

Council

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

Date: Thursday 24 September 2015

Time: 9.30am

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
Joanna Mussen
Robert Templeton
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
Martha Chillingworth, Senior Project Manager
Laura Coveney, Policy Officer
Roy Dunn, Head of Business Process Improvement
Edward Foster, Stakeholder Communications Officer
Guy Gaskins, Director of IT
Andy Gillies, Director of Finance
Abigail Gorringe, Director of Education
Grant Imlach, Media and PR Manager
Liz Johnson, PA to the Director of Education
Jonathan Jones, Stakeholder Communications Manager
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
Edward Tynan, Policy Officer
Sarita Wilson, Head of FtP Service Improvement

Public Agenda – Part 1

Item 1.15/197 Chair's welcome and introduction

- 1.1. The Chair welcomed Council members and those seated in the public gallery to the 100th meeting of Council.

Item 2.15/198 Apologies for absence

- 2.1 Apologies were received from Eileen Mullan and Graham Towl.

Item 3.15/199 Approval of Agenda

- 3.1 The Council approved the agenda.

Item 4.15/200 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.

Items for discussion/approval

Strategy and Policy

Item 5.15/201 Registrant numbers forecast (report ref:-HCPC125/15)

- 5.1 The Council received a paper from the Executive.
- 5.2 The Council noted the contextual setting of HCPC's various documents and plans including the annual reports, the risk register, the departmental work plans and the strategic intent.
- 5.3 The Council noted that the registration numbers forecast looks to provide information around changes to numbers of registrants over time. The forecast is revised every year. This report does not calculate income but is used as a basis for this process within the Finance department and it supports the Five Year plan.

5.4 During discussion, the following points were made:-

- The forecast for international applicants was conservative as the trend is an increasing number of applications;
- Consideration should be given to putting a standard error on the figures;
- A number of assumptions were explored and the rationale behind the figures provided;
- In response to a question about whether organisations use these figures, the Council noted that they were used by Central Workforce Intelligence, Skills for Care and some professional bodies.

5.4 The Council noted the paper.

Item 6.15/202 5 year plan (report ref:-HCPC126/15)

6.1 The Council received a paper from the Executive.

6.2 The Council noted the Five year plan is a financial forecast which helps us to ensure that our finances are sustainable and to plan whether and when fee increases may be necessary. The Plan is updated annually and presented to Council.

6.3 In response to a question about direct debit payments, the Council noted that anecdotally registrants would prefer a monthly payment. It was noted that various payment options would be built into the functionality of the new registration system and a decision would be reached at a later stage on our approach.

6.4 The Council discussed the paper and noted the content.

Item 7.15/202 Registration transformation and Improvement Project: Full business Case (report ref:-HCPC127/15)

7.1 The Council received a paper from the Executive.

7.2 The Council noted that over the last 12 months, the Executive had been working to improve the processes related to the functions of the Registration department. Revised processes had been mapped, and a requirements catalogue collated with a view to replace the core Registration system.

7.3 By means of introduction to the project, the Executive outlined the following:- Budgets and finance behind the project; the governance of the project

including the project board; the anticipated timeline and the stakeholder engagement work.

During discussion, the following points were made:-

- Whilst there was no financial or reputational risk were the project to be delayed (since it would not be rolled out until it was completed), it would mean a delay in being able to utilise the existing registration workforce in a more efficient way. In addition, it was noted that the existing system remained fit for purpose and so could continue to support the registration processes until such time as the new system was rolled out;
- The Grant Thornton report on the project was a useful document and all those issues raised were brought to their attention by the project team. However, the Project Team disagreed with their suggestion to fast forward phase two of the project;
- There had been a significant increase in the market rate for software developers and this needed to be considered when putting together the project budget;
- The paper did not set out the more registrant-centric benefits. In response, the Council noted that it was difficult to quantify all these benefits. However, the vision was for an increased level of customer service with better delivery of service;
- The Council noted that the project would reduce manual input of data resulting in a reduction in opportunities for human error;
- It was noted that in drawing up the project plan, we had drawn from the experience of other regulators who had recently introduced a similar system although they had all taken a slightly different approach;
- The Council noted that the intention was to roll out phase one by November 2016. This was a discrete area relating to CPD and would be an opportunity to test out real time email, test the project team and the supplier with the option to alter the direction of travel at completion should this be necessary;
- Whilst the completion of phase one was planned for November 2016, it should be noted that a supplier had yet to be engaged. Once this had been done, a more definitive timeline could be provided;
- In response to a question about collaboration with other regulators, it was noted that legislation differed amongst the regulators so would not be possible. However, the system would be 'scaleable' and so it would be possible to regulate further professions;

- The Council highlighted the importance of evaluating the project at the end of phase one before progressing any further.

7.4 The Council discussed the paper and noted the content.

Item 8.15/203 PSA Performance Review 2014/15 (report ref:-HCPC128/15)

8.1 The Council received a paper from the Executive.

8.2 The Council noted in June 2015 the PSA published its annual performance review of the regulatory bodies for the year 2014/15, including its performance assessment of the HCPC.

8.3 During discussion, the following points were made:-

- There were some minor typographical errors which would be amended before submission;
- The Council were informed of the methodology and process for the annual performance review;
- In response to a question about whether we would now sign the joint regulators statement in relation to candour, the Council noted that this document was GMC-led and so contained terms such as “patients” and “health” which they were not inclined to amend to reflect our wider service-users and remit. Furthermore, the duty of candour had been incorporated into our standards of conduct, performance and ethics and so was part of our philosophy which we felt was a stronger approach than signing up to a joint statement. This had been fed back to the PSA at the meeting held with their Chief Executive;
- The Council noted that whilst the Fitness to Practise department continue to make progress against recommendations made by the PSA, they also continue to self-diagnose those improvements necessary to existing processes;
- We were still awaiting confirmation as to the process going forward for performance reviews. It was noted that the PSA were likely to take a risk-based approach although we were keen to continue with a regular review approach.

8.4 The Council discussed the paper and noted the content.

Item 9.15/204 Fitness to Practise Annual report 2015 (report ref:-HCPC129/15)

9.1 The Council received a paper from the Executive.

9.2 The Council noted the Fitness to Practise annual report contains statistical information alongside explanatory narrative and data sets. The report follows a similar format to previous reports.

9.3 During discussion, the following points were made:-

- This report no longer contained a separate section relating to transfer cases received from the GSCC since most of them have now concluded and those that have not are being counted in the statistics relating to the other casework;
- The Council noted that there had been an increase in the number of complaints received and whilst it was not possible to be definitive, it could be attributed to the increase in the size of the Register and the ongoing communications work highlighting our role. It was agreed that some narrative to explain the increase would be incorporated into the report;
- The Council noted that there was a memorandum of understanding (MOU) in place with the CQC. In response to a question about whether there was a similar arrangement in Scotland, the Council were informed that we had invited all system regulators to work together on similar MOU's. This could be included within the report although the report was a reflection of work undertaken in a particular year rather than looking ahead to ongoing work;
- A typographical error was noted in relation to a reference to the "vetting and barring scheme;"
- The Council noted that this document is important to educators, other regulators, registrants and was a popular publication at the 'Meet the HCPC' events. Furthermore, it was a requirement that under our legislation that this is produced every year;
- The suggestion was made that an explanation of the FtP process and why it took on average almost two years to conclude should be included at an appropriate place within the document. It was noted that this could also be covered off using other communication channels such as articles and blogs.

9.4 The Council discussed and approved the text for the 2014-15 Fitness to Practise Annual Report (subject to any necessary editorial or stylistic amendments).

Item 10.15/205 Outcomes of the consultation on the standards of conduct, performance and ethics (report ref:-HCPC130/15)

10.1 The Council received a paper from the Executive.

10.2 The Council noted that we have been reviewing our standards of conduct, performance and ethics to make sure they continue to be fit for purpose and up-to-date. We publicly consulted on the draft standards between 1 April 2015 and 26 June 2015. Overall, the responses were positive about the revised standards as a whole. However, there was some debate about some elements of the standards.

10.3 During discussion, the following points were made:-

- The revised standards had been discussed in full at the Education and Training Committee held on 10 September 2015 and some amendments had been made;
- The suggestion was made that there needed to be a standard relating to 'being frank with colleagues in providing feedback.' It was noted that this was already covered under the standard relating to 'openness and transparency;'
- The suggestion was made that this subject could be something covered by Radio 2 who were currently doing a series in relation to health. In response, the Council noted that there was a detailed communications plan in place in order to disseminate these revised standards.

10.4 The Council discussed and approved the paper.

Item 11.15/206 Indicative Sanctions Policy (report ref:-HCPC131/15)

11.1 The Council received a paper from the Executive.

11.2 The Council noted the Indicative Sanctions policy has been edited to improve readability, and has more detail on the considerations that panels should make in relation to both conditions of practice and suspensions.

11.3 The Council discussed the paper and approved the revisions to the Indicative Sanctions Policy.

Item 12.15/207 Fitness to Practise Publications Policy (report ref:-HCPC132/15)

12.1 The Council received a paper from the Executive.

12.2 The Council noted the Fitness to Practise Publications policy has been revised to enhance the sections on data protection and publication of outcomes of our hearings, as well as including a more detailed section on consent orders

12.3 The Council discussed the paper and approved the revisions to the Fitness to Practise Publications Policy.

Item 13.15/208 Practice Notes (report ref:-HCPC133/15)

- 13.1 The Council received a paper from the Executive.
- 13.2 The Council noted there are currently 33 Practice Notes. We aim to review each Practice Note on an annual basis, there are 3 stages. In most cases, there are little or no changes, or there is the requirement to edit the document to make it easier to understand or use. The Practice Notes are not reviewed in isolation. Most relate to an element of an HCPC policy, so the review cycle of the Practice Notes is linked to the review of policies, or any operational guidance for HCPC team members.
- 13.3 The Council discussed the paper and approved the revisions to the Practice Notes.

Item 14.15/208 Implementing the revised recognition of professional qualifications (RPQ) Directive - an update for Council (report ref:-HCPC134/15)

- 14.1 The Council received a paper from the Executive.
- 14.2 The Council noted the RPQ Directive is European Union (EU) legislation which established rules for holders of a professional qualification in one Member State to have access to and allow the pursuit of the profession in which they are qualified in another Member State. The HCPC applies these rules when we receive applications from European Economic Area (EEA) nationals or other relevant persons, with applicable professional rights and qualifications, who wish to practise in the UK in any of the professions we regulate. A review of the existing Directive was completed at European level in November 2013. Member States were given two years to implement the provisions of the revised Directive into their domestic law.
- 14.3 During discussion, the following points were made:-
- Some preliminary requirements under the revised Directive have been considered in the context of the registration transformation project, however, further work is needed in this area once all the required changes to our Registration department's operations and processes become more evident in the context of the revised Directive;
 - Under existing practices, we ask for certified translated documents in relation to International-EEA applications;
 - The European Professional Card (EPC) would only apply in the first instance to physiotherapists and so we were not anticipating a

huge increase in the number of International-EEA applications for that profession;

- Under the EPC procedure, the application process begins in the 'home' country rather than the 'receiving' or 'host' country.

14.4 The Council discussed the paper and noted the contents.

Item 15.15/209 Fourth annual report on the implementation of the HCPC's Welsh Language Scheme (report ref:-HCPC135/15)

15.1 The Council received a paper from the Executive.

15.2 The Council noted each year the HCPC prepares an implementation report for the attention of the Welsh Language Commissioner. This is the fourth implementation report setting out the actions we have taken to implement our Scheme. The reporting period covers September 2014 to September 2015. We have also prepared an evaluation report of our Scheme which has been appended to the back of the report and a proposed timetable for the implementation of any outstanding actions under our Scheme.

15.3 During discussion, the following points were made:-

- The suggestion was made that we could be more proactive in relation to our obligations and potentially go over and above what was expected. For example, we could encourage some employees to learn Welsh if it would be beneficial and useful to their role. In response, the Council noted that under the new standards, there will be an expectation for authorities to be more proactive in offering Welsh language services.

15.4 The Council discussed the paper and noted the contents.

Item 16.15/210 Consultation on proposed amendments to the Registration and Fees and Practice Committee Rules (report ref:-HCPC136/15)

16.1 The Council received a paper from the Executive. An updated version of the Rules was tabled at the meeting.

16.2 The Council noted that as part of the 'Registration transformation and improvement project' amendments to the Registration and Fees Rules are proposed, for which a public consultation is required. A consultation document and a set of draft amendment Rules had now been prepared

16.3 The Council noted that it was proposed to remove the requirement for a character reference although this had been replaced with a declaration.

16.4 The Council:-

- (i) agreed the text of the consultation document (subject to minor editing amendments and formal legal scrutiny); and
- (ii) agreed the text of the draft set of amendment Rules for public consultation.

Item 17.15/211 Any other business

- 17.1 The Council were informed that they should expect to receive an email requesting that they undertake data security training. A full explanation and instructions of how to do so would be included within the email.
- 17.2 The Council were requested to leave their iPads in order that updates could be undertaken.
- 17.3 The Council noted that the Director of Council and Committee Services would be in touch to confirm detailed arrangements for the away day.

18.15/212 Meeting evaluation

- 18.1 The following suggestions were made in relation to the agenda and approach to Council meetings:-
 - agenda items should be grouped thematically;
 - The suggestion was made that the start time for day two of Council be moved to either 10am or 10:30am and members were requested to email the Director of Council and Committee Services with their views on the proposal;
 - Feedback received was that the presentation on Information Governance had been very useful and the suggestion was made that a programme of presentations be put together and these could be held at 12 noon on the first day of Council. Members were requested to send any suggestions in relation to topics for the presentation to the Director of Council and Committee Services.

Item 19.15/213 Date and time of next meeting

- 19.1 Thursday 15 October 2015 at 1:30pm at Llangoed Hall, Llyswen, Brecon, Powys, Wales LD3 0YP.

Item 20.15/214 Resolution

20.1 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;

- (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 21.15/215 Registration transformation and Improvement Project: Full business Case (report ref:-HCPC137/15)

21.1 The Council received a paper from the Executive.

21.2 The Council noted that over the last 12 months the Executive had been working to improve the processes related to the functions of the Registration department. Revised processes have been mapped, and a requirements catalogue collated with a view to replace the core Registration system.

21.3 The Council noted that it was deemed necessary to have an opportunity to discuss certain elements of the project in private, for example those that related to commercial contracts. Since a full discussion had been held in public and there were no further issues in relation to those elements of the project deemed to be commercially sensitive, no further discussion was required.

21.4 The

Item	Reason for Exclusion
21	c

Council noted the content of the paper circulated for

consideration in private.

Chair: Elaine Buckley

Date: 12.04.2016