

Council

Minutes of the 112th meeting of the Health and Care Professions Council as follows:-

Date: Thursday 6 July 2017

Time: 10am

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
Stephen Wordsworth

In attendance:

Claire Amor, Secretary to Council
Olivia Bird, Policy Officer
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
John Barwick, Acting Director of Fitness to Practise
Louise Lake, Director of Council and Committee Services
Francine Leach, Executive Assistant
James Penry-Davey, Capsticks Solicitors LLP
Greg Ross-Sampson, Director of Operations
Marc Seale, Chief Executive and Registrar
Kirsty Taylor, Professional Standards Authority
Grant Imlach, Media and PR Manager

Public Agenda

Item 1.17/102 Chair's welcome and introduction

- 1.1. The Chair welcomed Council members and those seated in the public gallery to the 112th meeting of Council.

Item 2.17/103 Apologies for absence

- 2.1 No apologies were received.

Item 3.17/104 Approval of Agenda

- 3.1 The Council approved the agenda.

Item 4.17/105 Declaration of Members' interests

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

Item 5.17/106 Minutes of the Council meeting of 24th and 25th May 2017

- 5.1 The Council considered the minutes of the 111th meeting of the Health and Care Professions Council.
- 5.2 The Council agreed the minutes.

Item 6.17/107 Matters arising

- 6.1 The Council noted those matters arising from the meetings held on 24th and 25th May 2017.
- 6.2 The Council noted the report.

Item 7.17/108 Chair's report

- 7.1 The Council received a report from the Chair.
- 7.2 During discussion the following points were noted:-
 - the Chair is a member of the advisory panel contributing to an Open University research project 'Writing in professional social work practice in a changing communicative'. A workshop in June considered the implications for professional standards and the role of education providers in minimising the risks in relation to this activity;
 - the Chair attended the Chief Allied Health Professions Officer's (England) Annual Conference. A number of themes emerged,

including apprenticeships and new roles. The UK wide public health guidance for undergraduate curricula was also launched and the HCPC's contribution to this work was acknowledged; and

- in June, the Chair attended the International Network of Physical Therapy Regulatory Authorities Conference, where she delivered a presentation on how regulation can facilitate innovation in the design and delivery of physiotherapy education programmes.

7.3 The Council noted the report.

Item 8.17/109 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:-

- primary legislation to reform the legislation of the healthcare professions regulators was not included in the legislative programme set out in the Queen's Speech. It is currently unclear whether ministers will decide to continue with the consultations on regulatory reform, or on the regulation of physician associates;
- Ben Gummer, who advocated consolidation of the professional regulators when he was a health minister, lost his seat in the recent election. Edward Timpson, who was an education minister in the last parliament and held responsibility for the reforms to social work regulation also lost his seat;
- Robert Goodwill, the Minister of State at the Department for Education is expected to refer to regulation at his speech at The Association of Directors of Children's Services' Annual Conference on Thursday 6 July;
- the Chief Executive will meet the Chief Executive of the Scottish Social Services Council in July to discuss the joint MOU. A meeting of the five country social work regulators will then take place in October to discuss this issue;
- the PSA's performance review of the HCPC is currently in the second stage, with on-site audit work complete; and
- the PSA have launched a consultation on reviewing the standards of good regulation. Due to the timescales for the consultation, Council's views will be sought by correspondence outside of a formal meeting.

8.3 The Council discussed the differing responses of the healthcare professions regulators to the absence of legislative reform in the Queen's Speech. It was

noted that the GMC and NMC issued press releases expressing regret. The HCPC did not issue a press release.

- 8.4 The Council agreed that it had not advocated for reform in anticipation of the announcement of a Bill. The Council agreed that it would discuss its approach to communications positioning and approach at the stakeholder communications session due to take place in September 2017.
- 8.5 The Council agreed that the issue of legislative reform would be considered at a future meeting, continuing with a number of themed discussion papers previously presented by the Director of Policy and Standards.
- 8.6 The Council agreed that the benefits of multi-profession regulation is a key message to convey when engaging in discussion on the future of regulation.
- 8.7 The Council noted that the Executive will meet the Department of Health and the Department of Education on 19 July, when it is expected that an update on plans for the new regulator will be provided. It was agreed any significant news relating to social worker regulation over the summer would be disseminated to Council by email.
- 8.8 The Council noted that its agreed revisions to performance reporting are presented as a pilot. Performance reporting is now incorporated in a single report as part of the wider Chief Executive's report. Performance commentary aims to avoid 'descriptive statistics' and provide analysis of variances and consequences.
- 8.9 The Council welcomed the consolidated report. It was agreed that some areas required more analysis and that member's feedback should be submitted to the Director of Policy and Standards. The Council agreed that the Chief Executive's overview of performance is an important element of the assurance provided by the report and that this would be included in the next report.
- 8.10 The Council discussed the schedule of meetings included in the Chief Executive's report. It was noted that the list was presented to enhance transparency. The Council requested more information on the impact and outcomes of meetings. It was agreed that the Chief Executive's engagement strategy would be included in the stakeholder engagement session in September 2017.
- 8.11 The Council noted that the Registrations Transformation and Improvement project has experienced issues during the testing phase resulting in a delay to the expected delivery date. The Council agreed that it would consider the project in more depth at a future meeting.
- 8.12 The Council noted the recent increase in Partner turnover. It was noted that this was the result of a renewal exercise and that more Partners than expected did not pass the self-assessment process. The Tribunal Advisory Committee discussed the increase at their meeting of 31 May 2017, and will continue to monitor turnover rates and explore process changes if needed.

8.13 The Council noted the report.

Item 9.17/110 New Regulatory body for social work

9.1 The Council agreed that this item had been addressed during discussion of the Chief Executive's report.

Item 10.17/111 NAO report to those charged with governance

10.2 The Council received a report from the Executive.

10.2 The Council noted the NAO's audit completion report summarises the key matters from their audit of the HCPC's 2016-2017 financial statements.

10.3 The Council noted that the Audit Committee considered a draft of the NAO completion report at its meeting on 14 June 2017. Since that meeting, the NAO have identified two further unadjusted errors, described in section 3d of the report.

10.4 The Council agreed that the uncorrected errors in the 2016-17 financial statements identified in the NAO's report in section 3d should not be corrected, as the Council did not consider that the errors were immaterial.

Item 11.17/112 Annual report and accounts

11.1 The Council received a report from the Executive.

11.2 The Council noted the NAO had substantially completed their audit and expect to give an unqualified audit report.

11.3 The Council discussed the issue of social worker regulation and how the risks to the HCPC are reflected in the annual report. It was agreed that it has been addressed appropriately.

11.4 The Council agreed that the notation of Council member's eligibility for reappointment required review to include all those eligible.

11.5 The Council approved the Annual Report and Accounts 2016-2017 subject to the amendment set out in paragraph 11.4.

Item 12.17/113 Section 60 priorities

12.1 The Council received a report from the Executive.

12.2 The Council noted that Section 60 of the Health Act 1999 is the mechanism by which the Government can bring forward secondary legislation to amend

the legislation of the nine professional regulators overseen by the PSA including the HCPC.

- 12.3 At its meeting in May 2017 the Council agreed to consider the HCPC's priorities for Section 60 changes. Permitted changes under Section 60 are technical in nature and are not major changes to regulatory function.
- 12.4 The Council agreed the priorities for Section 60 change as set out by the Executive.
- 12.5 The Council agreed to review the Section 60 priorities list annually. It also agreed to develop a list of areas to explore for further consideration, for example, returners to practice and international professional equivalence. It was noted that the Education and Training Committee needs to fully consider the implications of these changes before a decision on their desirability is made.
- 12.6 The Council noted that the other healthcare professions regulators have their own priorities for legislative change and that it is important to remain aware of these aspirations and if they are taken forward, to articulate why they may not be appropriate for the HCPC.
- 12.7 The Council discussed and noted the paper.

Item 13.17/114 Registrant numbers forecast

- 13.1 The Council received a report from the Executive.
- 13.2 The Council noted that the forecast is revised every year and updated on a bi-annual basis. The model was last updated on 16 June 2017 to include the actuals in April and May 2017.
- 13.3 The Council noted that the forecast does not calculate income but is used as a basis for this process within the Finance department. It also supports the five year plan.
- 13.4 The Council noted that the forecast assumes the removal of social workers from 31 March 2019, though the date remains unclear.
- 13.5 The Council discussed the impact of the UK's exit from the European Union on EEA applications. It was noted that other regulators have seen significant reductions since the vote to leave. The HCPC has not seen the impact of this on registration figures to date, the Council requested an update should this change.
- 13.6 The Council noted the report.

Item 14.17/115 Social Worker Risk Register & Risk Treatment Plan

- 14.1 The Council received a report from the Executive.
- 14.2 The Council noted that the risk register and risk treatment plan reflects current and recent levels of risk related to the project to transfer the regulation of social workers in England to a new regulator, Social Work England. The register is updated periodically as new information is known and risks and mitigations become more defined.
- 14.3 The Council noted that the Audit Committee considered the risk register at their meetings in March and June 2017.
- 14.4 The Council discussed how they would receive assurance from the risk register in future. It was agreed that the Audit Committee will consider the risk register at every meeting and will inform Council when it considers wider Council consideration is required.
- 14.5 The Council noted the report.

Item 15.17/116 Council members' performance review

- 15.1 The Council received a paper from the Chair setting out the results of the annual Council member performance appraisal process.
- 15.2 The Council noted that the review process informed the recent reappointments exercise. An informal progress meeting took place with the two members of Council who joined in January 2017, but formal appraisals will begin next year.
- 15.3 The Council discussed the process for reporting the Chair's performance appraisal. It was agreed that the Chair of the Remuneration Committee should undertake this reporting in future.
- 15.4 The Council noted the report.

Item 16.17/117 Committee appointments

- 16.1 The Council received a report from the Executive.
- 16.2 The Council noted that as part of the revised governance arrangements for the Remuneration Committee, a full refresh of its membership has been undertaken. The results of the calls for members' interest are presented for approval.
- 16.3 The Council agreed the Council membership of the Remuneration Committee as follows:-
- Graham Towl (Chair);
 - Gavin Scott; and

- Joanna Mussen.

- 16.4 The Council noted that the appointment exercise for the independent member of the Remuneration Committee is currently underway. It is expected that the Council will be asked to approve the selection panel's candidate in September 2017.
- 16.5 The Council noted that the Tribunal Advisory Committee met for the first time in May 2017. The Committee nominated a member to serve as Chair. The Council ratified the appointment of Marcia Saunders as the Chair of the Tribunal Advisory Committee.

Item 17.17/118 Minutes of the Tribunal Advisory Committee meeting 31st May 2017

- 17.1 The Council considered the public minutes of the Tribunal Advisory Committee held on 31 May.
- 17.2 The Council noted that the Committee had expressed concern about the limitations of the ethnicity data held on Registrants to enable accurate assessment of how representative the HCPC's Partner demographic is. The Council discussed this issue and noted that the registration transformation project aims to address this data limitation.
- 17.3 The Council agreed that it is clear that the Committee is proving effective from its first meeting, with many interesting action points and potential areas for further consideration already planned. The Council expressed its thanks to the Committee.
- 17.4 The Council noted the minutes.

Item 18.17/119 Minutes of the Education and Training Committee held on 12th June 2017

- 18.1 The Council considered the public minutes of the Education and Training Committee meeting of 12 June 2017.
- 18.2 The Council noted the minutes.

Item 19.17/120 Confidentiality guidance consultation analysis

- 19.1 The Council received a report from the Executive.
- 19.2 During discussion the following points were noted:-
- a consultation was held between 3 October 2016 and 13 January 2017 on revised guidance on confidentiality;

- the revised guidance retains its focus on the core principles of confidentiality but, following consultation feedback, now also provides further detail on related areas such as capacity, best interests and the Data Protection Act; and
- the Education and Training Committee considered the consultation response analysis and the draft guidance on 12 June 2017 and suggested some minor changes for clarity. These changes have been made.

19.3 The Council agreed the text of the consultation response analysis document and the draft guidance, subject to legal scrutiny and minor editing amendments.

Item 20.17/121 Minutes of the Audit Committee Meeting 14th June 2017

20.1 The Council considered the public minutes of the Audit Committee meeting of 14 June 2017.

20.2 The Council noted the minutes

Item 21.17/122 Any other business

21.1 There was no further business.

Item 22.17/123 Future agenda items

22.1 The Council agreed that the following items would be considered in September 2017;

- Understanding the prevalence of fitness to practise concerns about paramedics and social workers in England
- Code of Corporate Governance review
- 5 year plan
- Charging for education programme approval
- Registration transformation project
- Stakeholder engagement

Item 23.17/124 Meeting evaluation

23.1 The Council agreed that their discussions had focused appropriately on strategic issues.

23.2 Some members of the Council felt that the change to a one day meeting had imposed time limits on some items.

Item 24.17/125 Date and time of next meeting

24.1 Wednesday 20th September at 2pm and Thursday 21st September 2017 at 10am at Park House, 184 Kennington Park Road, London SE11 4BU.

Item 25.17/126 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
26	b, c, g, h
27	h
28	b
29	c
30	b
31	a

Summary of matters considered in private;

The Council considered the 5 year plan. The five year plan is a financial forecast which helps the HCPC to ensure that its finances are sustainable.

The Council considered a paper on possible options for arrangements for the transfer of social workers to a new regulator.

The Council considered a paper relating to accommodation.

The Council considered a paper relating to an upcoming Council appointment exercise.

Chair: Elaine Buckley

Date: 20/09/2017