
Council

Minutes of the 88th meeting of the Council meeting held as follows:-

Date: Thursday 6 February 2014

Time: 09:30 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)
Elaine Brookes
Mary Clark-Glass
John Donaghy
Sheila Drayton
Richard Kennett
Sonya Lam
Keith Ross
Robert Templeton
Graham Towl
Joy Tweed
Nicola Wood

In attendance:

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 1.14/01 Chair's welcome and introduction

- 1.1 The Chair welcomed members to the 88th meeting of the Council and the first meeting of the newly reconstituted Council. The Chair outlined the structure of meeting.

Item 2.14/02 Apologies for absence

- 2.1 There were no apologies for absence.

Item 3.14/03 Approval of agenda

- 3.1 The Council approved the agenda.

Item 4.14/04 Declaration of Members' Interests

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

Item 5.14/05 Minutes of the Council meeting of 3 December 2013 (report ref:- HCPC01/14)

- 5.1 The Council considered the minutes of the 87th meeting of the Health and Care Professions Council.
- 5.2 The Council agreed the minutes.

Item 6.14/06 Chair's report (report ref:- HCPC02/14)

- 6.1 The Council received a report from the Chair.
- 6.2 During discussion, the following points were made:-
- since the last meeting of the Council, three annual meetings with professional bodies have been undertaken and further meetings are planned. It was noted that the meeting content and agenda was always led by the professional body. It was also an opportunity for the HCPC to update the professional bodies on any relevant developments;
 - the Chair sat on the interview panel for the Fitness to Practise legal services tender. Kinglsey Knapley have been appointed;
 - the Chair's meeting with Professor Jill Maben and Dr Caroline Nicholson of the National Nursing Research Unit at Kings College London was to discuss ways in which nursing and the HCPC's Professions can do more collaborative work. Future talks are planned focusing on sharing methodology; and

- the Chair has attended meetings with civil servants in Scotland and Northern Ireland. Meetings with civil servants in Wales are planned.

6.3 The Council discussed the recent appearance of the Chair and Chief Executive before the Health Select Committee for the HCPC's first Accountability Hearing. The Council expressed their thanks to the Chair and Chief Executive for representation and also to the Executive team for the thorough briefing and preparation provided. The Council agreed that the transcript of the hearing should be made available to members online.

ACTION – Secretary to Council

6.4 The Council noted the report.

Item 7.14/07 Chief Executive's report (report ref:- HCPC03/14)

7.1 The Council received a report from the Executive.

7.2 During discussion, the following points were made:-

- the Law Commission's Draft Bill is due for publication on 31 March 2014. The Department of Health undertook a briefing on the Bill's contents to the health regulators on 4 February 2014. The content of the Bill is subject to change;
- the Modernisation of the Professional Qualifications Directive legislation is due to be published in November. The Chief Executive recently attended a conference regarding this at the European Commission, Brussels;
- the Chief Executive attended a meeting of the Herbal Medicines and Practitioner Working Group of which he is a member. The Group is due to report in March 2015; and
- the Chief Executive attended a meeting of the Department of Health's Duty of Candour working group on 3 February 2014. There was discussion on how to incorporate a duty of candour in standards of conduct performance and ethics as part of the review process.

7.3 The Council discussed the implications of the Law Commission's Bill. It was noted that a provision for negative registers is proposed. It was agreed that the Council should be provided with past Council papers on the negative registration proposals to provide them with the background to this policy.

ACTION – Secretary to Council

7.4 The Council noted the report.

Strategy and Policy

Item 8.14/08 PSA Audit Report - GMC, GDC (report ref:- HCPC04/14)

- 8.1 The Council received a paper for discussion from the Executive.
- 8.2 The Council noted that the Fitness to Practise Department reviews the audits of the other healthcare regulators undertaken by the Professional Standards Authority (PSA) to assess what learning can be taken from them and applied to HCPC processes
- 8.3 The Council noted in December 2013 the PSA published their findings following the audit of the initial stages of the fitness to practise process at the General Dental Council (GDC) and General Medical Council (GMC).
- 8.4 During discussion, the following points were made:-
- the last PSA audit of the initial stages of the HCPC fitness to practise process was published in September 2013. The HCPC will not be audited this year;
 - reviewing other regulators audit reports provides the HCPC with assurance and enables benchmarking and the Council agreed these reviews should continue; and
 - in response to a question about the proposed review of the Department's letters and the 'tone of voice' review, it was noted that the work was in an early stage and that the Department was working with the Patients Association in 2013 on a complaints process review which would inform the review.
- 8.5 The Council discussed how it would receive updates on the areas highlighted for review. It was noted that the actions suggested would be included in the Department's workplan for 2014-15 and that workplans include a review of the previous year's progress.
- 8.6 The Council noted the report.

Item 9.14/09 Life Assurance Benefits (Death in Service Dependents' pension) (report ref:- HCPC05/14)

- 9.1 The Council received a paper for discussion/approval from the Executive.
- 9.2 The Council noted that, in December 2013, it considered a paper about pensions auto-enrolment, which will apply to the HCPC from 1 April 2014. The Council requested further information about death in service dependent's pensions before deciding whether or not this benefit should be replaced for new and auto-enrolled employees.
- 9.3 The Council noted that the HCPC's pension advisers, Barnett Waddingham, have recommended that the HCPC replaces the death in service dependent's pension with an enhanced lump sum. This could be either a generic additional lump sum of 7 x salary, or a capitalisation calculated additional lump sum of 9 x salary.
- 9.4 During discussion, the following points were made:-
- both options provide a cost saving to the HCPC. The lump sum of 9 x annual salary, is slightly more expensive to insure but more closely replicates the value of the dependent's pension;
 - in response to a question it was noted that an equality and diversity assessment had not been undertaken in relation to the proposed changes;
 - in response to a question it was noted that a consultation had not taken place as no formal consultation period is required and the benefit was not widely known and that it was not expected that its replacement would impact on staff turnover; and
 - it was possible to set a base sum that was not dependent on salary and then add to this with a salary dependent amount, however this was not common practice.
- 9.5 The Council agreed that the HCPC should replace the death in service dependent's pension with an enhanced lump sum of 9 x salary.

Departmental Reports

Item 10.14/10 Fitness to Practise Report (report ref:- HCPC06/14)

- 10.1 The Council received a paper for discussion/approval from the Executive. The Council noted that the report set out the main activities of the Fitness to Practise Department since the last meeting of Council.
- 10.2 During discussion, the following points were made:-

- reforecasts are undertaken on a regular basis so that action can be taken to ensure the continued effective management of case activity;
 - at the end of December 2013 there were 1098 non GSCC transfer cases open and 321 non social work transfer cases awaiting final hearings;
 - 237 (non-social work transfer cases) final hearings have been held between April and December 2013;
 - there are currently six open cases before the High Court or Court of Sherriff where the registrant has appealed the decision of the Conduct and Competence Committee;
 - the PSA has referred the Conduct and Competence Committee's decision in one case to the High Court under the provisions of Section 29 (4) of the National Health Service Reform and Health Care Professions Act 2002;
 - the low number of cases observed reflects a management decision not to send observation letters after 18 December. This was to ensure registrants would not receive these letters over the holiday period when they would be unable to access HCPC staff or other sources of advice or support;
 - the case per case manager figure is higher than target. The Department is looking at building in more resilience in recruitment strategy and further refinements to the case load matrix.
- 10.3 The Council noted that there is a legislative requirement for the HCPC to publish an annual report on its fitness to practise activity. This report will be brought to Council in May 2014.
- 10.4 The Council discussed consensual disposal of cases. It was noted that the agreement to dispose of a case in this way still requires a public hearing
- 10.5 The Council noted that the Department will be looking at registrant engagement with the fitness to practise process and providing more guidance to employers in its 2014-15 workplan.
- 10.6 The Council noted the report.

Item 11.14/11 Education Report (report ref:- HCPC07/14)

11.1 The Council received a paper for discussion/approval from the Executive. The Council noted that the report set out the main activities of the Education Department since the last meeting of Council.

11.2 During discussion, the following points were made:-

- since the last Council meeting on 4 December 2013, 8 visits covering 16 programmes have taken place. In total, 75 visits across 168 programmes have been arranged from September 2013 to August 2014. The majority of these visits are to social worker programmes (71%) and AMHP programmes (17%);
- all education providers have now been contacted to confirm their individual requirements for the annual monitoring process;
- the Department received one concern which fell within its remit in the 2013–14 academic year. However, this concern was referred to the Fitness to Practice Department for further investigation;
- 65 independent prescribing programmes were considered via a documentary approval process and approved by the Education and Training Panel in December 2013;
- recruitment activities for lay visitors began in December, with interviews expected to take place in June and new visitor training in July 2014; and
- the Department has recently undertaken an analysis of its operational activities in the 2012-2013 academic year for inclusion in the Education annual report 2013. The report will include a review of the HCPC's first year of approval visits to programmes for social workers in England.

11.3 The Council discussed the Department's review of its first year of approval visits to programmes for social workers in England. It was agreed that the executive would provide members with a link to the report.

ACTION – Secretary to Council

11.4 The Council noted the report.

Item 12.14/12 HR & Partners Report (report ref:- HCPC08/14)

12.1 The Council received a paper for discussion/approval from the Executive. The Council noted that the report set out the main activities of the Human Resources and Partners Departments since the last meeting of Council.

12.2 During discussion, the following points were made:-

- the employee recruitment function remains busy. Most vacancies in the last two months have arisen as a result of existing employees leaving the organisation or moving to new roles within the organisation;
- partner recruitment campaigns carried out in late 2013 were successful. The next round of Partner recruitment will commence in early February 2014 for panel members from multiple professions;
- it has been a particularly busy period for training activity organised by the Human Resources team. In line with the organisational training plan, one and two day courses for groups of employees at all levels have been run;
- the new modular Management Development course was launched and the introductory module held in January;
- the third HCPC bi annual all employee survey was run in December 2013. All employees were invited to participate and response rates were high at over 80% of employees. The data is now being analysed and reports are due to be produced in March;
- the HR and Partners Systems and Process review project is progressing well. The aim of this project is to carry out a review of current business processes and to select and develop new IT systems to support them;
- the level of employees on maternity or paternity leave has increased in recent months and is higher than in previous years; and
- voluntary turnover has stabilised at around 19%. This is higher than in the previous financial year.

12.3 The Council discussed Partner recruitment. It was noted that the number of partners from a particular profession is determined by level of work for them not the proportion that profession represents on the register. Some professions, such as psychologists require various modality specialisms.

12.4 The Council noted the report.

Item 13.14/13 Operations Report (report ref:- HCPC09/14)

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

13.2 During discussion, the following points were made:-

- the Registrations Department received a total of 18,606 telephone calls, during the period from 1 November to 31 December 2013, which represents a 21% increase in call volumes when compared to the same period two years ago and;
- the team registered 3,017 UK applications, during the period from 1 November to 31 December 2013, which represents a 9% increase when compared to the same period last year;
- a total of 14,813 UK applications have been registered this financial year which exceeds the forecasted end of year figure of 14,181 UK applications;
- the percentage of registrants renewing online this financial year is 89.6% rather than 80% as forecast, which has reduced the number of paper renewal forms received;
- The HCPC follows a modified Prince2 Agile project management method;
- redecoration work has been carried out to areas on the 1st, 2nd and 3rd floors of 186 Kennington Park Road to provide additional meeting room and office space;
- work is continuing in conjunction with architects and cost consultants to agree on a scheme in relation to any proposed redevelopment of the above property; and
- Business continuity risks are being remapped to the new Information Security Standard. Options for electronic business continuity plans are being evaluated.

13.3 The Council discussed a recent near miss that was called due to a gas leak in 186 Kennington Park Road. It was noted that on 8 December, whilst trial bore holes were being excavated to ascertain the ground conditions, the contractor fractured the gas supply to the property. As a result of this, a new supply main has been laid and the gas meter has had to be relocated to the front of the property. The supply was reinstated before Christmas 2013.

13.4 The Council noted the report.

Item 14.14/14 IT Report (report ref:- HCPC10/14)

14.1 The Council received a paper for discussion/approval from the Executive. The Council noted that the report set out the main activities

of the Information Technology Department since the last meeting of Council.

14.2 During discussion, the following points were made:-

- a supplier for the new core switch has been selected following the tender exercise. The replacement core switch is expected to be implemented in March 2014;
- a tender for the replacement of the HCPC's data line supplier has been completed and a preferred supplier selected. It is expected that the switch over of services will happen in early May following the renewal of Physiotherapists; and
- the project to deliver an upgrade to the desktop and laptop operating systems from Windows XP to Windows 7 has now been completed.

14.3 The Council noted the report.

Item 15.14/15 Finance Report (report ref:- HCPC11/14)

15.1 The Council received a paper for discussion/approval from the Executive. The Council noted that the report set out the main activities of the Finance Department since the last meeting of Council.

15.2 During discussion, the following points were made:-

- the December management accounts show income of £18,850k, operating expenditure of £17,343k and a total surplus £1,684k, £1,148k greater than budgeted. This is principally due to lower than budgeted operating expenditure by £1,027k, affecting several departments but particularly Fitness to Practice (£730k below budget);
- the cash balance at the end of December was £13,730k, an increase since 1 April of £1,853k. Deferred income at 30 September was £13,400k;
- the Department is currently preparing the nine month reforecast for the financial year 2013-14 and budget for financial year 2014-15;
- the National Audit Office has commenced its interim audit; and
- the procurement processes for printing services, recording and transcription services and the HR partners system are progressing. The legal services tender is nearing completion with the contract soon to be awarded. Preparation has started on the travel management tender.

- 15.3 The Council noted that the new Director of Finance, Andy Gillies, is due join the HCPC on 10 February 2014. The Council thanked Alan Carr for his contribution to the HCPC during his time as interim Director of Finance.
- 15.4 The Council noted the report.

Item 16.14/16 Communications Report (report ref:- HCPC12/14)

- 16.1 The Council received a paper for discussion/approval from the Executive. The Council noted that the report set out the main activities of the Communications Department since the last meeting of Council.
- 16.2 During discussion, the following points were made:-
- the response to 'meet the HCPC' events has been encouraging and, in response to this, capacity at the Preston event has been increased from 80 to 120 registrants. This particular event will also be broadcast online;
 - the Communications Department, working with the Fitness to Practise Department, launched a public protection broadcast campaign on 20 November 2013. The campaign coincided with the publication of the Fitness to practise annual report and was designed to raise awareness of the HCPC's role in public protection;
 - radio interviews to promote the launch were broadcast on 29 stations (9 live interviews and 20 pre-recorded), including regional BBC and commercial channels. The potential audience reach was over 3.1 million;
 - fitness to practise cases continue to form the bulk of HCPC media coverage. In November, there was national coverage of the striking off of the social worker involved in the Winterbourne View abuse and of a clinical psychologist struck off for an inappropriate relationship with a service user;
 - the Chair and Chief Executive appeared in front of the House of Commons Health Select Committee for the HCPC's first Accountability Hearing in January 2014;
 - work on mapping and analysing HCPC's key stakeholders has begun with a workshop planned in February 2014; and
 - requirements gathering has begun for a registrant-facing HCPC mobile application. This will focus on standards, guidance and CPD.
- 16.3 The Council noted the report.

Item 17.14/17 Policy and Standards Report (report ref:- HCPC13/14)

- 17.1 The Council received a paper for discussion/approval from the Executive. The Council noted that the report set out the main activities of the Policy and Standards Department since the last meeting of Council.
- 17.2 During discussion, the following points were made:-
- the amendment Rules necessary to change the HCPC's registration fees have now been delivered to the Privy Council. Subject to these Rules being laid and coming into force, the new registration fees will become effective from 1 April 2014;
 - the Standards of Conduct, Performance and Ethics are currently under review. A working group, known as a Professional Liaison Group (PLG), will be convened in 2014-2015 to put together draft revised standards for consultation. The PLG workplan will be brought to the Council's meeting in March 2014; and
 - the Department is responsible for co-ordinating the response to the PSA's performance review of the HCPC. The PSA's final report is normally published in July each year and the outcomes discussed by the Council.
- 17.3 The Council noted that the Government is introducing legislation to implement a European Directive which makes it compulsory for health professionals to have in place a professional indemnity arrangement as a condition of their registration. It was noted that there is not currently a clear timetable for when the Department of Health will be able to support the changes to the regulators' Rules necessary to allow them to implement the requirement.
- 17.4 The Council noted the report.

Item 18.14/18 Secretariat Report (report ref:- HCPC14/14)

- 18.1 The Council received a paper for discussion/approval from the Executive. The Council noted that the report set out the main activities of Secretariat Department since the last meeting of Council.
- 18.2 The Council noted that at its meeting in September 2013, the Council agreed that, from January 2014, the Audit Committee would consist of 3 members, one of whom would be an independent member with financial experience. It was noted that the Executive is preparing for the process to recruit and appoint this member. A paper will be brought to the Council at its meeting in March 2014 to seek approval for the appointment process..

18.3 The Council noted that the Department is responsible for managing requests for information under Freedom of Information and Data Protection legislation, including managing the HCPC's relationship with the Information Commissioner. The Council noted recent statistics relating to information requests.

18.4 The Council noted the report.

Corporate Governance

Item 19.14/19 Committee Appointments (report ref:- HCPC15/14)

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

19.2 The Council noted that the Chair and Secretary to Council have reviewed the skills matrix of the Council to ensure the skill requirements and needs of Committees are fulfilled within their membership.

19.3 The Council agreed that:-

- the Audit Committee membership shall comprise of Richard Kennett (Chair) Keith Ross and an Independent Member yet to be appointed;
- the Education and Training committee membership shall comprise of Joy Tweed (Chair), Elaine Brookes, Mary Clark-Glass, John Donaghy, Shelia Drayton, and Graham Towl
- the Remuneration Committee membership shall comprise of Anna van der Gaag (Chair), Shelia Drayton and Joy Tweed; and
- Committee membership will be reviewed after a period of one year.

Item 20.14/20 Council Members Performance Review Process 2014-15 (report ref:- HCPC16/14)

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

20.2 The Council noted that the performance review system for Council members was agreed at the Council meeting of 17 September 2010. The system provides a mechanism for annual performance and development for Council members and Chairs. Review meetings also provide an opportunity for members to discuss their experiences and views of the HCPC with the Council Chair, and to provide formal feedback on the performance of the HCPC Chair.

20.3 The Council noted that due to the Council's restructure on 1 January 2014, it is proposed that Council members, who have undertaken the

process before, do so in February 2014. Those members for whom this will be the first performance review cycle shall meet with the Chair in July 2014 for an initial meeting, with a view to completing the formal performance review process in February 2015.

- 20.4 The Council approved the arrangements for Council members Performance Review Process 2014-15 as outlined in paragraph 22.3.

Item 21.14/21 Minutes of the Education and Training Committee held on 14 November 2013 (report ref:- HCPC17/14)

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

21.2 The Council approved the recommendations therein.

Item 22.14/22 Minutes of the Finance and Resources Committee held on 21 November 2013 (report ref:- HCPC18/14)

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

22.2 The Council approved the recommendations therein.

Item 23.14/23 Minutes of the Audit Committee held on 28 November 2013 (report ref:- HCPC19/14)

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

23.2 The Council approved the recommendations therein.

Item 24.14/24 Any other business

24.1 The Council noted that, as Chair of the Audit Committee, Richard Kennett was no longer a bank signatory and therefore a Council member would need to be nominated to fulfil this role. The Council nominated Sheila Drayton.

Item 25.14/25 Meeting evaluation

25.1 The Council agreed that the order of departmental reports should be varied at future meetings.

25.2 The Council discussed assigning estimated times to reports It was agreed that this would not be implemented at this stage. It was noted that the meeting's agenda was atypical in that in future

meetings the business will be divided between day one and two and management reports would always be presented on day one. Future meetings would continue to have a standing item for review of the meeting at the end, and all comments would be noted. A full review of improvements that could be made would be carried out at the Council Awayday

Item 26.14/26 Date & time of next meeting:

26.1 The next meeting of the Council would be held on Thursday 26 March 2014 at 14:30.

Item 27.14/27 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 28.14/28 Minutes of the private part of the Audit Committee held on 28 November 2013 (report ref:- HCPC20/14)

28.1 The Council considered and approved the recommendations contained within the minutes of the private part of the Audit Committee held on 28 November 2013.

Item 29.14/29 Minutes of the private part of the Education and Training Committee held on 14 November 2013 (report ref:- HCPC21/14)

29.1 The Council considered and approved the recommendations contained within the minutes of the private part of the Education and Training Committee held on 14 November 2013.

Item 30.14/30 Any other business

30.1 There were no further items for consideration.

Chair: ...Anna van der Gaag

Date: ...26 March 2014