

Council

Minutes of the 103rd meeting of the Health and Care Professions Council as follows:-

Date: Wednesday 10 February 2016

Time: 2pm

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

Present: Elaine Buckley (Chair)
Stephen Cohen
Maureen Drake
Eileen Mullan
Joanna Mussen
Robert Templeton
Graham Towl
Joy Tweed
Nicola Wood
Stephen Wordsworth

In attendance:

Kayleigh Birtwistle, Quality Compliance Auditor (Items 1-10)
Laura Coffey, Investigations Manager
Guy Gaskins, Director of Information Technology
Andy Gillies, Director of Finance
Abigail Gorringer, Director of Education
Michael Guthrie, Director of Policy and Standards
Kelly Holder, Director of Fitness to Practise
Imran Inamdar, Case Support Manager (Items 1-10)
Jacqueline Ladds, Director of Communications
Louise Lake, Director of Council and Committee Services
Greg Ross-Sampson, Director of Operations
Marc Seale, Chief Executive and Registrar
Sarita Wilson, Head of FtP Service Improvement (Items 11ii-11iii)

Public Agenda – Part 1

Item 1.15/279 Chair's welcome and introduction

- 1.1. The Chair welcomed Council members and those seated in the public gallery to the 103rd meeting of Council.

Item 2.15/280 Apologies for absence

- 2.1 Apologies were received from Richard Kennett and Sonya Lam.

Item 3.15/281 Approval of Agenda

- 3.1 The Council approved the agenda.

Item 4.15/282 Declaration of Members' interests

- 4.1 Nicola Wood declared an interest as a non-executive Director of the Board of the Information Commissioner's Office.

Item 5.15/283 Minutes of the Council meeting of 2 and 3 December 2015

- 5.1 The Council considered the minutes of the 102nd meeting of the Health and Care Professions Council.
- 5.2 The Council noted the corrections to the minutes of the meeting held on 14th October 2015 and it was further noted that Nicola Wood had submitted apologies for that meeting.
- 5.3 The Council agreed the minutes subject to the incorporation of the amendment detailed under 5.2.

Item 6.15/284 Matters arising

- 6.1 The Council noted those matters arising from the meetings held on 02 and 03 December 2015.
- 6.2 The Council further noted that the expenses policies were reviewed annually and the next review would be the opportunity to consider the determination of class of travel by air.
- 6.3 The Council noted the report.

Item 7.15/285 Chair's report

7.1 The Council received a report from the Chair.

7.2 During discussion, the following points were made:-

- The meetings with the professional bodies continued to be constructive and demonstrated the high regard in which HCPC was held;
- The 'Meet the HCPC' event in Dalton-in-Furness was successful and the attendees were grateful that the HCPC had held the event in the locality;
- The Chair had held informal meetings with the Chair of the GMC and discussions were in relation to appraisals of Council members, the HCPC Tribunal Service and some liaison work had been established in relation to revalidation. The suggestion had been made that it would be useful to have a joint meeting of the Councils although the mutual benefits were still be considered;
- The Council noted the background and purpose of the annual EMT budget away day which had been held at the end of January.

7.3 The Council noted the report.

Item 8.15/286 Chief Executive's report

8.1 The Council received a report from the Chief Executive.

8.2 The Council noted the report.

Item 9. 15/287 Professional Accountability Bill – The next steps

9.1 The Council received a report from the Executive.

9.2 The Council were updated on the UK Government's proposals to reform the legislation of the nine UK statutory regulators of health and care professionals by way of possible primary legislation in the form of an Act of Parliament.

9.3 There was discussion about whether a more proactive approach should be taken in terms of being more assertive and articulating what we would and wouldn't like to see within the legislation. The Council noted how the HCPC had engaged with the Department of Health previously when legislation was being considered and agreed that guidance should be taken from the Chief Executive about how best to approach this.

- 9.4 The Council considered the risks as outlined on page six of the paper and noted that it was always necessary to ensure that plans were put in place for all eventualities in case legislation did not meet with the timetable and therefore did not come to fruition.
- 9.5 The Council noted the report.

Item 10. 15/288 New regulatory body for social work

- 10.1 The Council received a report from the Executive.
- 10.2 The Council were updated on developments following the announcement on 14 January 2016 by Rt. Hon. Nicky Morgan MP, Secretary of State for Education that a “new regulatory body for social work” would be setup.
- 10.3 During discussion, the following points were made:-
- The Council were apprised of the background to the regulation of social work starting with the establishment of the General Social Care Council in 2001;
 - The Council raised some important questions which they felt needed to be addressed at the next meeting to be held with Department of Health officials:-
 - Why can HCPC’s legislation not be amended to accommodate the changes that the government is seeking to introduce?
 - What evidence does the government have to suggest that the regulation of social workers in England by the HCPC is not working? Where have HCPC lowered standards or not raised standards for social workers in England?
 - How can HCPC be involved in establishing a new regulator and what is the proposed process?
 - Where do social care workers sit within these proposals?
 - The Council congratulated the Executive on how the situation was handled on the day of the announcement;
 - No response had yet been received to our letter to the PSA dated 20 January 2016;
 - It was important to note that as a result of this announcement, it may be necessary to increase the registration fees. Some financial analysis was being carried out. However, any costs associated with the transfer of the regulation of social workers to another body would not be borne by our registrants;
- 10.4 The Council noted the report, agreed the questions that should be raised with the Department of Health and agreed that the Chief Executive should continue to keep the Council updated on the situation.

Item 11i. 15/289 Policy and Standards Departmental Update

11i.1 The Council received a report from the Executive.

11i.2 The Council noted the main activities of the Policy and Standards department.

11i.3 During the discussion the following points were made:-

- That whilst there was an underspend in relation to research, this would in all likelihood reduce by the end of the financial year. The final invoice would be paid once we were completely happy with the standard of what had been delivered;
- It was important to ensure that any research brief was well written (to ensure that expectations were set accordingly) and that research was managed closely. For that reason, the policy team would be undertaking some training on managing research projects.

11i.4 The Council noted the contents of the report.

Item 11ii. 15/290 Regulation of further professions / occupations

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

11ii.2 The Council noted on 17 December 2015, a ministerial statement by Ben Gummer was published which indicated the present Government's thinking on professional regulation. The paper aimed to bring together relevant background material about government policy over time, and the HCPC's thinking and approach to date, about the extension of regulation to further professions / occupations.

11ii.3 During the discussion the following points were made:-

- Concern was expressed that the list under paragraph 2.4 of the paper which sets out the recommendation for the regulation of certain groups, infers that we don't think any other groups should be regulated. It was important to make it clear that we did not believe the list to be exhaustive;
- The suggestion was made that the list be replaced with a statement that we would consider the regulation of any professional group upon receipt of an application;
- Council noted their role in terms of recommending new professions for regulation as set out in legislation;

- The suggestion was made that it was clearly articulated that those groups on the list under paragraph 2.4 were groups that had made an application.

11ii.4 The Council noted the contents of the report and agreed that a position statement should be drawn up in relation to the regulation of new professions and this would be considered at a future meeting of Council.

Item 11.iii. 15/291 A report on the investigation of the GDC's handling of a whistleblower's disclosure about the Investigating Committee

11iii.1 The Council received a report from the Executive.

11iii.2 The Council noted that on 21 December 2015, the PSA published its report into the GDC's handling of a whistleblowing disclosure. The report concludes that: '...the other eight health and care professional regulators could learn from the outcomes of this investigation.' The paper identified actions for the Executive. These actions include reviewing the HCPC's whistleblowing policies for partners and employees.

11iii.3 During the discussion the following points were made:-

- This may be a good opportunity to introduce 'exit interviews' for Partners since anecdotally, panel members were leaving the GDC if they felt uncomfortable about something rather than dealing with it;
- It was noted that whilst it may not be appropriate for formal 'exit interviews', we could build upon the existing 'leaving questionnaires';
- The Council noted the mechanisms in place to give Council assurance about the activity undertaken by partners. This assurance would be enhanced by the future development of the tribunal service;
- The Council noted that the report on Investigating Committee Panel outcomes that is considered annually by Council would be shared with partners through their newsletter and any useful learning outcomes built into future training;
- The suggestion was made that the Council considered 'whistleblowing' in greater depth.

11iii.4 The Council agreed the actions outlined in section three.
At 15:40, the Council took a short break and resumed at 16:00.

Item 12. 15/292 Education Departmental Update

12.1 The Council received a report from the Executive.

- 12.2 The Council noted the main activities of the Education department in November and December. This included statistical information and key work undertaken. It also included a nine month review of the 2015-2016 work plan.
- 12.3 The Council noted that the report on Social Work Education had still been published in January 2016, in spite of government's recent announcement to create a new regulator for social work.
- 12.4 The Council noted the contents of the report.

Item 13. 15/293 Finance Departmental Update

- 13.1 The Council received a report from the Executive.
- 13.2 The Council noted the main activities of the Finance department since December. It included statistical information and highlighted key work undertaken.
- 13.3 During the discussion the following points were made:-
- The Council noted that the deficit projected as part of the month 9 reforecast was much more favourable than the original budgeted deficit. This was primarily as a result of an increase in income from international scrutiny fees;
 - That the investment income of approximately £150k was not included within the original budget as this was effectively a contingency;
 - The projected deficit of £314k was worst case scenario and did not include the figure for the revaluation of the building;
 - The Council noted the new approach by the NAO audit team who came into HCPC in December and February and then a shorter visit at year end;
 - The Council noted that the published version of the 'Standards of Conduct, Performance and Ethics' had gone to every registrant. The reason was that there were some fundamental additions to the document including 'duty of candour' and social media. The decision to do so had been discussed and agreed at Council in December;
 - The Council noted the update in relation to staffing within the Finance Directorate.
- 13.4 The Council noted the contents of the report.

Item 14.i. 15/294 Secretariat Departmental Update

- 14.i.1 The Council received a report from the Executive.
- 14.i.2 The Council noted the main activities of the Secretariat department including the maternity cover plans to start in early March.
- 14.i.3 The Council noted the contents of the report.

Item 14.ii. 15/295 Council member appraisal process

- 14.ii.1 The Council received a report from the Executive.
- 14.ii.2 The Council noted the Council Member performance review process had been updated following discussion at the recent Council member training day.
- 14.ii.3 The Council noted that whilst it had been agreed that 360 degree appraisals would take place every other year, the timings of when these would take place still needed to be looked into.
- 14.ii.4 The Council approved the revised process.

Item 14iii.15/296 Secretary to Council

- 14.iii.1 The Council received a report from the Executive.
- 14.iii.2 The Council noted that Kelly Holder will act as Secretary to Council while Louise Lake is on maternity leave. It should be noted that this is for the purposes of the Council meetings only. Whilst Kelly will be assuming some of the other responsibilities of the post, she will not be covering the post in its entirety.
- 14.iii.3 The Council agreed the appointment of Kelly Holder as Secretary to Council.

Item 14iv.15/296 Committee appointments

- 14.iv.1 The Council received a report from the Executive.
- 14.iv.2 The Council noted that Eileen Mullan has been recommended for appointment to the Audit Committee and Maureen Drake for appointment to the Education and Training Committee.
- 14.iv.3 The Council agreed the recommendations.

Item 15. 15/297 Information Technology Departmental Update

- 15.1 The Council received a report from the Executive.
- 15.2 The Council noted the main activities of the IT department.
- 15.3 The Council noted the detail of the recent 'outages' and noted the ongoing work to mitigate against these in future.
- 15.4 The Council noted the contents of the report.

Item 16. 15/298 Any other business

- 16.1 There were no additional items for consideration that day.

Chair: Elaine Buckley

Date: 12.04.2016