

Agenda Item 5

Enclosure 1

**Health and Care Professions Council
04 July 2019**

**Minutes of the Council meeting of 22 May
2019**

For approval

From Claire Amor, Secretary to Council

Council

**Public minutes of the 124th meeting of the Health and Care Professions
Council as follows:-**

Date: Wednesday 22 May 2019

Time: 10.30am

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

Present: Christine Elliott (Chair)
Stephen Cohen
Maureen Drake
Kathryn Foreman
Sue Gallone
Sonya Lam
Eileen Mullan
Gavin Scott
Robert Templeton
Stephen Wordsworth

In attendance:

Claire Amor, Secretary to Council
Roz Allison, Head of Communications
Isabel Ayo Ajao, Registration Team Leader
John Barwick, Executive Director of Regulation
Olivia Bird, Policy Manager
Paul Cooper, Head of Projects
Guy Gaskins, Executive Director of IT and Resources
Nike Gustave, Professional Standards Authority
Nicola Hill, Kingsley Napley LLP
Jameela Khan, Interim Director of Finance
Jacqueline Ladds, Executive Director of Policy and External Relations
Jasmine Leng, Policy Officer
James Penry-Davey, Capsticks LLP
Uta Pollman, HR and Partner Manager
Marc Seale, Chief Executive and Registrar
Kate Steele, Capsticks LLP
Katherine Timms, Head of Policy and Standards
Sue Traynor, Learning and Development Manager

Public Agenda

Item 1.19/64 Chair's welcome and introduction

- 1.1. The Chair welcomed Council members, the Executive and those seated in the public gallery to the 124th meeting of Council.

Item 2.19/65 Apologies for absence

- 2.1 No apologies were received.

Item 3.19/66 Approval of Agenda

- 3.1 The Council approved the agenda.

Item 4.19/67 Declaration of Members' interests

- 4.1 No interests were declared.

Item 5.19/68 Minutes of the Council meeting of 20 March 2019

- 5.1 The Council agreed the minutes of the 123rd meeting of the Health and Care Professions Council.
- 5.2 The Council noted that the budget for 2019-20 would be brought back to Council, should there be any significant changes to its assumptions.

Item 6.19/69 Matters arising

- 6.1 The Council noted those matters arising from the meeting held on 20 March 2019.
- 6.2 The Council noted that matter arising two should state that, while Partners were covered by the HCPC's insurance, they were not included in the annual insurance disclosure request.

Standing items

Item 7.19/70 Chair's report

- 7.1 The Council received a report from the Chair.
- 7.2 The Chair noted that her meetings with stakeholders during the reporting period had been, on the whole, introductory meetings. As the agendas of these meetings developed, more descriptive detail would be included in the Chair's Report.

- 7.3 The Council discussed the teambuilding event attended by the Chair. It was noted that this was focused on team working dynamics using the Facet5 methodology. The Chair considered that this approach had felt effective and thorough. The Council agreed that Facet5 would be considered for a future Council development session. The Secretary to Council agreed to circulate information on the Facet5 methodology, to members.
- 7.4 Council development was discussed. It was noted that a survey had been sent to members to gather views on the best way to approach Council workshops and seminars, and topics for deeper exploration. It was noted that consideration would also be given as to how best to integrate a board effectiveness review.
- 7.5 The Council noted that 283 applications had been received for the three registrant member of Council roles. This was very encouraging and represented a considerable increase on previous campaigns. Interviews would take place in June.
- 7.6 The Chair noted that her meetings had provided her with a greater sense of how Council members could contribute to the HCPC further through task and finish scrutiny, and advisory, roles.

Item 8.i.19/71 Chief Executive's organisational performance report

- 8.i.1 The Council received a report from the Chief Executive.
- 8.i.2 The Council noted the following points:-
- the Executive had met with Department for Education's (DfE) appointed internal auditors as part of their scrutiny of the additional grant request. The Chair and Chief Executive would meet with the Cabinet Secretary for Health and Sport in Scotland on 29 May to discuss the fee proposals;
 - the FTP Improvement project had formally concluded. Monitoring and embedding the changes resulting from the project was a key focus of the FTP work plan for 2019-20;
 - the final meeting of the Education Quality Assurance review working group would shortly take place and proposals for the future direction and further engagement work would be discussed at the Education and Training Committee meeting in June;
 - data classification had been initiated for new FTP cases, initial analysis of the data was underway; and
 - voluntary employee turnover had reduced to 19%, down from 23% in December 2018; this figure included fixed term employees.

- 8.i.3 The Council discussed the presentation of FTP performance data. It was noted that this was being reviewed. The Council agreed that it would benefit from taking stock of the current FTP caseload and its expected profile once the regulation of social workers had transferred to Social Work England (SWE).
- 8.i.4 The Council discussed how increasing levels of new cases are balanced against the drive to conclude older cases as part of the FTP improvement plan. The Executive reported that new cases were progressing as expected and that there was no indication of a new build-up of cases at the earlier stages.
- 8.i.5 The Council noted that a significant number of KPI's had not been met in the previous financial year. It was agreed that this should be better reflected in the Annual Report which would be discussed later in the meeting.
- 8.i.6 The Council discussed the training and development budget underspend for 2018-19. It was noted that 2018-19 was the first year where this budget was centralised under HR management. This move had intended to make efficiencies, which it had achieved. However reforecasting at month nine was not accurate. It was noted that other areas of underspend would not carry on into the 2019-2020 financial year.
- 8.i.7 The Council noted that grant income received matched expenditure on the social work project, as expenses incurred for the project were called off against the grant, rather than the grant being received in full in advance of work.
- 8.i.8 It was noted that case classification is being applied to new FTP cases but that this did not include equality diversity and inclusion (EDI) classification. The Tribunal Advisory Committee would discuss a paper on plans to enhance EDI data collection at their upcoming May meeting.
- 8.i.9 The Council discussed the prevention agenda investment agreed as part of the five year plan. It was noted that data intelligence was key in this work and that the Policy and Standards department would develop an approach for data intelligence. The Council requested a timescale for this work.
- 8.i.10 The Council agreed that the HCPC had a role to play in brokering collaborative prevention initiatives with other organisations. It was noted that the Council had committed to reporting back on prevention agenda investment as part of its response to the fees consultation. The Council agreed to receive an update on the HCPC's prevention agenda work when substantive progress had been made.
- 8.i.11 The Council noted that there had been no developments concerning regulatory reform or the regulation of physicians' associates since the last meeting of Council.

Item 9.19/72 Transfer of Social Workers to Social Work England

- 9.1 The Council received a paper from the Executive Director of Regulation.
- 9.2 The Council noted the following points:-
- the draft Transfer Scheme developed by DfE and the draft Data Sharing Agreement between the HCPC and SWE had both been signed. An initial data transfer had taken place to enable SWE to begin testing its systems;
 - the Executive had met with the DfE's internal auditors to aid their scrutiny of the HCPC's request for an additional grant in respect of costs incurred as a result of the uncertainty around the transfer date; and
 - there had been no further clarification on the transfer date. The Executive continued to work towards a provisional transfer date of the 3 December 2019.
- 9.3 The Council discussed the continuing uncertainty around the transfer date and contingency planning, should the 3 December date not be achieved. It was noted that a Cabinet Office infrastructure project review would begin on 17 June. Following this review, more certainty was expected.
- 9.4 As agreed with SWE as part of the transitional arrangements, the HCPC would no longer accept new social work education programme approval requests, as these could not be taken through to approval before the provisional transfer date. The Council noted that SWE officers had attended HCPC education visits to develop their understanding of the HCPC's approval process.
- 9.5 The Council noted that a case management team focused on social work cases had been established to assist in the smooth transfer of cases to SWE when required.
- 9.6 The Council noted that the additional grant request was to cover the additional expense incurred by the HCPC because of the change in assumed transfer date. The HCPC would remain the regulator of social workers in England up until the transfer and would continue to remain focused on its remit of public protection in this respect.
- 9.7 The Council noted that the HCPC Communications team was working closely with the SWE team to agree joint messaging and communications to social workers about the transfer.

Items for discussion / approval

Item 10.19/73 186 Kennington Park Road project review learning

- 10.1 The Council received a paper from the Head of Projects.

10.2 The Council noted the following points:-

- the HCPC's Internal Auditors undertook a review of the 186 Kennington Park Road project as part of the 2018-19 Internal Audit plan;
- the Audit Committee considered this review and agreed that the Council should consider its findings given their significance; and
- a key finding of the review related to the use of benefits realisation in HCPC projects;

10.3 The Council emphasised the need to ensure that benefits' realisation was kept to the fore and tracked throughout the life of projects.

10.4 The Council welcomed the planned review of project methodology and proposed changes in response to the review.

10.5 The Council noted that project contingencies would be specific to the project needs in future. The Council agreed that this should assist in achieving more accurate project cost estimations.

10.6 The Council discussed the finding on oversight challenge, agreeing record keeping had improved since the time in question, and that members should continue to clearly articulate their views on matters being discussed to assist in recording board oversight.

Item 11.19/74 Summary of the PSA's report 'Telling patients the truth when something goes wrong'

11.1 The Council received a paper from the Policy Officer.

11.2 The Council noted the following points:-

- the PSA had reviewed the regulators' progress in embedding the duty of candour and produced the report 'Telling patients the truth when something goes wrong'. The Executive had reviewed this report for relevant learning.
- the duty of candour was first introduced in 2014 in response to the Francis report and requires professionals and organisations to be open and honest with patients where there have been failings in their care; and
- this duty was reflected in the HCPC's standards of conduct, performance and ethics, as standard eight, be open when things go wrong;

- the Executive was developing case studies and information sheets to further registrants' understanding of the HCPC's standards, candour will be covered by this work;
 - the revised Sanction Policy includes a section on mitigating factors which includes a section on remorse, insight and apology.
- 11.3 The Council agreed that resources for registrants on candour should be developed. This could be jointly produced with other organisations. The Council agreed that case studies would be beneficial to registrants and could draw on experiences of when candour was not shown and its impact.
- 11.4 The Council noted that it had agreed when the duty was first introduced that the term candour would be unclear to members of the public and instead agreed that its policy would be to use language such as openness and honesty. It was noted that other regulators did use the term candour.
- 11.5 The Council encouraged the Executive to collaborate in developing resources for registrants and noted the Council's previous policy decision regarding the use of the term candour.

Item 12.19/75 Online information on meeting our standards

- 12.1 The Council received a paper from the Head of Policy and Standards.
- 12.2 The Council noted that policy enquires had increased considerably in recent years, and that in response the Executive planned to provide more web based information proactively.
- 12.3 The Council noted that the proposed approach would increase responsiveness, free up resource in the Policy and Standards team and support strategic priority two, which relates to working with stakeholders to deliver activities which improve understanding of the HCPC's standards and the importance of professionalism. The Council supported and agreed the proposed approach.
- 12.4 The Council noted that the Executive was cognisant of the need to maintain the boundary between the regulator and professional body, and that the HCPC would work with professional bodies to signpost to external guidance where available.
- 12.5 The Council noted that legal advice would continue to be sought on external facing information on meeting the HCPC's standards.

Item 13.19/76 Draft annual report 2018-19

- 13.1 The Council received a paper from the Director of Finance and the Head of Communications.

- 13.2 The Council noted that the Chair and member Gavin Scott had agreed that he would work with the Executive on the structure of the 2019-20 annual report.
- 13.3 The Council agreed the following amendments to the draft annual report 2018-19:-
- the tone of the narrative was too positive when discussing performance against the PSA standards. The failure of six FTP standards should be stated;
 - the narrative should be clearer on the reasons for increased FTP costs;
 - the cost per registrant illustration should include figures adjusted for inflation;
 - the illustration of reserve levels should be for free reserves only, it was also suggested that showing free reserves per registrant should be included;
 - when discussing the strategic priorities the narrative should also include if these had been met;
 - remuneration of the SMT should be compared to the total remuneration of the EMT in 2017-18 to illustrate the change at this level; and
 - the narrative for strategic priority four should be expanded to explain more what is meant by intelligence gathering as opposed to data collection.
- 13.4 Members agreed to submit typographical comments to the Council Secretary outside of the meeting.
- 13.5 The Council noted that the final draft of the 2018-19 annual report, including the accounts, would be considered at its July 2019 meeting.

Item 14.19/77 Organisational Culture and Engagement at HCPC

- 14.1 The Council received a paper from the Learning and Development Manager and Head of Communications
- 14.2 The Council noted the following points:-
- an all employee development day would take place on 12 July, the values developed with an employee working group would be socialised and the outputs of the day would inform the work of the Council to further develop the strategy vision and values for the organisation;

- new mechanisms for employees to discuss change across the organisation had been introduced, such as the Employee Forum, SMT Question Time Sessions and the introduction of line managers briefings;
 - the employee newsletter, 'Park Life', had been refreshed and used as a channel to celebrate collaboration and success stories; and
 - unconscious bias eLearning modules had been introduced for all recruitment panel members.
- 14.3 The Council discussed the coaching toolkit in development for all managers and employees. It was noted that coaching development would be difficult to measure but that the quality and impact of the investment would be evaluated.
- 14.4 The Council welcomed the introduction of unconscious bias training for all recruitment panellists.
- 14.5 The Council requested that the Executive explore the feasibility of Council members having access to the employee newsletter.
- 14.6 The Council welcomed the paper and agreed that more focus on employee experiences should be brought to Council meetings as employees were key to achieving the HCPC's aims.
- 14.7 Isabel Ayo Ajao, Registrations Team Leader, provided the Council with an overview of the new employee forum, of which she was a representative and Chair. The Council noted that the employee interest in the forum was high as there was a strong sense of organisational ownership and belonging among employees. The Council thanked Isabel and asked that she and her forum colleagues reflect on how Council could assist them in their aims.

Item 15.19/78 Tribunal Advisory Committee reappointment

- 15.1 The Council received a paper from the Secretary to Council.
- 15.2 The Council confirmed the reappointment of Sheila Hollingworth as a lay member of the Tribunal Advisory Committee for a period of four years from 1 August 2019 to 31 July 2023.

To note

The Council noted the following papers:-

Item 16.19/79 HCPC Gender pay gap report 2018-19

Item 17.19/80 Any other business

- 17.1 There was no other business discussed.

Item 18.19/81 Meeting evaluation

- 18.1 The Chair invited Nike Gustave, PSA Scrutiny Officer, to provide her observations on the day's meeting. Nike provided the following feedback:-
- pacing was good with enough time to discuss more substantial business;
 - the meeting was accessible for observers in the gallery;
 - the critical friend balance was evident in Council member contributions, all Council members contributed as did all SMT members; and
 - SMT members had the confidence to defer a response when they did not have the information to hand.
- 18.2 Members agreed that the Chief Executive's report continued to develop positively and that the revised paper cover sheet was helpful and should continue to be used.
- 18.3 Members noted that the volume of financial information provided in the Chief Executive's report should be reviewed. It was noted that this review had been requested by the Chair.

Item 19.19/82 Date and time of next meeting:

- 19.1 4 July 2019, 10.30am, at Park House, 184 Kennington Park Road, London SE11 4BU.

Item 20.19/83 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
21	c
22	h

20.1 Business considered in private session:-

- The Council agreed the private minutes of the Council meeting of 20 March 2019. The Council noted the matters arising from this meeting.

Chair:

Date:

Draft