Council

Minutes of the 81st meeting of the Council meeting held as follows:-

Date: Thursday 7 February 2013

Time: 10:30 am

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

Present:
Anna van der Gaag (Chair)
Pradeep Agrawal
Jennifer Beaumont
Frank Burdett
Mary Clark-Glass
John Donaghy
Sheila Drayton
Julia Drown
Richard Kennett
Jeff Lucas
Morag MacKellar
Arun Midha
Penelope Renwick
Keith Ross
Robert Templeton
Eileen Thornton
Joy Tweed
Diane Waller

In attendance:

Brendon Edmonds, Head of Educational Development (Items 1-19)
Selma Elgaziari, Policy Officer (Items 1-19)
Claire Gascoigne, Secretary to Committees (Items 1-19)
Guy Gaskins, Director of IT (Items 1-19)
Ebony Gayle, Media and Public Relations Manager (Items 1-19)
Abigail Gorringe, Director of Education (Items 1-19)
Michael Guthrie, Director of Policy and Standards (Items 1-19)
Louise Hart, Secretary to Council
Kelly Johnson, Director of Fitness to Practise (Items 1-8)
Jacqueline Ladds, Director of Communications (Items 1-19)
Tim Moore, Director of Finance (Items 1-19)

Steve Rayner, Secretary to Committees (Items 1-19)
Greg Ross-Sampson, Director of Operations (Items 9 -19)
Marc Seale, Chief Executive and Registrar

Item 1.13/01 Chair's welcome and introduction

1.1 The Chair welcomed all members and observers to the meeting.

Item 2.13/02 Apologies for absence

2.1 There were no apologies for absence received.

Item 3.13/03 Approval of agenda

3.1 The Council approved the agenda.

Item 4.13/04 Declaration of Members' Interests

4.1 Keith Ross declared an interest since his wife is a Council member of the PSA.

Item 5.13/05 Minutes of the Council meeting of 4 December 2012 (report ref:- HCPC01/13)

5.1 The Council considered and approved the minutes of the 80th meeting of the Health and Care Professions Council.

Item 6.13/06 Matters arising (report ref:- HCPC02/13)

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

Item 7.13/07 Chair's report (report ref:- HCPC03/13)

7.1 The Council received a report from the Chair.

7.2 During discussion, the following points were made:-

- A further eight meetings had been held in relation to the negative licensing proposal and a positive response had been received from a wide variety of stakeholders who agreed that it was an innovative, 'middle ground' position between full statutory regulation and voluntary registration. Some concern has been expressed at the use of the word "negative";

- The Council noted that the Chair had met with SAGA to discuss the negative licensing proposal;

- In relation to the PARN Regulation SIG event held on 22 January, the Council noted that this was a group of professional associations keen to share research findings. The Chair had attended the meeting with Eve Seall, Head of Case Management, to present on the mediation pilot. The Chair wished to place on record her thanks to Eve for the excellent presentation she gave at the meeting;

- The Chair had attended a series of meetings with a focus on professionalism. Stakeholders were keen to learn from HCPC's proactive stance on the issue;

- The meeting with the Welsh Government on 12 December had been in relation to workforce development and the boundaries between the professionals and the healthcare support workers;

- It was noted that whilst there was little reference to "professionalism" in the Francis report, it came through as part of the section on culture in that it had looked at how culture and professionalism were linked;

- The Council noted that there had been positive feedback in relation to the Chair's presentation on professionalism at the recent Council of Deans of Health Council;

- The Council noted that a representative from BUPA was supportive of the negative licensing proposals and they believed that standards needed to be raised across the board regardless of pockets of excellence.

7.3 The Council noted the report.

Item 8.13/08 Chief Executive's report (report ref:- HCPC04/13)

8.1 The Council received a paper from the Executive.

8.2 During discussion, the following points were made:-

- That 91% of social workers in England had renewed their registration during the renewal period;

- That the Executive were monitoring the allegations made against social workers in England on a weekly basis as opposed to monthly owing to the complexities surrounding the complaints

since often one complainant will make a complaint against a number of registrants;

- Informal planning discussions had been held in relation to Whitefield House;

- As at December 2012, the HCPC had 316,000 registrants;

- There had been a spike in the number of agency staff employed in September and October 2012. Additional staff were required to assist in the transfer of the regulation of social workers in England to the HCPC and agency staff were used as a result of the recruitment freeze imposed as part of the TUPE-like undertakings involved in the transfer;

- The costs incurred in HCPC appearing before the First Tier Tribunal were covered as part of the project grant received from the Department of Health;

- The meeting with SMAE on 25 January was part of the series of meetings held with professional bodies;

- The Higher Specialist Scientific Training Strategic Oversight Board was going through a transition period and will be incorporated into the work of Health Education England (HEE). The HEE had recently issued their strategic intent document for consultation;

- The suggestion was made that since HCPC was undertaking work in relation to service-user involvement, there should be a section within the website that draws this together in a more cohesive, prominent way;

- The Council noted that Wi-Fi would be introduced to the public areas of the buildings as part of the project to develop Whitefield House. Unfortunately, there was not a “quick fix” solution and the installation of Wi-Fi was a substantial infrastructure issue which needed to be done in a comprehensive way to ensure the integrity of the network. After discussion, there was consensus that projects should not be reprioritised to expedite the installation of Wi-Fi;

- In response to a question about media interest following the transfer of social workers in England to the HCPC, the Council noted that a freelance journalist had contacted HCPC and he was investigating on behalf of some social workers who had been removed from the Register. Community Care had also been in touch in relation to a case whereby a social worker in England had been removed from the Register. Robust responses were provided in both cases. In addition, Community

Care were now starting to report on Fitness to Practise cases and had observed that the HCPC were efficient in their approach;

- At the recent “Meet the HCPC” event in Crawley, two social workers had enquired as to what it was like to be a Council member. The suggestion was made that an article be drafted for Community Care; and

- In response to a question about whether HCPC were expecting to see an increase in the number of international applications from social workers, the Council noted that whilst a forecast was calculated for each profession, it was difficult to predict with any certainty the number of social workers since HCPC did not have any historic data. Furthermore, it was not known how the recent cutbacks by social services would impact on this figure.

8.3 The Council noted the report.

Strategy and Policy

Item 9.13/09 Review of the cost effectiveness and efficiency of the health professional regulators (report ref:- HCPC05/13)

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

9.2 The Council noted that In November 2012, the Professional Standards Authority for Health and Social Care published its advice to the Secretary of State for Health on the cost effectiveness and efficiency of the nine professional regulators within its remit, including the HCPC. The paper provided a copy of the report for discussion.

9.3 The Council had discussed a pre-publication copy of the report at its October 2012 away day. The Executive submitted detailed comments on the draft reports in response to a request to the regulators from the PSA.

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

- Concern was expressed at the currency of the report since the data used was almost two years old. It did not include all the data that HCPC had provided to the CHSEO. Furthermore, some of the metrics used originated in the US and were medically-focussed and finally, there was discussion about the notion of regulatory force and the evidence to support its interpretation in this context;

- There was discussion about how the HCPC could usefully challenge the report and the possibility of whether it was

appropriate to wait until the exercise was repeated in two years' time and try to suggest changes to the methodology;

- The report had influenced inter regulatory meetings with the Directors of Resources across the regulators and meetings were being held to look at what efficiencies could be made by working together;

- The Council noted that a robust response had been sent to the PSA when the draft was circulated.

9.5 The Council agreed:-

- That the Council's disappointment in not using the detailed breakdown of costs as provided by the HCPC should be noted;

- That the Council's consternation at how the notion of regulatory force had been calculated should be noted; and

- The Executive to consider the most appropriate way of publishing the detailed breakdown of costs that had been provided to the CHSEO for this report.

Item 10.13/10 Winterbourne View Hospital - Guidance on CPD, qualifications and clinical supervision requirements (report ref:- HCPC06/13

10.1 The Council received a paper to note from the Executive.

10.2 At its meeting in September 2013, the Council received a paper from the Executive about the recommendations made by South Gloucestershire Safeguarding Adults Board in its serious case review on the abuse of patients at the Winterbourne View hospital.

10.3 The Council agreed to instruct the Executive to begin initial discussions with the Care Quality Commission about the recommendations. The paper provided an update about developments in this area, including plans to produce guidance to meet the serious case review recommendations.

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

- That a workshop will be held in March to develop the guidance as referred to on pages 141-142 of the report. This guidance should describe what effective systems of clinical supervision look like in hospitals for people with learning disabilities and autism and should identify the roles of registered managers and nominated individuals in developing such systems in practice;

- It was agreed that for care to improve, it was vital to ensure that the guidance was implemented.

10.5 The Council noted the paper.

Item 11.13/11 Council review system – Chair annual review (report ref:- HCPC07/13)

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

11.2 The Council noted that under section 227 of the Health and Social Care Act 2012, the Privy Council is able to make arrangements with the Health and Care Professions Council (HCPC) and other regulators to assist them in the exercise of their appointments functions.

11.3 Following a consultation during 2012, the Professional Standards Authority (PSA) issued a good practice guidance document in November 2012 for Council member and Chair appointments to regulatory bodies. Part of the guidance recommended that the Council Chair's annual review process should be led by an independent person.

11.4 The Council agreed that;

(i) the annual review process should be amended to specify that the Chair's annual review meeting should be facilitated by an independent person; and

(ii) the Secretary to the Council should identify appropriate candidates to conduct the review in line with guidance produced by the PSA.

Item 12.13/12 Minutes of the Finance and Resources Committee held on 21 November 2012 report ref:- HCPC08/13)

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

12.2 The Council approved the recommendations therein.

Item 13.13/13 Minutes of the Audit Committee held on 28 November 2012 report ref:- HCPC09/13)

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

13.2 The Council approved the recommendations therein.

Item 14.13/14 Proposal for regulating adult social care workers in England (report ref:- HCPC10/13)

14.1 The Council received a paper to note from the Executive.

14.2 At its meeting on 4 December 2012, the Council discussed a paper on regulating adult social care workers in England, which incorporated a draft policy statement. The Council approved the policy statement subject to minor amendments. The statement was published on the HCPC website.

14.3 The paper included a proposal which had been put together by the Executive, building upon the policy statement previously agreed by the Council, which has been submitted to the Department of Health.

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

- Primary legislation would not be required to implement a negative registration scheme but instead a Section 60 Order;
- The number of adult social care workers was estimated to be 1.6 million;
- This proposal had now been submitted to the Department of Health and HCPC were waiting to hear back from them;
- Concern was expressed at the reputational damage to HCPC should a system be introduced that did not offer the same level of protection to the public as full statutory regulation;
- The suggestion was made that the statement under paragraph 3.3 needed to be strengthened and, furthermore, that the risks should be more prominent and articulated under paragraph 1.3;
- There was concern that HCPC only had an estimated number of adult social care workers and there may be an expectation that the project be delivered within the same budget even if the actual figure of adult social care workers was a lot higher. Therefore some sensitivity analysis needed to be undertaken;
- Should this form of regulation be introduced by HCPC, a separate set of accounts would be produced and there would be no cross-subsidy between the different systems of regulation;
- HCPC would wish to avoid being directly funded by Government in order to ensure the regulatory independence;
- In response to a question on the legal safeguards under this system of regulation, the Council noted that the legislation would

define a “care worker” and there would be a protection of function;

- It was important to ensure that the focus was on protection of public and not punishment,

14.5 The Council noted the document and agreed that once the Department of Health had responded to the proposal, some further more detailed work would be undertaken in relation to this paper. It was also agreed that the Executive would consider how to make more prominent the statement in relation to this proposal not offering the same level of public protection as full statutory regulation, currently under 3.3.

Item 15.13/14 Minutes of the Education and Training Committee held on 15 November 2012 (report ref:- HCPC11/13)

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

15.2 The Council approved the recommendations therein.

Item 16.13/15 Reports from Council representatives at external meetings (report ref:- HCPC12/13)

16.1 The Council noted feedback from Council Members reporting back from meetings at which they represented the HCPC.

Item 17.13/16 Any other business

17.1 There were/ no further items for consideration.

Item 18.13/17 Date and time of next meeting

18.1 The next meeting of the Council would be held on Wednesday 27 March 2013 at 10:30am.

Item 19.13/18 Resolution

19.1 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;

(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
20	c

Item 20.13/19 Minutes of the private part of the Audit Committee held on 28 November 2012 (report ref:- HCPC13/13)

20.1 The Council considered and approved the recommendations contained within the minutes of the private part of the Audit Committee meeting held on 28 November 2012.

Item 21.13/18 Any other business for consideration in private

Update on appointments to Council

31.1 The Secretary to Council updated the Council on the situation in relation to reappointments in 2013. As the Council were aware, the Department of Health had confirmed that legislation would be implemented for a restructured Council in January 2014. Therefore, the proposal was that no recruitment would be undertaken in the interim. The Secretary to Council confirmed that discussions had been held with the PSA in relation to the process for reappointments and they had suggested that, given the circumstances, it may be appropriate to seek to extend the terms of those seven members whose terms were due to expire in June this year. Informal discussions had been held with the Privy Council and HCPC were currently awaiting their confirmation on whether it would be appropriate to extend the terms of those seven members.

31.2 The Council noted the update.

Chair: …Anna van der Gaag

Date: …27 March 2013