the General Social Care Council to the Health and Social Care Professions Council (report ref:- HPC33/12)

- 17.1 The Council received a paper for discussion/approval from the Executive.
- 17.2 The Council noted that the paper set out how HPC should deal with cases transferred to it by the GSCC. The paper focused on conduct cases concerning 'full' registrants. The Council noted that separate papers would address matters declared on admission, readmission or renewal to the register and cases concerning those on the GSCC student register.
- 17.3 The Council noted that the Department of Health were comfortable with the proposed approach.
- 17.4 The Council:
- (i) agree the approach set out in the paper; and
 - (ii) agreed that delegated authority be given to the Director of Fitness to Practise and those authorised to act on her behalf, to exercise the 'just disposal' powers.

Item 18.12/46 Organisational name change – consequential amendments to standards and guidance documents (report ref:- HPC34/12)

- 18.1 The Council received a paper for discussion/approval from the Executive.
- 18.2 The Council noted that the change of the organisation's name to the Health and Care Professions Council would require the Executive to make consequential amendments to standards and associated guidance documents. The Council was asked to agree that it would not require the Executive to consult publicly on those consequential amendments.

18.3 The Council agreed that it would not require the Executive to consult publicly on consequential amendments to standards and associated guidance documents.

Item 19.12/47 Organisational name change – consequential amendments to communication materials (report ref:- HPC35/12)

19.1 The Council received a paper for information from the Executive.

19.2 The Council noted that the change of the organisation's name to the Health and Care Professions Council would require the Executive to make consequential amendments to communication materials.

19.3 The Council agreed that consequential amendments be made to communications material.

Item 20.12/48 Organisational name change – consequential amendments to HPC admission forms (report ref:- HPC36/12)

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

20.2 The Council noted that the admission forms needed to be amended in preparation for the Register opening for social workers on 1 August 2012 and the Health Professions Council being renamed the Health and Care Professions Council. The changes also reflected feedback provided by applicants, registrants, HPC employees and other stakeholders about making the form clearer and more 'user-friendly'.

20.3 The Council approved the changes to the admission forms.

Item 21.12/49 Five Year Plan (report ref:- HPC37/12)

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

21.2 The Council noted that the Five Year Plan has been significantly reformatted and additional information around assumptions had been included for each section where appropriate, after discussion with members of EMT, the cross departmental team (CDT) and the Chief Executive. The Plan had been discussed by the Finance and Resources Committee on 15 March 2012 and updated following that meeting.

21.3 In response to a question, the Council noted that any such plan was, by definition, a rolling plan, subject to amendment from time to time in light of internal and external changes.

21.4 The Council approved the Five Year Plan.

**Item 22.12/50 Policy and Standards Department workplan 2012/2013
(report ref:- HPC38/12)**

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

22.2 The Council noted that the paper included a draft workplan for the Policy and Standards Department for April 2012 to March 2013.

22.3 The Council approved the workplan.

Item 23.12/51 Transfer of regulatory functions from General Social Care Council to HPC (report ref:- HPC39/12)

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

23.2 The Council noted that 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 verbal update was provided.

23.3 The Council noted the following points:-

- The Social Work Oversight Group would meet for the final time on 11 May 2012;
- The Health and Social Care Bill received Royal Assent on 27 March 2012;
- The Transitional Orders relating to Fitness to Practise and assets were currently being drafted;
- The project to transfer the register from the GSCC was on track.

23.4 The Council noted the update.

**Item 24.12/52 Minutes of the Finance and Resources Committee held on
26 January 2012 (report ref:- HPC40/12)**

24.1 The Council received a paper for approval from the Executive.

24.2 The Council approved the recommendations therein.

Item 25.12/53 Minutes of the Fitness to Practise Committee held on 22 February 2012 (report ref:- HPC41/12)

- 25.1 The Council received a paper for approval from the Executive.
- 25.2 The Council approved the recommendations therein.

Item 26.12/54 Minutes of the Communications Committee held on 23 February 2012 (report ref:- HPC42/12)

- 26.1 The Council received a paper for approval from the Executive.
- 26.2 The Council approved the recommendations therein.

The Council noted the following paper:-

Item 27.12/55 Chair's Report on visit to the Australian Health Practitioner Regulation Agency (AHPRA) and lectures to HealthGov Australia in Melbourne and the Clinical Teaching and Advisory Committee at the University of Sydney (report ref:- HPC43/12)

Item 28.12/56 Any other business

- 28.1 There was no other business.

Item 29.12/57 Date and time of next meeting

- 29.1 The next meeting of the Council would be held at 10:30 am on Thursday 10 May 2012.

Item 30.12/58 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
31	ii, iii, iv, v, viii
32	iv
33	iii, iv
34	ii

Item 31.12/59 Minutes of the private part of the Council meeting held on 9 February 2012 (report ref:- HPC44/12)

- 31.1 The Council agreed that the minutes of the private part of the 73rd meeting of the Health Professions Council should be confirmed as a correct record and signed by the Chair.

Item 32.12/60 Transfer of regulatory functions from General Social Care Council to HPC (report ref:- HPC45/12)

- 32.1 The Council noted that no further verbal update in relation to the transfer of the regulatory functions from the General Social Care Council to HPC was required in the private part of the meeting.

Item 33.12/61 Minutes of the private part of the Finance and Resources Committee held on 26 January 2012 (report ref:- HPC46/12)

- 33.1 The Council received a paper for approval from the Executive.
- 33.2 The Council approved the recommendations therein.

Item 34.12/62 Minutes of the Remuneration Committee held on 1 March 2012 (report ref:- HPC47/12)

- 34.1 The Council received a paper for approval from the Executive.
- 34.2 The Council approved the recommendations therein.

Item 35.12/63 Any other business for consideration in private

35.1 There were no other items for consideration in private.

Chair:

Date:

Unconfirmed