

---

<b>Council</b>
----------------

**Minutes of the 100th meeting of the Health and Care Professions Council as follows:-**

**Date:** Wednesday 23 September 2015

**Time:** 2pm

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

**Present:** Elaine Buckley (Chair)  
Stephen Cohen  
Richard Kennett  
Sonya Lam  
Eileen Mullan  
Joanna Mussen  
Joy Tweed  
Nicola Wood  
Stephen Wordsworth

**In attendance:**

John Barwick, Acting Director of Fitness to Practise  
Heidi Bullimore, Internal Communications Manager  
Nicole Casey, Acting Director of Policy and Standards  
Guy Gaskins, Director of Information Technology  
Andy Gillies, Director of Finance  
Abigail Gorringer, Director of Education  
Teresa Haskins, Director of HR  
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  
Michael Tutt, Finance Business Partner

## Public Agenda – Part 1

### **Item 1.15/171 Chair's welcome and introduction**

- 1.1. The Chair welcomed Council members and those seated in the public gallery to the 100<sup>th</sup> meeting of Council. The Chair wished to place on record at this milestone meeting her congratulations to the Chief Executive, Executive Management Team, Council member past and present, employees, legal teams and partners for all that had been achieved since the establishment of HPC.

### **Item 2.15/172 Apologies for absence**

- 2.1 Apologies for absence was received from Robert Templeton and Graham Towl.

### **Item 3.15/173 Approval of Agenda**

- 3.1 The Council approved the agenda.

### **Item 4.15/174 Declaration of Members' interests**

- 4.1 Nicola Wood declared an interest as a non-executive Director of the Board of the Information Commissioner's Office.

### **Item 5.15/175 Minutes of the Council meeting of 29 and 30 June 2015 (report ref:-HCPC106/15)**

- 5.1 The Council considered the minutes of the 99th meeting of the Health and Care Professions Council.
- 5.2 The Council agreed the minutes, subject to the amendment of a small typographical error.

### **Item 6.15/176 Matters Arising (report ref:-HCPC107/15)**

- 6.1 The Council noted those matters arising from the meetings held on 29 and 30 June 2015.
- 6.2 The Council noted that the format of the report would be changed going forward so that it included all ongoing and open actions outstanding from previous meetings.

### **Item 7.15/177 Chair's report (report ref:-HCPC108/15)**

7.1 The Council received a report from the Chair.

7.2 During discussion, the following points were made:-

- The Council noted that it had been a busy time for the Chair since she took up post on 1 July 2015 and in addition to the meetings listed in the paper, there had been numerous 'internal' meetings. The Chair thanked those that her provided support during this transition period;
- The Council noted that the meeting with Nick Clarke and William Vineall from the Department of Health had been an introductory meeting. A key message arising from the meeting was that the government wished to reduce the cost of regulation;
- The Professional Standards Authority Summit held on 14 September was in relation to duty of candour, professionalism and what the regulators could do in this regard. The Council noted that it was now important for the boards and Trusts to ensure that the culture supported this approach. It was also noted that this was being further facilitated by education in this area;
- The Chair met with the Chair of the GMC and the Council noted that there was a strong sense of collaboration particularly in relation to research in the area of CPD;
- In response to a question about whether the Chair had been lobbied on any particular subject, the Council noted that our stakeholders were looking to HCPC to help debate and seek clarity on social work practice and education;

7.3 The Council noted the report.

### **Item 8.15/178 Chief Executive's report (report ref:-HCPC109/15)**

8.1 The Council received a report from the Chief Executive.

8.2 During discussion, the following points were made:-

- The Council noted that the Chief Executive had just finished his CLEAR presidency;
- The Council noted that the government would now not proceed with the regulation of Public Health Specialists;
- The Council noted that the NMC wished to introduce 'undertakings' as part of the fitness to practice proceedings and these would be carried

out in public. It was possible that we may look to introduce something similar providing the mechanism delivers public protection. This would need to be done with a Section 60 Order. Consideration would be given at that time to also include an additional element changing the requirement so that registration appeal hearings did not need to be chaired by Council members. This was originally going to be added to the Section 60 Order in relation to Public Health Specialists;

- The Council noted that consideration was being given by the Department for Education to an accreditation system for social workers working with children. This could potentially cause a number of problems from a regulatory perspective including what happens to those individuals that fail the accreditation exam, the anomaly created for differing requirements to become a social worker and finally, how HCPC could approach a 'grandparenting' scheme were this to be introduced. It was noted that the Chair and Chief Executive have offered to continue the dialogue on this initiative ;
- It was noted that one potential way of incorporating the accreditation into regulation would be to create an annotation to the Register, rather like when a registrant has prescribing rights;
- That in order for the PSA to issue invoices in relation to the levy, the Privy Council was required to consult on the process for two weeks. Once this had been completed, we would expect to receive the annual invoice;
- The Council noted that should we respond to the Privy Council consultation, we would reiterate our original response submitted to the PSA in relation to the levy;
- The Council noted that the HCPC had been prudent and not committed too much resource to the Public Health Specialists project. The profession could now be removed from the registrant forecast figures;
- Concern was expressed at the recently published PSA report entitled 'Rethinking Regulation'. It was felt that many criticisms were unfairly levelled at all the regulators. The Council noted that we had not responded to the report but awaited with interest the Department of Health's response.

8.3 The Council noted the report.

## Items for discussion/approval

### Departmental Reports

#### **Item 9.15/179 Fitness to Practise Report (report ref:-HCPC110/15)**

9.1 The Council received a report from the Executive.

9.2 The Council noted the main activities of the Fitness to Practise (FtP) department. The report includes statistical information relating to case management and adjudication activity in July 2015 as well as length of time analysis.

9.3 During discussion, the following points were made:-

- The FtP department had a regular exchange with the CQC;
- The suggestion was made that the paper moved to an 'exception reporting' approach;
- The training provided by the Samaritans and MIND were in response to a need to raise awareness and provide case managers with the confidence to deal with particular circumstances;
- The Council noted that 47% of complaints came from members of the public. Whilst no analysis had been undertaken, this could be attributed in part to the ongoing communications work and in addition, but also a reflection that the highest number of complaints are received in relation to social workers;
- The Council noted that the number of case managers within the Fitness to Practise department was almost at full complement;
- As a result of the introduction of the (temporary) redaction team, case managers were now able to quality assure the redaction of documentation since their time had been freed up. Consideration would be given to embedding the new process on a permanent basis as the need had been clearly demonstrated;
- The Council noted that a number of changes had been made to the Fitness to Practise process, for example the changes to the standard of acceptance. The trend that was being observed was that more cases are closing at an earlier stage. However, it was not always possible to pinpoint the effect on one activity although the effectiveness of changes to the process could be evaluated in six months' time.

9.4 The Council discussed the paper and noted the contents.

#### **Item 10.15/180 Human Resources Report (report ref:-HCPC111/15)**

10.1 The Council received a report from the Executive.

10.2 The Council noted the main activities of the Human Resources department.

10.3 During discussion, the following points were made:-

- The Council noted that there had been a decrease in the number of lay partners as a result of a number of panel chairs coming to the end of their eight year term;
- There had been a better response to the advertisement for the HR Manager (Partners) since the advertisement had included a reference to flexible working being an option;
- Whilst it was the policy of HCPC to have reserve candidates for positions, this was not always possible if the pool of candidates had not been strong;
- Whilst there was no formal exit interview for partners, they were provided with the opportunity to give written feedback;
- At the request of Council, the Director of HR undertook to provide figures relating to the number of employees working compressed hours in future reports;
- The Director of HR undertook to share annual statistics in relation to the number of partners that have left.

10.4 The Council discussed the paper and noted the contents.

### **Item 11.15/181 Information Technology Report (report ref:-HCPC112/15)**

11.1 The Council received a paper from the Executive.

11.2 The Council noted the main activities of the Information Technology department.

11.3 During discussion, the following points were made:-

- In response to a question about the introduction of video conferencing, the Council noted that every employee will soon be able to use 'skype for business' provided that other end users have compatible equipment;
- The suggestion was made that video conferencing could be used for occasional meetings of Committee. In response, the Council noted that this would need to be considered in more detail and taking into account the wider corporate governance issues;

- The Council noted the huge success of the dual screen project that had now been rolled out across the organization.

11.4 The Council discussed the paper and noted the contents.

**Item 12.15/182 Communications Report (report ref:-HCPC113/15)**

12.1 The Council received a paper from the Executive.

12.2 The Council noted the main activities of the Communications department. This report sets out the main activities of the Communications Department since the last meeting of Council. It includes statistical information and highlights key work undertaken across the range of communication channels.

12.3 During discussion, the following points were made:-

- The Council noted that there was a communications and engagement plan for the revised guidance on conduct and ethics for students;
- Some work was required with some of the education providers in relation to the advertising protocol.

12.4 The Council discussed the paper and noted the contents.

**Item 13.15/183 Education Report (report ref:-HCPC114/15)**

13.1 The Council received a paper from the Executive.

13.2 The Council noted the main activities of the Education department. The report sets out the main activities of the Education Department in June, July and August 2015. It includes statistical information and highlights key work undertaken.

13.3 The Council noted the update in relation to subject benchmark statements, a component of QAA's (Quality Assurance Agency for Higher Education) Quality Code and noted that the Education and Training Committee would consider this area further.

13.4 The Council discussed the paper and noted the contents.

**Item 14.15/184 Finance Report (report ref:-HCPC115/15)**

14.1 The Council received a paper from the Executive.

14.2 The Council noted the main activities of the Finance department. The report sets out the main activities of the Finance Department since the June 2015

meeting of Council. It included statistical information and highlights key work undertaken.

14.3 During discussion, the following points were made:-

- The Council noted that after 9 years, Charlotte Avery would be leaving the organisation. Her invaluable role in developing good processes and maintaining strong financial controls was noted;
- The Council noted the favourable variance on income of £443k and on payroll of £242k, neither of which were likely to be reversed or were subject to timing differences;
- It was noted that budget holders would shortly be preparing the month 6 reforecast, based on the September management accounts, which would provide a better indication of the likely outturn for the full year;
- There was some discussion about the variance within the Chair's budget and it was noted that the variance was largely as a result of the season ticket purchased for the Chair which was a more economic way of covering travel expenses rather than individual train tickets being purchased;
- The Council were in agreement that it would be helpful to add additional detail of this sort to the commentary in the interest of openness and transparency;
- The Council noted that an apparent overspend on non-payroll costs in the Chief Executive's budget (page 13) was an error. The £73,750 accrued charge for the PSA levy which is shown as a separate line item on page 11 of the report had been incorrectly included within the Chief Executive's line on page 13;
- That rather than recruiting a procurement manager, we would now be looking to recruit a procurement officer, because we were now using framework agreements as our preferred procurement method, and those required procurement support at a more administrative level;
- Expenses for EMT are due to be published online in line with the new requirement of the Freedom of Information publication scheme.

14.4 The Council discussed the paper and noted the contents.



**Item 15.15/185 Operations Report (report ref:-HCPC116/15)**

- 15.1 The Council received a paper from the Executive.
- 15.2 The Council noted the main activities of the Operations department.
- 15.3 The Council discussed the paper and noted the contents.

**Item 16.15/186 Policy and Standards Report (report ref:-HCPC117/15)**

- 16.1 The Council received a paper from the Executive.
- 16.2 The Council noted the main activities of the Policy and Standards department.
- 16.3 The Council discussed the paper and noted the contents.

**Item 17.15/187 Secretariat Report (report ref:-HCPC118/15)**

- 17.1 The Council received a paper from the Executive.
- 17.2 The Council noted the main activities of the Secretariat department.
- 17.3 The Council noted that the closing date for applications for the position of Council member had now passed and 37 eligible applications had been received. Shortlisting would be carried out on 5 October 2015 with interviews at the end of October.
- 17.4 The Council discussed the paper and noted the contents.

**Item 18.15/188 Chief Executive's Summary of key issues**

- 18.1 The Council noted that all updates had been covered as part of the departmental reports.

**Corporate Governance**

**Item 19.15/189 Appointment of Audit Committee member (report ref:-HCPC119/15)**

- 19.1 The Council received a paper from the Executive.
- 19.2 The Council noted that a vacancy on the Audit Committee has been created after Graham Towl stepped down. In July, Council Members were invited to express an interest by writing a short statement. The Chair of Council together with the Chair of the Audit Committee gave careful consideration to the statements received and were in agreement that Stephen Cohen should be recommended for appointment by the Council.

- 19.3 The Chair thanked those members of Council that had submitted expressions of interest to be a member of the Audit Committee.
- 19.4 The Council agreed to the appointment of Stephen Cohen onto the Audit Committee.

**Item 20. 15/190 Minutes of the Audit Committee meeting held on Tuesday 8 September 2015 (report ref:-HCPC120/15)**

- 20.1 The Council considered the minutes of the Audit Committee meeting held on Tuesday 8 September 2015.
- 20.2 The Chair of the Committee drew Council's attention to the Grant Thornton paper on the Registration transformation project which he noted was a very valuable report.
- 20.3 The Council noted the positive news received from the Privy Council in relation to the Accounts Direction;
- 20.4 The Council agreed the minutes.

**Items to Note**

The Council noted the following reports:-

**Item 21.15/191 Perceptions and experiences of the HCPC's approach to continuing professional development standards and audits (report ref:- HCPC121/15)**

**Item 22.15/192 Exit Interview report (report ref:-HCPC122/15)**

**Item 23.15/193 Reports from Council representatives at external meetings (report ref:-HCPC123/15)**

**Item 24.15/194 Any other business**

- 24.1 There were no further items for consideration.

**Item 25.15/195 Resolution**

- 25.1 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;

Item	Reason for Exclusion
26	b

- (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.'

**Summary of those matters considered whilst the public were excluded from the meeting**

**Item 26.15/196 HR Matter (report ref:-HCPC124/15)**

- 26.1 The Council received a paper from the Executive.
- 26.2 The Council were updated in relation to an ongoing HR issue.
- 26.3 The Council discussed the paper and noted the contents and proposed course of action.

Chair: Elaine Buckley

Date: 12.04.2016