
Council

Minutes of the 87th meeting of the Council meeting held as follows:-

Date: Thursday 3 December 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
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:

Jonathan Bracken, Solicitor to Council
Alan Carr, Interim Director of Finance
Liz Craig, PA to the Director of Education
Brendon Edmonds, Acting Director of Education
Selma Elgaziari, Policy Officer
Chris French, Customer Service Manager
Claire Gascoigne, Secretary to Council
Guy Gaskins, Director of Information Technology
Teresa Haskins, Director of Human Resources
Kelly Holder, Director of Fitness to Practise
Jacqueline Ladds, Director of Communications
Greg Ross-Sampson, Director of Operations
Marc Seale, Chief Executive and Registrar

Item 1.13/157 Chair's welcome and introduction

- 1.1 The Chair addressed the Council. It was noted that the process for appointing the restructured Council had ended, and that the HCPC was currently awaiting PSA approval of the process and thereafter confirmation of Privy Council appointment. A number of Council members would be stepping down and that this would be their last Council meeting.
- 1.2 The Chair expressed her thanks to the Council members who were stepping down for their service and commitment to the development of the HCPC. It was noted that the Council in its current constitution had worked through substantial changes and challenges together as a body.
- 1.3 The Chief Executive expressed his thanks to the Council for collectively and jointly establishing an organisation where the Executive and the Non-Executive work together effectively.

Item 2.13/158 Apologies for absence

- 2.1 Apologies for absence were received from John Donaghy.

Item 3.13/159 Approval of agenda

- 3.1 The Council approved the agenda, subject to the consideration of the paper 'Fees review 2013 – consequential amendments to HCPC admission forms' (HCPC 139/13) following its consideration of 'Outcomes of consultation on HCPC registration fees and HCPC Registration and Fees Rules' (HCPC 123/13).
- 3.2 The Council agreed that the paper entitled 'Review of Financial Regulations (HCPC 132/13)' should be removed from the agenda.

Item 4.13/160 Declaration of Members' Interests

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

Item 5.13/161 Minutes of the Council meeting of 17 September 2013 (report ref:- HCPC119/13)

- 5.1 The Council considered the minutes of the 86th meeting of the Health and Care Professions Council.
- 5.2 The Council agreed the minutes.

Item 6.13/162 Chair's report (report ref:- HCPC120/13)

- 6.1 The Council received a report from the Chair.

6.2 During discussion, the following points were made:-

- the Chair congratulated the Chief Executive on his election as the first non-US president of CLEAR, which will commence in September 2014;
- the Chair met with Dr Caroline Nicolson, of the National Nursing Research Unit, at Kings College on 6 November. The Director of the Unit will visit the HCPC in January to discuss what nursing research can learn from the HCPC; and
- the Chair's Keynote address on 27 November at the South Staffs and Shropshire Healthcare NHS Foundation Trust AHP Annual Conference, was an opportunity to address the neighbouring trust to Mid Staffs. The conference was planned over 18 months ago and was not motivated by the report. However, there was a strong consensus at the conference that more debate and discussion about channels for raising concerns are needed. The Council noted that this topic may be one to return to as a suitable topic for a workshop.

6.3 The Council noted the report.

Item 7.13/163 Chief Executive's report (report ref:- HCPC121/13)

7.1 The Council received a report from the Executive.

7.2 During discussion, the following points were made:-

- the International Association of Medical Regulatory Authorities (IAMRA) will be holding its annual International Conference on Medical Regulation in London in September 2014 in conjunction with the GMC. The HCPC has been invited to hold a seminar in Park House during the conference on the topic of multi-professional regulation;
- the Education Department reviewed the outcomes of the first year of social work approval visits to transitionally approved pre-registration programmes, which transferred to the HCPC on 1 August 2012. A detailed paper was considered by the Education and Training Committee at their meeting in November 2013;
- work is continuing in conjunction with architects and cost consultants to agree on a scheme in relation to any proposed redevelopment of 186 Kennington Park Road;

- the enhanced commentary accompanying the six-month reforecast figures was welcomed for providing a clear narrative; and
- the Council discussed the changing nature of the Chief Executive's report. It was noted that Departments would present their own separate reports to the Council in future.

7.3 The Council noted the report.

Strategy and Policy

Item 8.13/164 Government response to the Francis Report (report ref:- HCPC122/13)

- 8.1 The Council received a paper for discussion from the Executive.
- 8.2 The Council noted that, in March 2013, the Government published its initial response to the recommendations of the Francis Inquiry, 'Patients First and Foremost'. The Government has now published a more detailed response to the Inquiry recommendations.
- 8.3 During discussion, the following points were made:-
- the Policy and Standards team are currently reviewing the responses in detail. A paper will be presented at a Council meeting Council in 2014;
 - the sections of the report most relevant to the role of the HCPC are 'Openness, transparency and candour' and 'Professional regulation of fitness to practise';
 - the response to the recommendations includes a statutory duty of candour for organisations delivering healthcare, but not directly for individuals. This expectation would instead be managed through the professional regulators' standards and guidance;
 - the Government's response stops short of expecting regulators to be involved in investigating 'systemic concerns'.
- 8.4 The Council discussed the recommendation that boards should look at organisational complaints on a monthly basis. It was noted that currently the HCPC do not receive a paper on complaints analysis that frequently.
- 8.5 The Council discussed the language of the report. There was consensus that the report was too focused on 'clinicians' and should

include other health professions who make a contribution to the NHS. It was agreed that it was particularly important that the public know how to complain about these professions.

- 8.6 The Council discussed the recommendations relating to student feedback. It was noted that post-Francis most education providers have whistle-blowing mechanisms in place for students. The HCPC may need to consider these systems in its Standards of Education and Training.
- 8.7 The Council agreed that the recommendation relating to the regulation of healthcare workers is an area where the HCPC has a contribution to make,.
- 8.8 The Council noted the report.

Item 9.13/165 Outcomes of consultation on HCPC registration fees and HCPC Registration and Fees Rules (report ref:- HCPC123/13)

- 9.1 The Council received a paper for discussion/approval from the Executive.
- 9.2 The Council noted that the HCPC held a consultation between 10 July 2013 and 1 October 2013 on proposals to increase the fees. The consultation document proposed an increase in the renewal fees from £76 to £80 per year. It was proposed that if approved, all fee types are increased from 1 April 2014.
- 9.3 The Council noted that the paper was discussed by the Education and Training Committee at its meeting on 14 November 2013, and the Finance and Resources Committee at its meeting on 21 November 2013. The consultation responses document has been amended to reflect the discussions of those Committees
- 9.4 During discussion, the following points were made:-
 - 521 responses were received to the consultation document. 496 responses (95%) were made by individuals, of which 485 (98%) were HCPC registered professionals. 25 responses (5%) were made on behalf of organisations;
 - this response rate represents a significant increase on the last fees consultation in 2009. However this still represents a small proportion of the HCPC's registrant population overall; and
 - past consultation has shown that registrants prefer small and more frequent fee increases, to larger, less regular increases.
- 9.5 The Council agreed:-

- the fee levels as set out in the paper (subject to necessary amendments to the relevant Rules) from 1 April 2014;
- the text of the consultation responses document (subject to minor editing amendments); and
- to make the Rules in Appendix 1 by applying the Council seal.

Item 10.13/166 Fees review 2013 – consequential amendments to HCPC admission forms (report ref:- HCPC139/13)

- 10.1 The Council received a paper for discussion/approval from the Executive.
- 10.2 The Council noted that the new fees will be effective from 1 April 2014, however it is necessary to amend the admission forms ahead of this date to provide adequate preparation.
- 10.3 The Council approved the amendments to the HCPC admissions forms as set out in the paper.

Item 11.13/167 Consultation on profession-specific standards of proficiency for hearing aid dispensers (report ref:- HCPC124/13)

- 11.1 The Council received a paper for discussion/approval from the Executive.
- 11.2 The Council noted that, as few changes were suggested to the profession-specific standards of proficiency for hearing aid dispensers by the British Society of Hearing Aid Audiologists, the HCPC has not sought further advice on the changes from an individual hearing aid dispenser. This advice may be sought from a hearing aid dispenser HCPC partner following the results of the consultation.
- 11.3 The Council noted that the consultation paper and draft standards for hearing aid dispensers were considered and recommended to Council for approval by the Education and Training Committee at its meeting in November 2013.
- 11.4 The Council approved the draft standards of proficiency for hearing aid dispensers and the text of the consultation paper (subject to minor editing changes and formal legal scrutiny).

Item 12.13/168 Indicative Sanctions Policy (report ref:- HCPC125/13)

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

- 12.2 The Council noted that the policy is intended to aid Panels in their deliberations and assist them in making fair, consistent and transparent decisions. The Council also provides further guidance to Panels on specific aspects of the adjudicative process in a series of Practice Notes.
- 12.3 The Council noted the proposal to add a new provision to the Indicative Sanctions Policy to provide guidance to Panels on multiple sanctions.
- 12.4 The Council approved the revisions to the Indicative Sanctions Policy as set out in the paper.

Item 13.13/169 Fitness to Practise Data Retention Policy (report ref:- HCPC126/13)

- 13.1 The Council received a paper for discussion/approval from the Executive.
- 13.2 The Council noted that, as part of its work plan for 2013-14, The Fitness to Practise Department has undertaken a review of the Fitness to Practise Data Retention Policy to ensure it remains fit for purpose. The Policy sits alongside the Fitness to Practise Publications Policy which was approved by the Council at its meeting in September.
- 13.3 The Council approved the Fitness to Practise Data Retention Policy.

Item 14.13/170 Fitness to Practise Data Retention Policy (report ref:- HCPC127/13)

- 14.1 The Council received a paper for discussion from the Executive.
- 14.2 The Council noted that the pack is under continual review and new reports are developed as needs arise. It aims to provide detail on the internal measures that are used to monitor and track the work of the Department.
- 14.3 During discussion, the following points were made:-
 - the Fitness to Practise Management Information Pack is used by the FTP department to review and monitor the work of the Department and is considered by the Executive Management Team on a monthly basis. It will also be provided to Council at each of their meetings;
 - the caseload per case manager figure is higher than target, recruitment is on-going to address this;
 - the HCPC undertook its first successful prosecution of a protection of title offence. Costs were awarded to HCPC;

- the Department is looking to conduct two studies, one on on cost effectiveness and the other on an analysis of registrant disengagement. It also plans to produce enhanced guidance to employers as part of its work plan for 2014-15;
- the Mediation pilot has identified one suitable case so far; and
- the Department will be working with the Patients Association to explore possible improvements to the fitness to practise process.

14.4 The Council noted the report.

Item 15.13/171 Pensions Auto-Enrolment (report ref:- HCPC128/13)

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

15.2 The Council noted that the HCPC will be required to comply with pensions auto-enrolment from 1 April 2014.

15.3 During discussion, the following points were made:-

- around 60% of HCPC employees will need to be automatically enrolled into a pension scheme from 1 April 2014;
- HCPC partners are not 'workers' for the purposes of auto-enrolment and can therefore be excluded from consideration;
- a project plan covering work before 1 April 2014 has been developed. Most of the preparatory work involves communications with affected employees and changes to processes within the HR and Finance departments;
- the requirement to pass probation in order to join the pension scheme will be removed; and
- in order to make auto-enrolment more affordable for lower paid employees, it is proposed that contribution levels are phased in according to the timescales set out under auto enrolment legislation.

15.4 The Council noted that further work will be undertaken in relation to the life assurance dependent's pension. This will be presented to the Council at a future meeting.

15.5 The Council approved the pension plan joining dates and contribution rates as set out in the paper.

Item 16.13/172 Procurement Policy (report ref:- HCPC129/13)

- 16.1 The Council received a paper for discussion/approval from the Executive.
- 16.2 The Council noted that in response to recommendations from the National Audit Office, the HCPC created the post of Procurement Manager. With the employee in place, a Procurement Policy has been developed. The Finance and Resources Committee recommended the Policy to Council for approval at its meeting in November 2013.
- 16.3 The Council noted that guidelines and 'how to' documentation will be published alongside the Policy for employees.
- 16.4 The Council approved the Procurement Policy.

Item 17.13/173 Expense Policy update (report ref:- HCPC130/13)

- 17.1 The Council received a paper for discussion/approval from the Executive.
- 17.2 The Council noted that following a review of the Partners expense policy with various Departments, a number of changes have been proposed to the partners and Council members expense policy. The main aim of these changes to ensure that partners and Council members incur the most cost effective expenses, when traveling and staying on behalf of HCPC
- 17.3 The Council approved the Partners Expense Policy and the Council Members Expense Policy.

Item 18.13/174 Review of Financial Regulations (report ref:- HCPC131/13)

- 18.1 As noted under approval of agenda, this paper was withdrawn from the agenda.

Item 19.13/175 Opening of corporate credit card facility (report ref:- HCPC132/13)

- 19.1 The Council received a paper for discussion/approval from the Executive.
- 19.2 The Council noted that some IT companies only permit payment via a corporate credit card, In order to address this, the Executive proposed opening a corporate credit card account with its current account bankers, Lloyds Bank.
- 19.3 The Council noted that only the Chief Executive, Director of Finance and the Head of Financial Accounting will have access to the credit card number and details. The monthly statement will be approved by

the Director of Finance and Chief Executive and the credit card will have a credit limit of £1,000.

19.4 The Council approved the opening of a corporate credit card facility.

Item 20.13/176 Communications Report (report ref:- HCPC133/13)

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

20.2 The Council noted that the report set out the main activities of the Communications Department since the last meeting of Council. It included statistical information and highlighted key work undertaken in September, October and November across the range of communications channels.

20.3 During discussions the following points were made:-

- the recent Perth 'meet the HCPC' events were broadcast live on the internet and 70 registrants attended in person with a further 100 participating remotely;
- the HCPC launched its 'Be Sure' campaign in October. Using a short film, the aim is to raise awareness amongst care home managers, older people and their carers of the HCPC's role in public protection and the importance of checking registration;
- in October, there was extensive coverage in the media about the Orchid View Care Home. In response to these reports, the HCPC issued a statement which outlined proposals for negative registration of care workers. The HCPC also wrote a letter to the Independent, which was published, and a piece for the Guardian Social Care Network, which was also published;
- in October, the HCPC hosted a 'tweet chat' with occupational therapists in partnership with the British Association of Occupational Therapists and the College of Occupational Therapists. The aim was to discuss registration renewal and CPD; and
- the Communications Department has been working on the written submission and preparation for the HCPC's first annual accountability hearing appearance in front of the House of Commons Health Select Committee in January.

20.4 The Council noted the report.

Item 21.13/177 Chair of the Audit Committee (report ref:- HCPC134/13)

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

21.2 During discussion the following points were made:-

- the newly appointed Council will be required to appoint the chairs of its committees. Therefore there will be a brief period during which no such appointment has been made but where the outgoing committee chair has stood down from the Council and is no longer in the role of chair of the committee;
- the Audit Committee Chair has an on-going role in liaising with the auditors in relation to the HCPC's financial affairs and is the person to whom any 'whistle-blower' within the organisation would report concerns; and
- as a contingency arrangement to ensure that there is no vacancy in that position, it is proposed that the Chair of the Council be given the power, on a transitional basis, to appoint a person as Audit Committee Chair

21.3 The Council agreed that:-

- until such time as the new members of the Council are appointed and the Council is able to appoint the Chair of the Audit Committee, the Council's power to appoint the Chair of that Committee may be exercised by the Chair of the Council; and
- any such appointment shall be made in writing and expressed to be of a transitional nature and the Chair of the Council shall report on any exercise of that power to the next meeting of the Council which follows any such appointment.

Item 22.13/178 Minutes of the Audit Committee held on 26 September 2013 (report ref:- HCPC135/13)

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

22.2 The Council approved the recommendations therein.

Item 23.13/179 Minutes of the Fitness to Practise Committee held on 10 October 2013 (report ref:- HCPC136/13)

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

23.2 The Council approved the recommendations therein.

Items to note

The Council noted the following item:-

Item 24.13/180 PSA report on candour (report ref:- HCPC137/13)

Item 25.13/181 Any other business

25.1 There were no further items for consideration.

Item 26.13/182 Date & time of next meeting:

26.1 The next meeting of the Council would be held on Thursday 6 February 2014 at 9:30.

Item 27.13/183 Resolution

27.1 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
28	h

Item 28.13/184 Minutes of the private part of the Audit Committee held on 26 September 2013 (report ref:- HCPC138/13)

28.1 The Council considered and approved the recommendations contained within the minutes of the private part of the Audit Committee held on 26 September 2013

Item 29.13/185 Any other business

29.1 There were no further items for consideration.

Chair: ...Anna van der Gaag

Date: ...06 February 2014