

Council

Minutes of the 94th meeting of the Health and Care Professions Council as follows:-

Date: Thursday 4 December 2014

Time: 9:30am

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

Present: Anna van der Gaag (Chair)
Elaine Buckley
Mary Clark-Glass
John Donaghy
Sheila Drayton
Richard Kennett
Keith Ross
Robert Templeton
Graham Towl
Joy Tweed
Nicola Wood

In attendance:

Ruth Cooper, Service and Complaints Manager
Laura Coveney, Policy Officer
Guy Gaskins, Director of Information Technology
Andy Gillies, Director of Finance
Michael Guthrie, Director of Policy and Standards
Teresa Haskins, Director of Human Resources (Item 7 onwards)
Kelly Holder, Director of Fitness to Practise
Jacqueline Ladds, Director of Communications
Louise Lake, Director of Council and Committee Services
Zoe Maguire, Head of Adjudication
Greg Ross-Sampson, Director of Operations
Marc Seale, Chief Executive and Registrar

Edward Tynan, Policy Officer
Alex Urquhart, Education Officer

Public Agenda – Part 1

Item 1.14/200 Chair’s welcome and introduction

- 1.1 The Chair welcomed Council members and those seated in the public gallery to the second part of the 94th meeting of Council.

Item 2.14/201 Apologies for absence

- 2.1 Apologies for absence were received from Sonya Lam.

Item 3.14/201 Approval of Agenda

- 3.1 The Council noted that a revised cover sheet had been sent to Council members in relation to item 6, enclosure 2, ‘The Department of Health response to HCPC’s Health Committee Report’. Furthermore, an addendum in relation to item 8, enclosure 4, ‘Results on consultation on Rules for professional indemnity’ had also been sent out.

Item 4.14/202 Declaration of Members’ interests

- 4.1 Keith Ross declared an interest since his wife is a member of the Professional Standards Authority. The following members declared an interest in item 10, Review of Partner and Council Member Fees 2014:

Anna van der Gaag (Chair)
Elaine Buckley
Richard Kennett
Robert Templeton
Graham Towl
Joy Tweed
Nicola Wood

The remaining members of Council were those standing down at this meeting, and therefore had no interest to declare.

Strategy and Policy

Item 5.14/203 Fitness to Practise final hearing audit report 1 April – 31 August 2014 (report ref:-HCPC174/14)

- 5.1 The Council received a paper for discussion from the Executive.

5.2 The Council noted that the paper set out the findings of an audit of final fitness to practise hearing decisions, covering the period 1 April to 31 August 2014. The purpose of the audit is to review the quality of decisions reached by fitness to practise committee panels

5.3 During discussion, the following points were noted:-

- The team had undergone “proofmatics” training which was hoped would improve accuracy of drafting;
- The findings of the audit would be shared with partners through the partner newsletter and at refresher training events;
- The findings of the audit would also be used to inform the design of future training;
- It was noted that 38% of decisions referenced the standards but this would be more meaningful if the percentage referring to standards was based on the number of cases which involved sanctions;
- There was a practise note to deal with hearings held in private. However, in practise, these hearings related mainly to health;
- The newly formed ‘decision review group’ considered analysis relating to ‘not well founded’ cases;
- The observation was made that with an audit, a level of assurance is provided. However, Council noted that it would be inappropriate for the Executive to provide a level of assurance, and the requirement on the part of the Executive was to present the facts to Council to allow Council to make their own assessment;
- In response to a question about whether a similar paper would be presented in relation to registration appeals, the Council noted that this should be done on a risk basis and so it would be of more value for the Council to look at an audit of the Investigating Committee panel decisions. It was agreed that this would be presented to Council in May.

5.4 The Council approved the paper.

Item 6.14/204 Department of Health response to HCPC’s Health Committee Report (report ref:-HCPC175/14)

6.1 The Council received a report from the Executive.

6.2 The Council noted that the Department of Health had responded to the Health Committee’s report of its accountability hearing with the HCPC in January 2014. They have responded to those recommendations made by the

Committee which were for the Government and those recommendations which were about the extension of statutory regulation. The Committee has also formally published the HCPC's response to its recommendations.

6.3 The Council noted that the Health Committee secretariat has recently advised that, owing to parliamentary time, the Committee would not hold another accountability hearing with us in the remainder of this parliament.

6.4 During discussion, the following points were made:-

- Aspirant groups had been contacted to provide information which would help HCPC's submission to the Health Committee in relation to statutory regulation. Now that the HCPC would not be called to another hearing during the current parliament, the Executive proposed that the Council would receive a paper with a summary of the submissions at the February meeting of Council and, depending on discussions, a letter to be sent to the Health Committee setting out our position;
- Concern was raised in relation to the final paragraph of the Department of Health's (DH) response which stated that "The DH notes the HCPC's assertion that statutory regulation gives professions "A huge badge of respectability, professionalism and endorsement." We consider that this statement does not reflect the purpose of regulation, which is public protection." Some members felt that this was a misrepresentation and in fact the Health Committee's report contained a strong sense that regulation enhances public confidence in a profession elsewhere; and
- With reference to recommendation eight, the Health Committee are in agreement with the HCPC that voluntary registers are not an effective means by which to regulate a profession.

6.5 The Council approved the paper.

Item 7.14/205 Customer Service Feedback – 6 monthly review (report ref:- HCPC176/14)

7.1 The Council received a report from the Executive.

7.2 The Council noted that the paper set out feedback received between 1 April 2014 and 30 September 2014. The paper outlines the feedback trends over the last six months and also summarises some of the corrective action that has been put in place as a result of stakeholder feedback.

7.3 During discussion the following points were made:-

- In relation to the graph illustrating the distribution of complaints received across two year cycles, it was noted that should the complaints received from social workers during their renewal period be removed, the level of complaints overall was relatively stable;

- There was discussion about the possibility of moving from an '0845' telephone number to an '03' telephone number since this was the root cause of a number of complaints. The Council noted that any move in telephone numbers would need to be considered alongside the requirement to move telephone services to ensure we could continue to have the option to take card payments over the telephone;
- The suggestion was made that we publish corrective actions in a "You said, we heard" style. It was noted that corrective actions do appear on the feedback part of the website;
- It was noted that the root cause of a number of complaints was attributable to legislation; and
- In response to a question, the Council noted that customer feedback was not a specific part of the PSA performance review. However, the PSA ask for third party feedback as part of their process.

7.4 The Council approved the paper.

Item 8.14/206 Results of the consultation on Rules for professional indemnity (report ref:-HCPC177/14)

8.1 The Council received a report from the Executive.

8.2 The Council noted that approval was being sought to the amendment to the Health and Care Professions Council (Registration and Fees) Rules 2003 in order that we could fully implement the new statutory requirement for our registrants (other than social workers in England) to have an appropriate professional indemnity arrangement in place as a condition of registration with us.

8.3 The Council noted that an addendum had subsequently been issued which set out the Rules that had now been agreed by the Department of Health.

8.4 The Council:-

- (i) agreed the proposed Rules for professional indemnity (subject to minor editing amendments and formal legal scrutiny); and
- (ii) agreed the text of the consultation response analysis document (subject to minor editing amendments and formal legal scrutiny).

[A short break was taken at 10.40am and the meeting resumed at 10.55am.]

Corporate Governance

Item 9.14/207 Appointment of Chair of Council (report ref:-HCPC178/14)

9.1 The Council received a report from the Executive.

9.2 The Council noted that approval was being sought for the assessment and selection panel which would be involved in the recruitment of the new Chair, due to take office on 1 July 2015. In addition, Council were being given the opportunity to comment on the process

9.3 During discussion, the following points were made:-

- That in drawing up the composition of the panel, the Executive gave consideration to the guidance issued by the PSA;
- Concern was expressed that whilst the Council were in full support of the incumbent Chair sitting on the assessment and selection panel, should the PSA raise any issues, this could impact on the timetable to appoint the Chair;
- A concern was raised that the competencies for the appointment of Chair may raise gender issues. Other members of Council felt that since these were agreed unanimously by Council in September 2014, it was important to run the exercise using the competencies;
- The Council were in agreement that having the incumbent Chair on the panel would ensure that the interests of the organisation were represented;
- A concern was expressed that having the incumbent chair on the panel may lead to appointing someone of a similar image. However, after discussion, members were comfortable that on the basis this had been raised, the panel would be mindful of this during the recruitment process;
- It was noted that the panel would look to recommend a term of three and a half years to bring the Chair's recruitment back into line with the Council member recruitment process which would in turn ensure that any future process could be opened up to both registrants, and lay candidates not on the current Council.

9.4 The Council agreed:-

- (i) the assessment and selection panel to comprise of Gareth Hadley, Chris Dearsley and Anna Van der Gaag; and
- (ii) the appointment process document.

Item 10.14/208 Review of Partner and Council Member Fees 2014 (report ref:- HCPC179/14)

- 10.1 The Council received a paper for discussion from the Executive.
- 10.2 The Council noted that QCG had been appointed to carry out a review of Council member and Partner fees and this included the remuneration of Chairs. Their findings, which were presented to Council as a report, also included details of reading time and expenses.
- 10.3 During discussion, the following points were made:-
- That the proposal to increase fees by 2% annually was a sensible approach;
 - That whilst there was some disparity between pay amongst comparable organisations, there was no shortage of applicants for partner or Council member posts and so the daily fee was pitched appropriately;
 - That whilst some members of Council felt that the Council Chair should be paid a salary to reflect the additional responsibilities undertaken, others felt that this approach (i.e. that Council members and the Chair were paid the same daily rate) was reflective of the culture of the organisation in that everyone was viewed as 'an equal around the table'. Furthermore, the allowance was to be proportionate to the time given to the organisation;
 - Concern was expressed that a daily rate approach to the Chair's remuneration may preclude some people from applying for the role as they would not have certainty in terms of their earnings;
 - Some members expressed the view that the daily rate paid to the Chair was a positive message to send to registrants.
- 10.4 The Council agreed:-
- (i) from 1 April 2015 fees for all partner roles (except CPD assessors) should be increased by £10 per day (or by £3 per assessment for Visitors and Registration Assessors);
 - (ii) from 1 April 2015, fees payable for Council roles should be increased by £10 per day;
 - (iii) from 1 April 2016 fees for all partner roles (except CPD Assessors) should then be increased by 2% annually until 1 April 2018; and
 - (iv) from 1 April 2016, fees for Council roles should then be increased by 2% annually until 1 April 2018.

Item 11.14/209 Proposed changes to Financial Regulations and the Scheme of Delegation (report ref:-HCPC180/14)

- 11.1 The Council received a paper for discussion from the Executive.
- 11.2 The Council noted that the paper was seeking approval for changes to the Financial Regulations to include an increase to the Chief Executive's limit for authorisation of expenditure and to simplify the rules for approval of travel and subsistence claims.
- 11.3 The Council agreed that 11.1 should read "a statement of the HCPC's priorities...." not "a statement of the Council's priorities..." to ensure clarity in terms of roles.
- 11.4 The Council approve the proposed changes to the Financial Regulations and the Scheme of Delegation identified in Appendices 2 and 3.

Item 12.14/210 Minutes of the Audit Committee held on 9 October 2014 (report ref:-HCPC181/14)

- 12.1 The Council received a paper for approval from the Executive.
- 12.2 The Council approved the recommendations therein.

Item 13.14/211 Minutes of the Audit Committee held on 14 November 2014 (report ref:-HCPC182/14)

- 13.1 The Council received a paper for approval from the Executive.
- 13.2 The Council approved the recommendations therein.

Item 14.14/212 Any other business

- 14.1 There were no further items for consideration.

Item 15.14/213 Meeting evaluation

- 15.1 The Council noted that some consideration had been given to amending the order of items on the agenda. However, the rationale for the current structure was that the management information considered on day one could inform decisions about strategy considered on day two. It was therefore agreed that the agenda would remain the same with one exception in that, where possible, there would be one strategy report considered on day one. This approach would be reviewed in six months' time.
- 15.2 A suggestion was made that the meeting on day one could start at 1pm rather than 2pm. It was agreed that this would be raised once the new members had started.

- 15.3 It was agreed that an additional operational paper would be added to the day one agenda at the end of the departmental reports. This would provide an opportunity for the Chief Executive to follow up on any issues raised and inform the Council of any outstanding issues.

Item 16.14/214 Date and time of next meeting

- 16.1 Council induction (not open to the public) – Thursday 15 and Friday 16 January.
Council meeting – Wednesday 11 and Thursday 12 February 2015 at The Council Chamber, Health and Care Professions Council, Park House, 184 Kennington Park Road, London SE11 4BU.

Item 17.14/215 Resolution

- 17.1 The Council agreed to adopt the following resolution:-

‘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 No	Reason for exclusion
18	c
19	c, h
20	c

Item 18.14/216 Audit Tender Result (report ref:-HCPC183/14)

- 18.1 The Council received a paper for discussion from the Executive. The Council noted the process for appointment of the internal auditor, namely Grant Thornton. The Council further noted that the terms of the contract had been approved by Bircham Dyson Bell.

18.2 The Council agreed that Grant Thornton LLP should be appointed as internal auditor for a period of three years.

Item 19.14/217 Minutes of the private part of the Audit Committee held on 9 October 2014 (report ref:-HCPC184/14)

19.1 The Council received a paper for approval from the Executive.

19.2 The Council approved the recommendations therein.

Item 20.14/218 Minutes of the private part of the Audit Committee held on 14 November 2014 (report ref:-HCPC185/14)

20.1 The Council received a paper for approval from the Executive.

21.2 The Council approved the recommendations therein.

Chair:

Date: