

Education and Training Committee

Minutes of the 69th meeting of the Education and Training Committee held as follows:

Date: Thursday 3 March 2016

Time: 10.30 am

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

Members: Joy Tweed (Chair)
Eileen Mullan
Joanna Mussen
Sonya Lam
Stephen Wordsworth

In attendance:

Claire Amor, Information Governance Manager
Jonathan Bracken, Solicitor to Council (Items 1-7)
Elaine Buckley, Chair of Council
Nicole Casey, Policy Manager
Laura Coveney, Policy Officer
Abigail Gorringe, Director of Education
Michael Guthrie, Director of Policy and Standards
Jamie Hunt, Education Manager
Liz Johnson, PA to the Director of Education
Ben Potter, Education Manager
Greg Ross-Sampson, Director of Operations
Alan Shillabeer, Investigations Manager, Fitness to Practise
Rebecca Taylor, Media and PR Officer
Edward Tynan, Policy Officer

Public Agenda

Item 1 - Chair's welcome and introduction

- 1.1 The Chair welcomed the Committee and those in the public gallery to the meeting.
- 1.2 The Committee noted that Maureen Drake had been appointed to the Education and Training Committee.

Item 2 - Apologies for absence

- 2.1 Apologies for absence were received from Maureen Drake.

Item 3 - Approval of agenda

- 3.1 The Committee approved the agenda subject to paper ETC09/16 'Consultation on revised standards of proficiency for social workers in England' following directly after paper ETC04/16 'Education annual report 2015'.

Item 4 - Declaration of members' interests

- 4.1 Members had no interests to declare in connection with the items on the agenda.

Item 5 – Minutes of the meeting of 19 November 2015 (ETC 01/16)

- 5.1 The Committee considered the minutes of the last meeting of the Education and Training Committee.
- 5.2 The minutes were accepted as a correct record to be signed by the Chair.

Item 6 – Matters arising (ETC 02/16)

- 6.1 The Council noted the matters arising from the meeting held on 19 November 2015 and 10 September 2015.
- 6.2 The Executive provided a verbal update on the action on developing a student survey for use in monitoring. It was noted that the standards of education and training review PLG are currently looking at introducing a specific standard on student involvement. The Education Department are will review the monitoring and major change processes as part of their workplan for 2016-17.

Items for discussion/approval

Item 7 – Complaint from the Institute of Biomedical Science (IBMS) (ETC 03/16)

- 7.1 The Committee received a paper from the Executive.

- 7.2 The Committee noted that the IBMS has submitted a complaint to the Committee relating to their experience of the post visit stage of the approval process for their proposed programme the Certificate of Competence by Equivalence (Clinical Scientist) (Flexible).
- 7.3 The Committee noted that The Health and Social Work Professions Order 2001 (the **Order**) does not provide for a right of appeal in Part IV (Education and Training). However, as a public body, the HCPC is expected to make reasonable attempts to resolve any issues raised by complainants.
- 7.4 During the discussion the following points were made:-
- IBMS did not, in accordance with the approval process under the Order, provide observations on the conditions when invited to do so;
 - IBMS currently have had programmes approved by the HCPC previously and so should be aware of the HCPC approvals process and where they are able to feedback into the process;
 - the proposed programme was considered by the Education and Training Panel (ETP) on 24 September 2015. Based upon the visitors' report and without any observations from the IBMS, the ETP decided that the conditions recommended by the visitors must be met before the programme could be approved; and
 - the approval process allows education providers up to two attempts to meet conditions. IBMS has had one attempt, and some conditions were met, but some are still outstanding. Currently the approval process is on hold for this programme while the Committee considers the complaint.
- 7.5 The Committee expressed regret that IBMS had chosen not to provide observations on the conditions at the correct stage in the approvals process.
- 7.6 The Committee agreed that as there is no right of appeal under the Order, the appropriate way of addressing this complaint was to consider whether, so far, the approvals process had been applied fairly to the IBMS programme, rather than to re-consider the ETP decision in detail. In particular, the Committee noted that this application was still pending and, in the event that the conditions are not met, the Committee may need to consider the matter again at some point in the future.
- 7.7 Having considered the information put before it, the Committee agreed that it did not consider that there had been any irregularity in the application of the approvals process for the IBMS proposed programme the Certificate of Competence by Equivalence (Clinical Scientist) (Flexible).
- 7.8 The Committee noted IBMS comments around the inconsistent application of the SETs with regards to programmes approved from other education providers. The Committee agreed that the approvals process was outcome focused and that therefore there were many ways in which SETs could be met

and that like for like comparisons of programmes was not possible as it was a contextualised process. The Committee agreed it was satisfied that the IBMS had been treated in a comparable way to other education providers when undergoing the approvals process.

- 7.9 The Committee agreed that it would not intervene in the approvals process for the IBMS proposed programme the Certificate of Competence by Equivalence (Clinical Scientist) (Flexible).
- 7.10 The Committee agreed that a response to IBMS would be issued by the Chair of the Committee.

Item 8 – Education annual report 2015 (ETC 04/16)

- 8.1 The Committee received a paper from the Executive.
- 8.2 The Committee noted that the tenth Education annual report covers the period 1 September 2014 to 31 August 2015 and presents statistical information relating to the approval and monitoring processes.
- 8.3 During the discussion the following points were made:-
- the reporting year saw the predicted reduction in approvals work and increase in monitoring work;
 - the third and final year of scheduled approval visits to social work programmes was carried out;
 - a record number of major change notifications were received from education providers, with the majority being assessed through major change or annual monitoring processes;
 - a key area of work has been focused on programmes for paramedics due to workforce planning and the subsequent reactive commissioning of training;
 - in 2014–15 programmes were assessed against the new standard of education and training about service user and carer involvement while also involved lay Visitors in the approval process for the first time; and
 - an interactive website section is being developed in response to feedback received on the last years report.
- 8.4 The Committee agreed that key messages within the report should be foregrounded using formatting techniques as the report contains so much data.

- 8.5 The Committee agreed that the use of average in some statistics could be made more meaningful by using mode, where outliers are causing the average to be moved.
- 8.6 The Committee discussed the decrease in the number of cancelled visits. It noted that more focus has been put on providing guidance during pre-visit preparation for new models of education provision, so that they do not reach the stage of having to withdraw from the process resulting in a cancelled visit.

Item 9 – Consultation on revised standards of proficiency for social workers in England (ETC 09/16)

- 9.1 The Committee received a paper from the Executive.
- 9.2 The Committee noted that at its meeting on 4 June 2015, the Committee agreed to a workplan for a review of the standards of proficiency for social workers in England. The Executive undertook a number of activities including surveys of stakeholders and a workshop which took place in January 2016.
- 9.3 During discussion, the following points were made:-
- the feedback has indicated that most stakeholders consider that the existing standards are robust, with only minor amendments required;
 - the registrant social worker Council member provided input into the review; and
 - the consultation will run between 1 April 2016 and 24 June 2016. The Committee and the Council will be invited to approve the final standards in September 2016.
- 9.4 The Committee agreed to recommend the text of the consultation document and draft revised standards to Council for approval.

Item 10 – Outcomes of the consultation on proposed amendments to the Registration and Fees and Practice Committee Rules (ETC 05/16)

- 10.1 The Committee received a paper from the Executive.
- 10.2 The Committee noted that, as part of the Registration transformation and improvement project, amendments to the Registration and Fees Rules were consulted on between 5 October 2015 and 15 January 2016.
- 10.3 During the discussion the following points were made:-
- 103 responses to the consultation were received of which 87% were made by individuals;

- the changes proposed would increase the HCPC's ability to communicate with applicants and registrants by electronic means;
 - the requirement for a character reference will be replaced with a self-declaration; and
 - fitness to practise chairs will be given the power to give directions without the need for a preliminary meeting.
- 10.4 The Committee discussed the timeframe for laying the new rules. It was noted that it was hoped the rules would be laid before parliamentary recess, but that this could be delayed until September 2016 if not.
- 10.5 The Committee agreed to recommend the text of the consultation analysis document to Council for approval.

Item 11 – HCPC guidance on the appropriate use of social media and networking websites (ETC 06/16)

- 11.1 The Committee received a paper from the Executive.
- 11.2 The Committee noted that the recently revised SCPE require registrants to use all forms of communication appropriately and responsibly, and for the first time specifically refer to social media and networking sites.
- 11.3 During the discussion the following points were made:-
- the HCPC frequently received requests for guidance on the use of social media from registrants and other stakeholders;
 - registrants often use social media in their professional lives, this is only likely to increase;
 - the SCPE PLG recommended that the HCPC should develop separate guidance for social media and networking use by registrants; and
 - fitness to practise concerns regularly include issues around the use of social media by registrants.
- 11.4 The Committee discussed the proposed use of 'crowdsourcing' in order to engage stakeholders. Crowdsourcing is a way of obtaining services, ideas, or content by soliciting contributions from a large group of people and especially from an online community rather than using more traditional methods. It was noted that a third party will be contracted to carry this out on behalf of the HCPC, but that the HCPC would retain control over branding and approach. This is a new approach for the policy team. The Committee requested that the Executive provide updates to the Committee on how the new approach was working.

- 11.5 The Committee agreed that the proposed guidance should also touch on how registrants respond to feedback provided via social media.
- 11.6 The Committee approved the proposal and accompanying work plan for producing HCPC guidance on the appropriate use of social media and networking websites.

Item 12 – Outcomes of the consultation on revised draft Guidance on conduct and ethics for students (ETC 07/16)

- 12.1 The Committee received a paper from the Executive.
- 12.2 The Committee noted that the revised standards of conduct, performance and ethics (SCPE) for registrants were published in January 2016. As a result of changes to these standards, the Guidance on conduct and ethics for students (the guidance) has been amended to ensure that it continues to be fit for purpose.
- 12.3 During the discussion the following points were made:-
- the HCPC publically consulted on the revised draft guidance between 19 October 2015 and 29 January 2016;
 - prior to the consultation a number of engagement activities took place in order to gather feedback on the draft guidance from students;
 - 151 responses to the consultation were received. 103 responses were made by individuals, of which 35 were students;
 - feedback received on the revised guidance has been largely supportive
- 12.4 The Committee agreed that the status of the guidance not being statutory should be highlighted earlier in the guidance than it currently is
- 12.5 The Committee agreed that in section 5.12 the HCPC should explain why it considers that case studies would not be appropriate.
- 12.6 The Committee agreed to recommend the revised draft Guidance on conduct and ethics for students and the text of the consultation response analysis document to Council for approval (subject to minor editing amendments and formal legal scrutiny).

Item 13 – Reviewing the guidance on confidentiality (ETC 08/16)

- 13.1 The Committee received a paper from the Executive.
- 13.2 The Committee noted that the HCPC published 'Confidentiality – guidance for registrants' in 2008. This document provides advice to registrants on handling

information about service users and other issues relating to confidentiality. The work plan sets out the review of the guidance to ensure it remains relevant in light of the recently revised SCPE.

13.3 The Committee noted that the Executive plans to present a draft revised version of the guidance and a draft consultation document to the Committee for consideration in September 2016.

13.4 The Committee agreed the work plan to review of the guidance on confidentiality.

Item 14 – Review of Health and Character Declarations Policy (ETC 10/16)

14.1 The Committee received a paper from the Executive.

14.2 The Committee noted that, at its meeting on 19 November 2015, the Committee received a review of health and character declarations made by applicants for registration or for readmission to the register or by registrants on renewal of registration.

14.3 In noting the continued effective operation of the declarations process the Committee agreed that the Executive should produce a draft revision of the Health and Character Policy, which was last reviewed in September 2013.

14.3 During the discussion the following points were made:-

- proposed changes will significantly reduce the number of declarations needing to be considered by a Registration Panel through enabling a more flexible use of administrative sign-off by Fitness to Practise Department managers;
- this change recognises that 95% of applicants whose declarations were referred for consideration by Registration Panels were approved for registration;
- of 49 cases refused by Registration Panels during the two year review period only one involved a declaration which had previously been considered by the education provider, which indicates there are no concerns that education providers are admitting unsuitable students onto approved programmes; and
- the Guidance document for registrants on making declarations will be reviewed in spring 2016 to reflect the recently revised SCPE. During this review information provided on when cautions/convictions should not be declared will be revisited.

14.4 The Committee discussed how the HCPC could be confident that an education provider was aware of a declaration. It was noted that the reference form

currently used will be amended where a declaration has been made to ensure the education provider indicates they were aware of it.

- 14.5 The Committee approved the revised Health and Character Declarations Policy.

Item 15 – Education and Training Committee Scheme of Delegation (ETC 11/16)

- 15.1 The Committee received a paper from the Executive.
- 15.2 The Committee noted that, at its meeting in December 2015, the Council made a small number of amendments to the Code of Corporate Governance (the Code). As a result of these changes, minor amendments to the Education and Training Committee's Scheme of Delegation (the Scheme) are required.
- 15.3 During the discussion the following points were made:-
- responsibility for the management of registration appeals has passed from the Fitness to Practise Department to the Registration Department. As a result, a number of administrative functions in relation to registration appeals which were delegated to the Director of Fitness to Practise have now been assigned to the Chief Executive or an officer nominated by the Chief Executive; and
 - the Scheme provided for the Committee to be responsible for maintaining and publishing the Council's list of approved qualifications. However, as the task is an administrative function, it has now been delegated by the Council to the Director of Education.
- 15.4 The Committee agreed to adopt the revised Scheme of Delegation as presented in the paper. The Committee agreed to revoke the existing Scheme.

Items to note

Item 16 – Research on preparation for practice among newly qualified professionals (ETC 12/16)

Item 17 – Any other business

- 17.1 There was no additional business for consideration that day.

Item 18 – Date and time of next meeting

- 18.1 10.30am – Thursday 9 June 2016 at Park House, SE11 4BU

Resolution

The Council adopted 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 given to the confidence;
 - (h) any other
- | Item | Reason for Exclusion |
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- of information Council in or 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.'

A summary of matters considered whilst the public were excluded from the meeting.

Item 19 - Minutes of the private part of the meeting held on 19 November 2015 (ETC 13/16)

- 19.1 The Committee considered the minutes of the private part of the meeting held on 19 November 2015.
- 19.2 The minutes were accepted as a correct record to be signed by the Chair subject to paragraph 18.3 being revised for clarity.

Chair Joy Tweed

Date 09.06.2016