

**Council**

**Minutes of the second day of 107<sup>th</sup> meeting of the Health and Care Professions Council as follows:-**

**Date:** Thursday 22 September 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  
Nicola Wood

**In attendance:**

Claire Amor, Information Governance Manager  
Natalie Berrie, Registrations Manager  
Jonathan Bracken, Solicitor to Council  
Roy Dunn, Head of Business Process Improvement  
Brendon Edmonds, Head of Educational Development  
Guy Gaskins, Director of Information Technology  
Andy Gillies, Director of Finance  
Teresa Haskins, Director of Human Resources  
Kelly Holder, Director of Fitness to Practise  
Zoe Maguire, Head of Adjudications  
Greg Ross-Sampson, Director of Operations  
Marc Seale, Chief Executive and Registrar

## Public Agenda – Part 2

### **Item 1.16/163 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 107<sup>th</sup> meeting of Council.

### **Item 2.16/164 Apologies for absence**

- 2.1 Apologies were received from Stephen Cohen and Stephen Wordsworth.

### **Item 3.16/165 Approval of Agenda**

- 3.1 The Council approved the agenda subject to item 6 'Fitness to Practise report' being for discussion rather than to note.

### **Item 4.i.16/166 Human Resources and Partners report**

- 4.i.1 The Council received a paper from the Executive.
- 4.i.2 During discussion the following points were noted:-
  - a new e-Learning system has been implemented and an in-depth review of organisational and departmental learning needs has been completed;
  - arrangements for Work Shadowing across the HCPC have been formalised. A Scheme and Policy for all employees has been introduced and take up rates have been high;
  - HR and Communications are currently producing an action plan resulting from the all employee survey results. This will be considered by the EMT in October and will be on the Council's agenda in December 2016; and
  - a total of 124 applications were submitted for the two lay Council member roles, shortlisting is ongoing.
- 4.i.3 In response to a question it was noted that the number of employee vacancies filled by internal candidates is lower than normal as many of the positions were specialist roles requiring very specific skill sets.
- 4.i.4 The Council discussed the level of temporary positions in the FTP department. It was noted that many of these positions have now been made permanent, and that this is dependent on workload needs. It was also necessary to delay some recruitment as part of the realignment of the FTP

department in order to allow fair access to the roles available. The Council requested that future Partner training dates be shared with Council members routinely.

4.i.5 The Council noted the report.

#### **Item 4.ii.16/167 Employee exit interview report**

4.ii.1 The Council noted this paper.

#### **Item 5.16/168 Fitness to Practise report**

5.1 The Council received a paper from the executive.

5.2 During discussion the following points were noted:-

- the PSA has referred one matter to the high court using their section 29 powers. Two further section 29 cases were considered in July. One case was settled in advance of the hearing, in the other case the registrant refused to resolve the case by consent. In both cases the HCPC had to pay a proportion of the PSA's costs;
- the HCPC was successful in defending the decision of a panel in a judicial review application and costs have been awarded;
- the PSA have provided the HCPC with learning points in relation to three cases. The PSA is currently consulting with all regulators on their approach to learning points;
- a bespoke series of customer service training workshops for all FTP employees have been developed in collaboration with Purple Training. The workshops will focus on what is good customer service, phone and written communication and responsiveness;
- John Barwick will cover Kelly Holder's role as Director of Fitness to Practise when Kelly starts her maternity leave in December. Recruitment is underway for backfill for the role of Head of FTP operations and substantive cover for the Head of Case Reception and Triage; and
- Brian James will cover the role of Head of Adjudication in a care and maintenance capacity, in addition to his substantive post, with other members of the adjudication team taking on increased responsibility.

5.3 The Council discussed the arrangements for maternity cover in the Department and the risk resulting from a high number of management positions being covered at one time. It was noted that as legal services are outsourced, some risk is transferred to the provider. The Council agreed that

the FTP report should be for discussion at each future Council meeting, whilst the cover arrangements are in place.

- 5.4 In response to a question it was noted that no PSA learning points had been received for 18 months prior to the set received in June. PSA learning points are reported to Council and these will be included in a future report though it was important to recognise that Panels are independent.
- 5.5 The Council discussed recent difficulty in securing Partners for half day hearings held in the UK home countries. The Council agreed that policy should be flexible enough to recognise when a half day hearing amounted to a full day's commitment.
- 5.6 The Council noted the report.

### **Item 6.16/169 Fitness to Practise 2015-16 Annual Report**

- 6.1 The Council received a paper from the Executive.
- 6.2 The Council noted that the report provides a factual summary of fitness to practise activity for the period 1 April 2015 to 31 March 2016 and includes the same data sets, and follows a similar format, to previous reports.
- 6.3 During discussion the following points were noted:-
  - following the decision made by Council last year the report no longer includes a list of final hearing decisions;
  - as in previous years, a separate, shorter document, Fitness to Practise – key information 2016, will be published alongside the Fitness to Practise Annual Report; and
  - in response to a question about the intended audience for the report, the Council noted that it is important to educators, other regulators, registrants and is a popular publication at the 'Meet the HCPC' events. Furthermore, it is a legislative requirement that this is produced every year.
- 6.4 The Council discussed benchmarking HCPC FTP data to other regulators data. It was noted that this is data the PSA holds. As the regulators legislation varies, the data included in the annual FTP reports also varies and this makes comparison difficult.
- 6.5 The Council agreed the text of the 2015-16 Fitness to Practise Annual report, subject to any necessary editorial or stylistic amendments.

### **Item 7.16/170 Prosecution Policy**

- 7.1 The Council received a paper from the Executive.

7.2 The Council noted that the Prosecution Policy sets out the HCPC's enforcement approach in relation to offences under Article 39 of the Order

7.3 During discussion the following points were noted:-

- the Policy was last considered by Council in 2012;
- the revisions arise from a recent review of the process, the changing nature of the concerns received and feedback from those involved in the process; and
- a number of areas in the policy have been clarified, a new section on instructing inquiry agents and liaison with the police or trading standards has been added.

7.4 The Council discussed engagement with registrants on the subject of protection of title. It was suggested that social media could be used to inform registrants of the HCPC's powers and limitations in this area. The revised Policy will be a matter for discussion at forthcoming annual professional body meetings.

7.5 The Council approved the revised Prosecution Policy.

#### **Item 8.16/171 Proceeding in Absence Practice Note**

8.1 The Council received paper from the Executive

8.2 The Proceeding in Absence Practice Note has been reviewed and has had substantial updates to take account of updated case law.

8.3 The updated Practice Note places greater emphasis on the Panel's discretion to proceed in the absence of a registrant, as well outlining the responsibilities of the HCPC and the Panel to ensure that where a registrant is absent that the hearing is conducted fairly and progressed expeditiously.

8.4 The Council approved the revised Proceeding in Absence Practice Note.

#### **Item 9.16/172 Proposed changes to the registration appeals process**

9.1 The Council received paper from the Executive

9.2 During discussion the following points were noted:-

- the newly formed Registration Appeals team became operational on 11 January 2016, this area having been transferred from the Fitness to Practise Department to the Registration Department;

- the procedure for Registration Appeals is set out in statutory rules made by the Council, the Health and Care Professions Council (Registration Appeals) Rules 2003 (the appeal rules);
- the Practice Statement provides guidance on the management of registration appeals and should be read in conjunction with the appeal rules;
- the statement provides guidance on the existing Registration Appeals process and also elaborates on the Appeal Panel's full case management powers.

9.4 The Council discussed the legislative requirement for a member of Council to Chair the Registration Appeal Panel. As Education and Training Committee members are ineligible, this further reduces the number of potential chairs and is a risk to the process. It was noted a change to the use of Partners was included in a section 60 order for the regulation of public health specialists. However, this was not taken forward by government.

9.5 The Council agreed that a footnote to page 7 should be added explaining that in practice the functions of the Education and Training Committee in this process are delegated to the Registration team.

9.6 The Council approved the Registration Appeals Practice Statement.

#### **Item 10.16/173 Education report**

10.1 The Council noted this item.

#### **Item 11.16/174 Minutes of the Education and Training Committee Meeting 8<sup>th</sup> September 2016**

11.1 The Council noted the minutes of the public section of the 71<sup>st</sup> meeting of the Education and Training Committee.

#### **Item 12.16/175 Operations report**

12.1 The Council noted this item.

#### **Item 13.16/176 Secretariat report**

13.1 The Council noted this item.

#### **Item 14.16/177 Six monthly review of Information Governance**

14.1 The Council received paper from the Executive.

14.2 The report covered the period January to June 2016

14.3 During discussion the following points were noted:-

- following the on-boarding of social workers in 2012 the HCPC saw a sharp increase in information requests. This has now levelled and no large increases were seen in 2015 or 2016 so far;
- the reporting period has seen an increase in the number of registration data requests, with many requestors citing a dissertation or research project;
- in April an Information Governance Officer post was added to the Secretariat department to assist in the cover arrangements for the Director; and
- no information incidents have been reported to the ICO in 2016 to date, no incidents were reported in 2015. Two were reported in 2014 but these did not meet the ICO's threshold for enforcement and were closed with no further action.

14.4 The Council noted the report.

#### **Item 15.16/178 Six monthly review of feedback and complaints**

15.1 The Council received paper from the Executive

15.2 The report covered the period October 2015 to March 2016.

15.3 During discussion the following points were noted:-

- during the reporting period, HCPC implemented the ISO Standard for complaints management, ISO 10002 and achieved certification with BSI;
- the Council discussed complaints about the direct debit process. It was noted that improvements will feed into the registration system project which is currently ongoing; and
- in response to a question it was noted that the HCPC does not actively seek positive feedback however, the Registrations and FTP teams do regularly seek feedback on processes from stakeholders engaging with them.

15.4 The Council agreed that the table in paragraph 4.2 should include the total numbers of registrants in each profession. It was also agreed a separate heading 'resolved through further information' should be added to the report.

15.5 The Council noted the report.

### **Item 16.16/179 Minutes of the Audit Committee Meeting 6<sup>th</sup> September 2016**

- 16.1 The Council considered and approved the minutes of the public section of the 55<sup>th</sup> meeting of the Audit Committee.

### **Item 17.16/180 Internal audit of whistleblowing**

- 17.1 The Council received paper from the Executive.

### **Item 18.16/181 Feedback from Council Member attendance at events**

- 18.1 Joanna Mussen thanked the registration team for the recent day she spent with them observing the registration process. The day was well planned and very beneficial to her understanding. She encouraged Council members to take part in a similar observation day.
- 18.2 Sonya Lam and Eileen Mullen attended a pre consultation event, where they found there was a positive view of the HCPC as a multi-profession regulator.

### **Item 19.16/182 Chief Executive's Summary of key issues**

- 19.1 The Chief Executive noted that the current climate was one of continuous change.

### **Item 20.16/183 Any other business**

- 20.1 There were no additional items for consideration.

### **Item 21.16/184 Meeting evaluation**

- 17.1 The following points were discussed:-
- the Council agreed that the CEO report should include a narrative section similar to the Chair's report;
  - the balance between business to note and to discuss requires further thought;
  - cross-departmental themed papers with less operational detail would be welcomed. A paper on financing of projects would be presented in December;
  - the FTP report will be to discuss at all future meetings as key members of the FTP management team will be on maternity leave



during 2017. The report contents are currently being reviewed by the FTP management team;

- discussion on items should be clearly defined and not merge into other items on the agenda;
- consideration should be given to holding meetings on one day rather than over two days, based on the duration of recent meetings; and
- separation between public and private matters very important and needs to be explicitly stated within the minutes.

**Item 22.16/185 Date and time of next meeting:**

Wednesday 7<sup>th</sup> December 2016 at 2pm and Thursday 8<sup>th</sup> December 2016 at 10am at Park House, 184 Kennington Park Road, London SE11 4BU.

**Item 23.16/186 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
24	H

**Item 24.16/187 Minutes of the private Audit Committee meeting of 6 September 2016**

- 24.1 The Council considered and approved the minutes of the private section of the 55<sup>th</sup> meeting of the Audit Committee.
- 24.2 The matters contained within the private minutes were considered to be confidential as they related only to the performance review of the HCPC's internal auditors.

Chair: Elaine Buckley

Date: 07.12.2016