

<b>Council</b>
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**Minutes of the second day of 108<sup>th</sup> meeting of the Health and Care Professions Council as follows:-**

**Date:** Thursday 8 December 2016

**Time:** 10am

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

**Present:** Elaine Buckley (Chair)  
Maureen Drake  
Richard Kennett  
Sonya Lam  
Eileen Mullan  
Joanna Mussen  
Robert Templeton  
Graham Towl  
Joy Tweed  
Stephen Wordsworth

**In attendance:**

Claire Amor, Information Governance Manager  
John Barwick, Acting Director of Fitness to Practise  
Guy Gaskins, Director of IT  
Abigail Gorringe, Director of Education  
Michael Guthrie, Director of Policy and Standards  
Kelly Holder, Director of Fitness to Practise  
Mike Humphreys, Professional Standards Authority  
Brian James, Head of Case Preparation and Conclusion  
Jacqueline Ladds, Director of Communications  
Luanne Nisbett, Professional Standards Authority  
Greg Ross-Sampson, Director of Operations  
Marc Seale, Chief Executive and Registrar

## Public Agenda – Part 2

### **Item 1.16/212 Chair's welcome and introduction**

- 1.1. The Chair welcomed Council members and those seated in the public gallery to the second day of the 108<sup>th</sup> meeting of Council.

### **Item 2.16/213 Apologies for absence**

- 2.1 Apologies were received from Stephen Cohen and Nicola Wood.

### **Item 3.16/214 Approval of Agenda**

- 3.1 The Council approved the agenda.

### **Item 4.16/215 Professional Standards Authority performance review report 2015-16**

- 4.1 The Council received a paper from the Executive.
- 4.2 The Council noted that the Professional Standards Authority (PSA) published its annual performance review of the HCPC in September 2016. The PSA concluded that the HCPC met 21 of 24 of the standards of good regulation. The standards unmet were standard two in registration and standards four and six in fitness to practise.
- 4.3 During discussion the following points were noted:-
  - in 2015, the PSA consulted on a revised performance review process, which aimed to take a more targeted and risk-based approach. Rather than reviews of all nine regulators taking place simultaneously, a separate report will be published for each regulator when it is ready;
  - the HCPC's performance review process started formally in January 2016. The Executive were informed of the PSA's assessment in late June and received a draft of the report with the PSA's reasoning for comment at the end of July. The final report was published on 30 September 2016;
  - whilst some standards were not met, the PSA made a number of positive comments, and acknowledged good practice in relation to improvement activities that were undertaken during the performance review reporting period;
  - changes have been made to the registrations appeal process in response to the PSA's comments on the reasons the HCPC did not

meet standard two. The PSA have agreed that the changes represent a pragmatic solution which addresses their concerns;

- a number of fitness to practise improvement activities relating to the concerns identified by the PSA have been implemented, the majority of these were planned prior to the conclusion of the PSA's performance review process for 2015-16;
- the Executive's feedback on the process is that greater clarity is needed about the factors that the PSA will consider in making its judgements against each of the standards, so that this is more transparent and that differences in the judgements reached about different regulators can be understood; and
- the PSA has indicated that it intends to review the standards of good regulation and/or the performance review process. Initial engagement has begun, with a consultation expected in spring 2017.

- 4.4 The Council noted that the paper focuses on areas of improvement, however the Council considered the report should be placed in the context of consistent and strong performance and thanked the HCPC's employees for their hard work.
- 4.5 The Council noted that the HCPC's Internal Auditors, Grant Thornton, undertook an internal audit of the registration appeals process, the resulting audit report was positive and found the process was working well.
- 4.6 The Council considered the importance of the effective, efficient working of the registration appeals process, given that applicant's livelihoods were dependent on it. It was agreed that a great amount of work went into creating a very clear documented process, and so the PSA's assessment was disappointing.
- 4.7 The Council agreed that clarity on the parameters used by the PSA when determining if a standard has been met or not would be helpful for regulators and the public in determining if oversight is effective.
- 4.8 The Council noted that the PSA did not appear to consider elements such as financial performance and registration fee levels. The Council agreed that the HCPC has proved very effective in this area.
- 4.9 The Council discussed the HCPC's relationship with the PSA. It was noted that the relationship was largely positive and that constructive challenge was part of the PSA's purpose, for example section 29 referrals. The HCPC welcomes feedback and the opportunity to improve. Quarterly meetings between the HCPC and the PSA's Director of Quality and Scrutiny have been arranged going forward.
- 4.10 The Council noted that the Chair and Chief Executive would soon be meeting with the PSA's Chair and Chief Executive a part of a regular

schedule of meetings. The performance review process will be discussed at this meeting and feedback given.

4.11 The Council noted the contents of the paper.

### **Item 5.16/216 Fitness to Practise report**

5.1 The Council received a paper from the Executive setting out the main activities of the Fitness to Practise (FTP) Department since the September 2016 meeting of Council.

5.2 During discussion the following points were noted:-

- the total ICP caseload is lower than forecast due to less cases being received than expected and more cases being closed pre-ICP than forecast;
- the number of preliminary hearings is lower than forecast and the number of listed hearings that do not conclude is higher than forecast. This is due to difficulties with panel member availability or unforeseen changes in circumstances since the time of the listing;
- despite a number of part heard, adjourned or cancelled hearings due to panel availability, the number of open post ICP cases has fallen below the forecast;
- two High Court cases have concluded in the HCPC's favor;
- customer service excellence workshops recently took place for FTP employees. Initial feedback has been very positive. Profession specific workshops are planned;
- the Health and Care Professions Tribunal Service (HCPTS) project is progressing according to the project plan. The recruitment for the Tribunal Advisory Committee (TAC) members is underway, 114 applications were received and interviews will take place in December;
- the implementation of the realignment of the FTP Directorate structure is now complete; and
- maternity cover arrangements are now in place for the Director of Fitness to Practise and Head(s) of FTP Operations (who is covering the Director's leave), Adjudication, Case Reception and Triage and Investigations.

5.3 In response to a question it was noted Partner availability issues are often due to sickness and panel member conflicts reducing the available pool. The adjudication team are reviewing their pre-hearing checks to ensure their effectiveness, and have provided greater clarity to external case presenters in relation to hearing instructions.

- 5.4 The Council discussed the revised management information pack structure. It was agreed that graphs could better illustrate some of the longer sections of narrative reporting.
- 5.5 The Council discussed the maternity cover arrangements outlined in the report. In response to a question it was noted that a dedicated FTP training coordinator is in place to facilitate effective inductions. In addition, the realignment will assist new starters in getting up to speed with their role due to the move to specialised teams.
- 5.6 The Council discussed the HCPC's mediation pilot as an upstream measure to potentially reduce caseload levels. It was noted that the pilot has not had much uptake and that research suggests mediation services take considerable time to bed in. An update paper on the mediation pilot would be presented to the Council in February 2017.
- 5.7 The Council noted the report.

#### **Item 6.i.16/217 Fitness to Practise Policy**

- 6.i.1 The Council received a paper from the Executive.
- 6.i.2 The Council noted that the establishment of the HCPTS will see responsibility for approving Practice Notes transferring to the TAC. Although the TAC will be responsible for approving Practice Notes, Council will retain responsibility for setting fitness to practise policy.
- 6.i.3 It is proposed that the revised policy will replace the current 'Fitness to Practise: What does it mean?' document.
- 6.i.4 The Council approved the Fitness to Practise Policy.

#### **Item 6.ii.16/218 Quality Assurance report on Investigating Committee Panel Decisions**

- 6.ii.1 The Council received a paper from the Executive.
- 6.ii.2 The Council noted that the report provides a summary of the audits of Investigating Committee Panel ICP 2016. The audits were carried out by the FTP Quality Compliance Team (QCT) as part of an ongoing programme of assurance and development work.
- 6.ii.3 The Council discussed the findings of the audits. It was agreed that future reports would focus on themes identified during the audits.
- 6.ii.4 The Council noted the paper.

### **Item 6.iii.16/219 Feedback from Fitness to Practise cases**

- 6.iii.1 The Council received a paper from the Executive.
- 6.iii.2 The Council noted that the FTP Department proactively seeks feedback from key stakeholders on their experience of the fitness to practise process. Feedback is used to as an assurance as well as identifying areas which may require improvement. The paper presented summarises the recent feedback received as well as the workings of the process.
- 6.iii.3 The Council discussed feedback relating to Legal Assessors. It was noted that Legal Assessors are required to undertake the same performance review and reappointment process as other Partners, and that any concerns are fed back to them as they arise, often by the Hearings Officer present.
- 6.iii.4 The Council noted the paper.

### **Item 7.16/220 Practice Notes: Discontinuance of Proceedings and Disposal of Cases by Consent**

- 7.1 The Council received a paper from the Executive.
- 7.2 The Council noted that the FTP Department are undertaking a review of all Practice Notes in light of recent changes to the Directorate and the establishment of HCPTS.
- 7.3 The Practise Notes for Discontinuance and Disposal by Consent are the first reviews to be completed. It is aimed that the entire review will be complete by March 2017.
- 7.4 The Council approved the changes to the Practice Notes:
- Discontinuance
  - Disposal by Consent

### **Item 8.16/221 Education report**

- 8.1 The Council received a paper from the Executive setting out the main activities of the Education Department since the September 2016 meeting of Council.
- 8.2 During discussion the following points were noted:-
- 46 approval visits scheduled in the 2016-17 financial year, this is less than the budgeted 60;
  - 166 new major change notifications have been received this year to date against a budgeted forecast of 99;

- the annual monitoring process for the current 2016-17 academic year has begun, 12 assessment days are planned between December 2016 and May 2017 to consider audit submissions ;
- the Directorate has seen a recent increase in external stakeholder work in the area of higher and degree apprenticeships; and
- the profession profile of approval cases in the current academic year is increasingly mixed with social worker and paramedic programmes no longer dominating.

8.3 The Council welcomed the inclusion of a narrative on liaison with external stakeholders.

8.4 The Council noted the report.

**Item 9.16/222 Minutes of the Education and Training Committee Meeting 24<sup>th</sup> November 2016**

9.1 The Council considered the minutes of the 72<sup>nd</sup> meeting of the Education and Training Committee.

9.2 The Council noted the minutes.

**Item 10.16/223 Communications report**

10.1 The Council received a paper from the Executive setting out the main activities of the Communications Department since the September 2016 meeting of Council.

10.2 During Discussion the following points were noted:-

- following the procurement exercise for the website project, a preferred supplier has been identified and requirements gathering will begin in December;
- the Department promoted three new consultations on guidance for social media, CPD and confidentiality to stakeholders;
- focused communications activity around the social worker renewals included a joint event with BASW, print and social media signposting and attendance at relevant industry events;
- the Department has been working with the project team to promote and develop the identity of the HCPTS; and
- meet the HCPC events were held in Harrogate and Ayr. In addition, a research seminar was held in November.

10.3 The Council noted that the HCPC had made a submission to the Government's consultation exercise on impact of the UK exit from the European Union on health and social care. Possible communication requirements on this issue will be included in the Communications workplan for 2017-18.

10.4 The Council noted the report.

#### **Item 11.i.16/224 Information Technology report**

11.i.1 The Council received a paper from the Executive setting out the main activities of the IT Department since the September 2016 meeting of Council

11.i.2 During discussion the following points were noted:-

- all disaster recovery services are now operating in a new environment provided by Microsoft. This change will reduce costs and improve the time to switch to the disaster recovery environment;
- the FTP, Registration and Education systems all experienced brief outages during the reporting period; and
- two vacancies within the IT Department have been filled, two further vacancies are being covered by temporary resource.

11.i.3 The Council noted the report.

#### **Item 11.ii.16/225 Information Technology strategy**

11.ii.1 The Council received a paper from the Executive.

11.ii.2 The Council noted that the paper sets out the revised Information Technology strategy. The reviewed strategy reflects changes in the external drivers for the HCPC. The strategy refers to that of the organisation and not the IT Department.

11.ii.3 The Council discussed the HCPC's move to cloud based services. It was noted that the security of these platforms was carefully considered and the platform used provides higher levels of security than the HCPC is able to. The use of cloud based solutions supports more flexible ways of working and promotes a 'self-service' culture with stakeholders.

11.ii.3 The Council approved the Information Technology strategy.

#### **Item 12.16/226 Secretariat report**



- 12.1 The Council received a paper from the Executive setting out the main activities of the Secretariat Department since the September 2016 meeting of Council.
- 12.2 The Council noted that following an appointments exercise, Sue Gallone and Gavin Scott have been appointed by the Privy Council to the HCPC Council from 1 January 2017.
- 12.3 The Council noted the paper.

#### **Item 13.16/227 Appointment of Secretary to Council**

- 13.1 The Council received a paper from the Executive.
- 13.2 The Council noted that Kelly Holder will be going on maternity leave from 23 December 2016, and so, in accordance with Standing Order No 21, it is necessary to appoint someone to act as Secretary to Council in her absence. Council's approval is therefore sought to appoint Claire Amor to act as Secretary to Council.
- 13.3 The Council is asked to agree to the appointment by the Registrar of Claire Amor as the Secretary to Council, starting on 24 December 2016 until 1 April 2017.

#### **Item 14.16/228 Council Member Appraisal form**

- 14.1 The Council received paper from the Executive.
- 14.2 The Council noted that the annual performance review process was discussed at the Council workshop on 15 January 2016 and a number of changes were recommended as a result. The updated process was approved in February 2016.
- 14.3 Having run the updated process, further revisions are proposed to the review forms to include sections to record learning and development needs, learning outcomes, and reflections on learning. An additional appendix to cover optional activities has been added.
- 14.4 The Council approved the revised forms.

#### **Item 15.16/229 Feedback from Council Member attendance at events**

- 15.1 The Council discussed and noted the feedback from recent events attended by Council Members.

#### **Item 16.16/230 Chief Executive's Summary of key issues**

16.1 The Chief Executive summarised the main points presented by the Executive to the Council during their 108<sup>th</sup> meeting.

**Item 17.16/231 Any other business**

17.1 The Council discussed arrangements for a development session on equality and diversity on 12 January 2017.

**Item 18.16/232 Meeting evaluation**

18.1 The following points were discussed:-

- the Council welcomed the ongoing adaptation of the papers in response to previous feedback. It was agreed that where appropriate graphical representation could have more impact than narrative reporting;
- the Council considered that more information on where the Council can obtain assurance on processes could be included in papers; and
- the Council agreed that discussion should not cross papers for clarity.

**Item 19.16/233 Date and time of next meeting:**

Wednesday 8 February at 2pm and Thursday 9 February 2017 at 10am at Park House, 184 Kennington Park Road, London SE11 4BU.

**Item 20.16/234 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;
- (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
21	H

**Item 21.16/235 Private Minutes of the Education and Training Committee Meeting 24<sup>th</sup> November 2016**

- 21.1 The Council considered the minutes of the 72<sup>nd</sup> meeting of the Education and Training Committee.
- 21.2 The matters contained within the private minutes were considered to be confidential. The Council noted the minutes.

**Item 22.16/236 Any other private business**

- 22.1 There was no further business.

Chair: Elaine Buckley

Date: 08/02/2017