
Council

Minutes of the 110th meeting of the Health and Care Professions Council as follows:-

Date: Wednesday 22 March 2017

Time: 2pm

Venue: Rooms D & G, Health and Care Professions Council, Park House,
184 Kennington Park Road, London SE11 4BU

Present: Elaine Buckley (Chair)
Stephen Cohen
Maureen Drake
Sue Gallone
Sonya Lam
Eileen Mullan
Joanna Mussen
Gavin Scott
Robert Templeton
Graham Towl
Nicola Wood

In attendance:

Claire Amor, Secretary to Council
Jonathan Bracken, Solicitor to Council
Roy Dunn, Head of Business Process Improvement
Guy Gaskins, Director of Information Technology
Andy Gillies, Director of Finance
Abigail Gorringe, Director of Education
Michael Guthrie, Director of Policy and Standards
Teresa Haskins, Director of Human Resources
George Jenkins, Chair of the Professional Standards Authority
John Barwick, Acting Director of Fitness to Practise
Michael Humphreys, Professional Standards Authority
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
Tian Tian, Head of Financial Accounting

Public Agenda – Part 1

Item 1.17/26 Chair's welcome and introduction

- 1.1. The Chair welcomed Council members and those seated in the public gallery to the 110th meeting of Council.
- 1.2. The Chair welcomed George Jenkins, Chair of the Professional Standards Authority (PSA) to the meeting as an observer.
- 1.3. The Chair welcomed Louise Lake, Director of Council and Committee Services, on her return to the HCPC following a period of maternity leave.

Item 2.17/27 Apologies for absence

- 2.1 Apologies for absence were received from Stephen Wordsworth.

Item 3.17/28 Approval of Agenda

- 3.1 The Council approved the agenda.

Item 4.17/29 Declaration of Members' interests

- 4.1 Sonya Lam, Robert Templeton and Graham Towl declared an interest in item 11, Council reappointments panel, as the panel would be considering their reappointment. Nicola Wood had previously informed the Council she will not be seeking reappointment.
- 4.2 Nicola Wood declared a standing interest as a non-executive Director of the Board of the Information Commissioner's Office.

Item 5.17/30 Minutes of the Council meeting of 8 February 2017

- 5.1 The Council considered the minutes of the 109th meeting of the Health and Care Professions Council.
- 5.2 The Council agreed that minute 8.5 should be amended to clarify that public protection was the overriding consideration and that the HCPC should not wait indefinitely for further clarity from government on its plans.
- 5.3 The Council agreed the minutes subject to the amendment outlined.

Item 6.17/31 Matters arising

- 6.1 The Council noted those matters arising from the meetings held on 8 February 2017.
- 6.2 The Council noted the report.

Item 7.17/32 Chair's report

- 7.1 The Council received a report from the Chair.
- 7.2 During discussion the following points were noted:-
- the Chair and Chief Executive met with Suzanne Rastrick, the AHP lead for England and discussed the 'Allied Health Professions into Action strategy', the launch of which the Chair attended in January. The widening role of AHPs within the workforce was also discussed. A commitment was made to meet twice a year in future, September 2017 being the next meeting; and
 - at the recent 'Meet the HCPC' event in Cardiff focus was on the challenges registrants face when using social media. Council members Graham Towl and Joanna Mussen also attended the event, with Graham Towl presenting on the revised standards of conduct performance and ethics.
- 7.3 The Council discussed the Welsh language scheme and the HCPC's commitment to having a Welsh interpreter present at communications events in Wales. It was noted that whilst few attendees choose to speak Welsh, it was important to have this facility available. The Council agreed the ability to ask questions in Welsh should be promoted at events.
- 7.4 The Council noted the report.

Item 8.17/33 Chief Executive's report

- 8.1 The Council received and noted a report from the Chief Executive.
- 8.2 During discussion the following points were noted:-
- the Children and Social Work Bill completed its passage through the House of Commons on 7 March 2017. The House of Lords will now consider the Commons' amendments to the Bill on a date to be confirmed;
 - the four country government consultation on regulation reform has yet to be published. At the Chief Executives' Steering Group on 17 March there was a discussion as to whether the Law Commission's recommendations could be achieved through Section 60 orders;

- the HCPC and Sheffield Hallam University are facilitating a meeting for the Department of Health regarding physicians' associates;
- the other regulators of social workers in the UK have recently advised that they have taken the decision not to register without restriction the graduates of the HCPC approved programme run by Frontline;
- the HCPC is currently in discussions with the other care councils to better understand their evidence base for taking this decision. Following these discussions it is likely that the MOU will require revision;
- the PSA performance review is currently underway. The PSA have advised that they intend to carry out a 'targeted review'. The areas they wish to consider further are chiefly those that relate to the three standards that were not met in the 2015-16 review; and
- following discussion at previous Council meetings and at the Council's workshop in February 2017, the Executive is currently reviewing the approach to performance reporting to Council and proposals would be submitted to Council for discussion.

- 8.3 The Council discussed the care councils' decision regarding the Frontline programme. The Council noted that the regulation of social workers in the UK is a devolved function and that there had been a lack of consensus in the social work sector about the programme when it was first set up.
- 8.4 The Council discussed the implications the decision of the care councils may have on the MOU and automatic recognition arrangements. It noted its concern at the lack of engagement with the HCPC. It was agreed that more information was required from the care councils on their reasoning for this decision. The Council noted an update on the HCPC's discussions with the care councils regarding the Frontline programme would be provided at its next meeting in May 2017.
- 8.5 The Council discussed progress on joint working. It was noted that the NMC had written to all the health and care professions regulators following a recent meeting to gain agreement on the potential areas to be explored. The HCPC confirmed it was willing to collaborate and is waiting on a response from the NMC. The Council agreed that participation from all regulators was desirable. The suggestion was made that, as the PSA were in attendance at the meeting, they may wish to encourage participation.
- 8.6 The Council noted that the HCPC continues to work with the GMC to produce joint conflict of interest guidance. It was agreed that a summary of current joint working activities the HCPC participates in would be included in the Chief Executive's report in May 2017.

- 8.7 The Council noted that, at its meeting in May 2017, it will receive a paper setting out proposals for performance reporting going forward. The paper will also outline the proposed frequency of other regular reports to Council.
- 8.8 In response to a question it was noted that the framework for the suggested key reporting data took into account the PSA's standards and quarterly return requirements. The rationale for the data chosen will be included when the paper is presented to Council in May.
- 8.9 The Council noted the report.

Item 9.17/34 New Regulatory body for social work

- 9.1 The Council received a verbal update from the Chief Executive on developments since the last Council meeting relating to the transfer of the regulation of social workers in England to a new regulator.
- 9.2 During discussion the following points were noted:-
- the House of Lords will consider the Commons' amendments to the Children and Social Work Bill on a date to be confirmed;
 - no clearer picture has been provided by government on their plans for the new regulator;
 - a timescale for the government's gateway review of the project is not yet known;
 - a shadow regulator cannot be established until the legislation has passed and royal assent has been given; and
 - it is likely that the original stated transfer date of September 2018 will not be met. It is not clear how long any delay will be.
- 9.3 The Council noted that the Audit Committee discussed the social work transfer project risk register at its meeting on 15 March 2017.
- 9.4 The Council expressed its concern that no detail was forthcoming from the government on its plans. It was agreed that the Chair and Chief Executive should write in a constructive and engaging way to the Ministers expressing the Council's concern and conveying the risks involved in continued uncertainty. The Council agreed that the Chair, Chief Executive and Solicitor to Council would determine the appropriate timing of the letter.
- 9.5 The Council agreed that effective communication with social worker registrants was vital as anecdotally it appeared that there was a poor understanding of the changes ahead. It was agreed that the key message to convey is that the HCPC remains the regulator for social workers in England until the transfer date.

Item 10.17/35 Practice notes

- 10.1 The Council received a report from the Executive.
- 10.2 The Council noted that, in preparation for establishing the Health and Care Professions Tribunal Service (HCPTS) and the Tribunal Advisory Committee (TAC), a review of existing Practice Notes has been undertaken.
- 10.3 During discussion the following points were noted:-
- as agreed by Council, when established the TAC will be responsible for providing guidance to the HCPTS on matters of practice and procedure. Principally, the TAC will discharge this function by assuming responsibility for the approval of Practice Notes;
 - the current Practice Notes have been reviewed to provide the TAC with a useful starting point from which to develop their programme for future reviews and development. The review also ensures that Practice Notes are properly directed at Panels (rather than secondary audiences);
 - one new Practice Note has been developed, *Conduct of Representatives*, to clarify the conduct expected of lay and other representatives appearing before panels of the HCPTS; and
 - a number of amendments to the Indicative Sanctions policy and the HCPC's approach to fitness to practise policy have also been identified. A comprehensive review of the Indicative Sanctions Policy is planned in 2017/18.
- 10.4 Council noted that TAC is an advisory body and is not an appointments committee, training provider or oversight body and will not become involved in individual FTP cases. TAC is independent, but its advice to the Council must accord the Council's policies and strategic decisions, including any financial constraints. TAC will be supported from within existing HCPC staffing and resources.
- 10.3 The Council approved the proposed changes to the individual Practice Notes and policy documents as set out in the paper.

Item 11.17/36 Council reappointments panel

- 11.1 The Council received a paper from the Executive.
- 11.2 During discussion the following points were noted:-
- the terms of office of four current Council members will come to an end in December 2017. All of these Council members are eligible to be reappointed for a further term from 1 January 2018;

- one independent member and one former Council member have been identified to form the reappointments panel along with the Chair of Council; and
 - one member has expressed their intention not to seek reappointment. A full appointments exercise will need to be conducted to fill this vacancy. A paper on the full appointments process and panel will be brought to Council for approval separately.
- 11.3 The Council agreed that a former Council member should not be used in the reappointments exercise as proposed as they may have formed views on a member's performance based on observations that are not recent. It was agreed that the Chair and Executive would identify another panel member.
- 11.4 The Council agreed that care should be taken when determining appointment terms to ensure that the composition requirements of Council did not prevent the next Chair of Council being either a lay or registrant member. However Council noted that the incumbent Chair's term of office was determined to ensure that this situation did not arise going forward. It was also agreed that diversity considerations required focus when the full appointments process paper is considered by Council.
- 11.3 The Council approved the composition of the reappointments panel for 2017 subject to the amendment set out in paragraph 11.3.

Item 12.17/37 Minutes of the meeting of the Audit Committee of 15 March 2017

- 12.1 The Council considered the minutes of the 57th meeting of the Audit Committee.
- 12.2 The Chair of the Audit Committee provided the Council with an overview of the business considered by the Committee.
- 12.3 The Council noted the Committee's recommendation in paragraph 8.3 of the minutes that it should be briefed on the HCPC's succession planning arrangements to determine if a further review is required. The Council agreed to explore this topic in 2017.
- 12.4 The Council discussed the Committee's oversight of the social worker risk register. It was agreed that the Committee should continue to review the register at each of its meetings as it had agreed. It was agreed that the Council would consider the register in July 2017. The Council would then determine its future oversight requirements.
- 12.5 The Council agreed that the independent member of the Audit Committee should be provided with the 5 year plan paper due to be considered in private session, in addition to any other papers for context regarding the transfer of social workers in England.

12.6 The Council noted that the Audit Committee would consider its remit and composition at a workshop ahead of its June meeting. The feedback from this session would be fed into the wider governance review due to be considered by Council in September 2017. The Chair of the Audit Committee invited feedback from members.

12.7 The Council noted the minutes.

Item 13.17/38 Minutes of the meeting of the Remuneration Committee of 9 March 2017

13.1 The Council considered the minutes of the 20th meeting of the Remuneration Committee.

13.2 The Council noted that the Committee had discussed its remit and composition at its March meeting. A paper proposing a change of Chair of the Committee would be brought the Council's May meeting.

13.3 The Council noted the minutes.

Item 14.17/39 Registrant numbers forecast

14.1 The Council received a paper from the Executive.

14.2 The Council noted that the registrant numbers forecast is revised every year and is produced in the FAST format. The model does not calculate income but is used as a basis for this process within the Finance department and also supports the financial five year plan.

14.3 During discussion the following points were noted:-

- the model was updated on the 1 March 2017 to include the actuals in February 2017;
- the transfer of social workers in England has been factored into the forecast;
- the portfolio effect of a multi-profession register works to reduce the impact of changes in one group;
- the actual registration figures will be closely monitored over the coming year to identify any decrease in EU applications; and
- the Executive intends use data to enhance its ability to predict retirement in future financial years. This exercise will require time to produce results.

14.4 In response to a question it was noted that the Quality Compliance Auditor is proficient in the use of the forecast and that a manual has been produced to mitigate risk of key employee loss.

14.5 The Council noted the contents of the paper.

Item 15.17/40 Budget 2017-2018

15.1 The Council received a paper from the Executive.

15.2 During discussion the following points were noted:-

- the budget includes the calculation of the target minimum level of cash in accordance with the Reserves Policy;
- budgeted fee income is a £1.9m / 6% increase on the 2016-17 month 9 forecast, budgeted expenditure shows a £2.2m / 7% increase;
- the budgeted deficit for 2017-18 of £366k reflects higher than normal project spend due to the 186 KPR refurbishment project;
- in 2018-19 it is expected that major project spending will reduce following the completion of the 186 KPR refurbishment. Subject to the timing of the transfer of social workers, it is expected that the 2018-19 budget will show a small surplus;
- no adjustments have been made to either income or planned expenditure as a result of the expected transfer of social workers to a new regulator as the government has not yet provided detail of its proposals;
- the earliest expected transfer date is 1 September 2018, which falls in the following financial year. However vacancies are now being filled on a fixed term basis; and
- as in previous years, investment income has not been included in the budget. Bank interest provides a form of contingency, and helps to maintain the real terms value of the reserves.

15.3 The Chair of the Audit Committee noted that he had attended the February 2017 budget development day with the Executive and considered that the approach to budget setting had been appropriate.

15.4 The Council discussed the presentation of the budget. It was agreed that a degree of analysis of costs by function including allocated support costs at budget level would be useful, even on a one off basis, and in preparation for the transfer of social workers. It was agreed that the Executive would consider the Council's thoughts on a cost allocation exercise and return to the Council with its view.

- 15.5 The Council discussed the headcount budget. It was noted that savings due to vacant posts during the year were not factored into the budget as agency costs were more expensive than permanent employees.
- 15.6 The Council approved the budget for the year ending 31 March 2018 subject to its consideration of the 5 year plan. Subsequently, Council confirmed its approval of the budget.

Item 16.17/41 Any other business

- 16.1 There were no additional items for consideration.

Item 17.17/41 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
18	(h)
19	(b)

- 17.1 Summary of items considered in private session:-

- The Council discussed the 5 year plan, a financial model, and discussed the financial implications of the transfer of social worker regulation. Following the discussion of the 5 year plan, Council confirmed its approval of the 2017-18 budget.

- The Council noted the private minutes of the Remuneration Committee held on 9 March 2017.

Chair: Elaine Buckley

Date: 24/05/2017