

**Council**

**Minutes of the 103<sup>rd</sup> meeting of the Health and Care Professions Council as follows:-**

**Date:** Thursday 11 February 2016

**Time:** 10am

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

**Present:** Elaine Buckley (Chair)  
Stephen Cohen  
Maureen Drake  
Sonya Lam  
Eileen Mullan  
Joanna Mussen  
Robert Templeton  
Joy Tweed  
Nicola Wood  
Stephen Wordsworth

**In attendance:**

Laura Coffey, Investigations Manager (Items 1-10)  
Guy Gaskins, Director of Information Technology  
Teresa Haskins, Director of HR  
Kelly Holder, Director of Fitness to Practise  
Imran Inamdar, Case Support Manager (Items 1-10)  
Jonathan Jones, Stakeholder Manager  
Jacqueline Ladds, Director of Communications  
Louise Lake, Director of Council and Committee Services  
Zoe Maguire, Head of Adjudications  
Fiona Palmer, Partner Manager  
Greg Ross-Sampson, Director of Operations  
Marc Seale, Chief Executive and Registrar  
Eve Seall, Head of Case management  
Sarita Wilson, Head of Service Improvement, FtP

## Public Agenda – Part 2

### **Item 1.15/299 Chair's welcome and introduction**

- 1.1 The Chair welcomed Council members and those seated in the public gallery to the 103<sup>rd</sup> meeting of Council.

### **Item 2.15/300 Apologies for absence**

- 2.1 Apologies were received from Richard Kennett.

### **Item 3.15/301 Approval of Agenda**

- 3.1 The Council approved the agenda.

### **Item 4.15/302 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 5.15/303 HR Departmental Update**

- 5.1 The Council received a report from the Executive.
- 5.2 The Council noted the activities of the HR department.
- 5.3 During discussion the following points were made:-
  - Consideration needed to be given to the HR implications of the recent government announcement that social workers in England would be regulated by a new regulator;
  - With reference to the figures on page 10 of the report, it was noted that it would be useful to see a breakdown of compulsory leavers and the number of those which were being performance managed. It was noted that this would be more appropriate within an annual update rather than the monthly update;
  - In response to a query about the role of the Remuneration Committee, the Council agreed that the Committee should consider a paper in relation to their terms of reference. Since the Remuneration Committee is a non-statutory Committee, should they wish to make any amendments to their terms of reference, this would need to be done by the Council;

- The training for Council on Equality and Diversity was in hand. It was important to ensure that the new provider was able to adapt their training to suit the needs of Council members;
- That the numbers of partners being trained may look low but this figure was dependent upon the number of new partners;
- Recruitment in all areas was progressing well although particular difficulties were being experienced in relation to Finance and IT specialists.

5.4 The Council noted the report.

### **Item 6. 15/304 Fitness to Practise Departmental Update**

6.1 The Council received a report from the Executive.

6.2 The Council noted the main activities of the Fitness to Practise department in December 2015. It includes statistical information, including length of time data, for the period April to December 2015.

6.3 During the discussion the following points were made:-

- In response to whether there was flexibility within the FtP team to reallocate resources as appropriate, the Council noted that the case manager role was currently being reviewed to ensure a level of flexibility. Furthermore, scheduling resources would be considered to ensure they were at an appropriate level;
- The Council noted those mechanisms in place to ensure the physical and emotional wellbeing of the FtP employees when dealing with difficult cases;
- There was a brief discussion in relation to the low number of complaints that were raised by colleagues. It was noted that colleagues may make more complaints but these come up through the employer and so are categorised accordingly. The Council noted that this issue could be addressed by the new 'Standards of Conduct, performance and ethics.' In addition, through the events put on by the HCPC, the message was being reinforced in relation to raising a complaint about a colleague if there were concerns. There were also mechanisms within the NHS to facilitate this;
- Morale had been boosted for those employees working in the new accommodation at 405 Kennington road;
- The Registration appeals function had now transferred over to the Registration Team;

- The number of complaints relating to FtP cases were generally linked to the number of FtP cases that had been closed pre-investigating Committee stage;
- The Council noted the cyclical nature of some of the FtP Department's work, e.g. Health and Character cases.

6.4 The Council discussed and noted the report.

### **Item 7. 15/305 Independence in Adjudication**

7.1 The Council received a report from the Executive.

7.2 The Council noted the operational and governance arrangements for the new tribunal service.

7.3 During the discussion the following points were made:-

- The Council noted that the Executive reporting arrangements for the Tribunal Service were still to be determined and would be considered by Council in due course;
- The Council requested that any paper for consideration in relation to the Tribunal Service should also consider those options that were discounted and the reasons for this;
- The next paper due to be submitted to Council in May needed to include the risks and financial implications of establishing an independent tribunal service;
- Other than the GMC, no other UK regulator is moving towards an independent tribunal service arrangement. It was noted that it was not known whether the GMC had evaluated the benefits of a move to this arrangement.

7.4 The Council discussed and noted the contents of the paper.

### **Item 8. 15/306 Mediation Pilot**

8.1 The Council received a report from the Executive.

8.2 The Council noted that the Fitness to Practise department has been trialing a mediation pilot since September 2013. To date, only one case had been through the mediation process successfully and in light of this, the Council was asked to confirm whether it should continue.

8.3 During the discussion the following points were made:-

- That the resources required to continue to run the pilot would be minimal since all the processes were already in place;
- That the points at which mediation could be pursued by those involved in a Fitness to Practise case were determined by legislation;
- Criteria was in place which determined whether a case was suitable in terms of pursuing mediation;
- It was important to look at ways to promote this and have less focus on a 'pilot' and make it more mainstream;
- With reference to paragraph 5.1, entitled 'mediation refused,' the suggestion was made that the language be amended and the paragraph be entitled 'mediation declined;'
- Some concern was expressed that this pilot may be a distraction from other more important work streams;
- The suggestion was made that there be greater incentives for those who pursue the mediation route;
- Currently, should a complainant decide to pursue the mediation route as an alternative to the final hearing, there was no option to reconsider and hold a final hearing. It was important to seek advice about whether this was a mechanism that could be introduced. The Council noted that this would inevitably mean a change to legislation which would, in all likelihood, take two to three years;
- Council noted that the option to pursue mediation for those involved in FtP cases was an important message to our stakeholders about the type of organisation we are;
- The suggestion was made that we look at other organisations that use this mechanism and see if any learning points can be taken away;
- There was discussion about the use of the term 'pilot' and how the mediation scheme being piloted could be embedded within the fitness to practice process. It was agreed that legal advice should be sought about the terminology and the process for making the pilot process business as usual activity. The process should be reviewed in one year's time.

8.4 The Council agreed to continue with mediation for one further year. Further consideration would be given to whether this was continued at that time.

### **Item 9.i.15/307 Summary of HCPC's Memorandum of Understandings**

- 9i.1 The Council received a report from the Executive.
- 9i.2 The Council noted the current memorandums of understanding (MOU) we have and those we are developing.
- 9i.3 During the discussion the following points were made:-
- There was not always a formal MOU in place with an organisation but instead, an informal agreement in relation to information sharing;
  - That it was important to have a lead contact or responsible officer for all MOU's. The Council noted that consideration would be given to putting a 'lead person' in place for all MOU's when they are reviewed.
- 9i.4 The Council noted the contents of the paper.

### **Item 9.ii. 15/308 Review of the Professional Standards Authority audit of the Nursing and Midwifery Council**

- 9ii.1 The Council received a report from the Executive.
- 9ii.2 The Council noted the key points made by the PSA in the audit report of the NMC's fitness to practice process. It also set out what measures the HCPC has in place, as well as on-going and planned activities, to address the points raised.
- 9ii.3 During the discussion the following points were made:-
- That whilst the NMC do have the equivalent of our 'Quality Compliance Team', we could not be sure about their framework and remit;
  - The Council noted the new approach for the PSA annual performance review.
- 9ii.4 The Council noted the contents of the report.

### **Item 10. 15/309 In Search of Accountability: A review of the neglect of older people living in care homes investigated as Operation Jasmine (2015) – an update for Council**

- 10.1 The Council received a report from the Executive.
- 10.2 The Council noted the Welsh Government published a review of care failings in a number of care homes as investigated under Operation Jasmine in

2015. The report made a number of recommendations which are pertinent to the HCPC and other regulatory bodies. It also explained our response to the recommendations made by the review which are relevant to us and other regulatory bodies.

10.3 The Council noted the paper.

#### **Item 11. 15/310 Operations Departmental Update**

11.1 The Council received a report from the Executive.

11.2 The Council noted the main activities of the Operations department.

11.3 During the discussion the following points were made:-

- The new Registration system would alleviate any risk of incorrect entries to the Register;
- The Council noted the update in relation to the disaster recovery plan and moving it from hard copy to portable devices.

11.4 The Council noted the contents of the report.

#### **Item 12. 15/311 Communications Departmental Update**

12.1 The Council received a report from the Executive.

12.2 The Council noted the main activities of the Communications department.

12.3 During the discussion the following points were made:-

- The programme of events for 2016 had now been agreed and so this would be circulated to Council members so that they could decide upon those events that they would wish to be involved in;
- That in terms of communication messages to social workers in England, we continued to highlight the importance of registration and that HCPC continues to be the regulator;
- That meetings with David Brindle from the Guardian, and Judy Cam from Community Care would take place in the coming weeks.

12.4 The Council noted the contents of the report.

#### **Item 13.15/312 Chief Executive's Summary of key issues**

13.1 The Council noted the following points:-

- Steve Hall, Facilities Manager, would be leaving after 10 years in post. His hard work was acknowledged;
- There were now over 340k registrants on the HCPC Register;
- The new registration system project would focus initially on the CPD process;
- As soon as there was any clarification from Government in terms of their policy, the Council would be informed.

#### **Item 14.15/313 Any other business**

14.1 There were no additional items for consideration that day.

#### **Item 15.15/314 Meeting Evaluation**

15.1 The following points were noted:-

- There had been a good level of debate and discussion during the course of the meeting;
- Consideration should be given to using social media to a greater extent to promote those items that will be considered as part of the Council meeting;
- That arrangements would be made over the coming weeks for each Council member to undertake their annual appraisal.

#### **Item 16.15/315 Date and time of next meeting**

15.1 Tuesday 22nd March 2016 at 2pm and Wednesday 23rd March 2016 at 10am at Park House, 184 Kennington Park Road, London SE11 4BU.

Chair: Elaine Buckley

Date: 12.04.2016