

Council

Minutes of the 106th meeting of the Health and Care Professions Council as follows:-

Date: Wednesday 6th July 2016

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
Maureen Drake
Richard Kennett
Sonya Lam
Joanna Mussen
Robert Templeton
Graham Towl
Joy Tweed
Nicola Wood
Stephen Wordsworth

In attendance:

Claire Amor, Information Governance Manager
Nicole Casey, Policy Manager
Guy Gaskins, Director of Information Technology
Andy Gillies, Director of Finance
Michael Guthrie, Director of Policy and Standards
Teresa Haskins, Director of Human Resources
Kelly Holder, Director of Fitness to Practise
Jacqueline Ladds, Director of Communications
Greg Ross-Sampson, Director of Operations
Marc Seale, Chief Executive and Registrar

Public Agenda – Part 1

Item 1.16/89 Chair's welcome and introduction

- 1.1. The Chair welcomed Council members and those seated in the public gallery to the 106th meeting of Council.

Item 2.16/90 Apologies for absence

- 2.1 Eileen Mullan sent her apologies.

Item 3.16/91 Approval of Agenda

- 3.1 The Council approved the agenda.

Item 4.16/92 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 5.16/93 Minutes of the Council meeting of 19 and 20 May 2016

- 5.1 The Council considered the minutes of the 105th meeting of the Health and Care Professions Council.
- 5.2 The Council agreed the minutes.

Item 6.16/94 Matters arising

- 6.1 The Council noted those matters arising from the meetings held on 19 and 20 May 2016.
- 6.2 The Council noted the report.

Item 7.16/95 Chair's report

- 7.1 The Council received a report from the Chair.
- 7.2 The Council noted that the Chair, Chief Executive and Director of Policy and Standards attended the World Health Professions Regulation Conference on 21 and 22 May. The Council discussed the question emerging from the conference regarding risk based regulation. The Council agreed that the Audit Committee should consider the question of how risk based the HCPC's approach was at a future meeting.

7.3 The Council noted that the Chair would be leading a Council briefing session in September on her experiences of the IMD programme's governance sessions.

7.4 The Council noted the report.

Item 8.16/96 Chief Executive's report

8.1 The Council received a report from the Chief Executive.

8.2 The Council discussed recent international engagement. It was noted that The New Zealand Dental Council visited the HCPC on 23 May and the HCPC visited the Ministry of Health in Toronto on 20 June. The Ministry of Health in Malaysia also visited the HCPC in June and a further three of their employees will be visiting the HCPC in August. It was noted that these organizations' faced similar issues.

8.3 The Council noted the report.

Item 9.16/97 New Regulatory body for social work

9.1 The Council received a verbal update on developments following the announcement on 14 January 2016 by Rt. Hon. Nicky Morgan MP, Secretary of State for Education that a "new regulatory body for social work" would be setup in England.

9.2 During discussion, the following points were made:-

- the Children and Social Work Bill was published and received its first reading in the House of Lords on 19 May 2016. The second reading took place on 14 June 2016;
- concerns about the use of delegated powers in relation to establishing the new regulator were raised by a number of peers during the second reading;
- a number of peers also questioned the Government's decision to establish a new regulator, and a number highlighted the HCPC's good performance as the regulator of social workers in England;
- the House of Lords Select Committee on the Constitution published a report on the Bill on 13 June. The Committee raised concern about the appropriateness of introducing legislation which would give powers to create a regulator of social workers to the Secretary of State via regulations, rather than setting out the detail to some degree on the face of the Bill;

- a report from the House of Lords Delegated Powers Committee recently made similar findings to Constitution Committee, criticising part two of the Bill for not including anything about ‘the identity of the regulator, or about its membership and constitution’;
- the next stage is the Committee stage. This is where line-by-line examination of the Bill first takes place. Amendments can be put forward and voted on. The consideration of the Bill is likely to continue into the next session of Parliament from September 2016; and
- the Council noted that a meeting with Department of Health and Department for Education officials to discuss the planned reforms to social worker regulation is currently scheduled for 11 July 2016.

Item 10.16/98 Reforming health and care professional regulation

10.1 The Council received a presentation from the Chief Executive regarding health and care professional regulation reform.

10.2 During the presentation, the following points were made:-

- Ben Gummer MP, Parliamentary Under Secretary of State for Health, wrote to the regulatory body chairs on 26 May 2016. His letter confirms a forthcoming policy consultation which is anticipated to take place in autumn 2016;
- the four country governments are arranging a series of five stakeholder ‘pre-consultation events’. These events will take place in July and August 2016 and one of the regulators will give a short address at each of the events. The HCPC is supporting the event in Cardiff on 20 July 2016;
- pre-consultation meetings have focused on three themes’ the purpose of regulation, agile regulation and cost effective regulation. Other themes include, the number of regulators, governance, autonomy and accountability;
- a Department of Health meeting scheduled to take place on 6 July 2016 will be focused on role the regulators might be able to play in ‘prevention’ of fitness to practise issues;
- the role of regulators in prevention was discussed in the Profession Standards Authority (PSA) ‘Rethinking regulation’ and is likely to be a theme addressed in the forthcoming consultation. The HCPC recently commissioned research looking at the prevalence of fitness to practise concerns about paramedics and social workers engages this agenda; and

- the HCPC will continue to seek legislative changes via Section 60 orders. The changes sought to fitness to practise rules could result in cost savings that could be directed to increased work on prevention.
- 10.3 The Council noted that in due course a consultation will require a response from the HCPC and so Council's views are being sought at this point to shape the Executives drafting. The Council agreed that public protection considerations should be at the forefront of any response and any proposed changes.
- 10.4 The Council agreed that having more than one regulator reduced risk in terms of organisational failure, it also enables comparison between similar organisations to be made.
- 10.5 The Council agreed that the HCPC should highlight its achievements and experiences in establishing a successful model of multi profession regulation
- 10.6 The Council discussed the theme of governance. It was agreed that four country representation on the Council was important and that the Council should not increase in size. The Council considered that the challenge in a unitary board model was clarity of responsibility and the risk of a 'two tier' structure developing with Executives and Non-Executives.
- 10.7 The Council noted that the Executive would be considering the themes outlined in the presentation as well as social worker regulation at its away day in July. It was agreed that a summary report of these discussions would be presented to the Council.
- 10.8 The Council noted that dependent on progress an update paper would be presented at the September meeting, with email updates provided in the interim.
- 10.9 The Council noted the paper.

Item 11.16/99 Education report

- 11.1 The Council noted this paper.

Item 12.16/100 Minutes of the Education and Training Committee 9 June 2016

- 12.1 The Council considered and approved the minutes of the public section of the 70th meeting of the Education and Training Committee.

Item 13.i.16/101 Consultation on revised returning to practice guidance For discussion and approval

- 13.i.1 The Council received a paper from the Executive.

- 13.i.2 The Council noted that, in late 2014, a senior manager from the Australian Health Practitioner Regulation Agency (AHPRA) on placement undertook a rapid appraisal of the HCPC's return to practice requirements and guidance. The appraisal highlighted the need for further clarity and guidance in a number of areas, and as a result the HCPC committed to reviewing the 'Returning to practice' guidance document.
- 13.i.3 The Council noted that, at its meeting in June 2016, the Education and Training Committee recommended the revised guidance and consultation document to the Council for approval. The Executive currently expects that the consultation will run for 12 weeks between mid-July and early October 2016.
- 13.i.4 The Council noted that the Education and Training Committee had requested clarification on the issue of annotations being retained by those returning to practice. It was noted that legal advice had said that requiring separate evidence for currency of skills for annotations would be out of keeping with the approach taken for the professional to judge what is required to ensure adequacy.
- 13.i.5 The Council approved the consultation document and draft revised guidance for consultation, subject to formal legal scrutiny and minor editing amendments.

Item 13.ii.16/102 Consultation on revised standards of education and training (SET's) and supporting guidance

- 13.ii.1 The Council received a paper from the Executive.
- 13.ii.2 The Council noted that, at its meeting in June 2016, the Education and Training Committee recommended the draft revised standards of education and training and the consultation document to the Council for approval. The Executive currently expects that the consultation will run for 12 weeks between 5 September and 25 November 2016.
- 13.ii.3 The Council approved the consultation document and draft revised guidance for consultation, subject to formal legal scrutiny and minor editing amendments.

Item 13.iii.16/103 Outcomes on consultation on draft standards for use of exemptions by orthoptists to sell, supply and administer medicine

- 13.iii.1 The Council received a paper from the Executive.
- 13.iii.2 The Council noted that legislative amendments which came into effect on 1 April 2016 introduced exemptions to enable orthoptists who are appropriately trained to sell, supply and administer certain prescription only medicines without the usual need for a prescription.

- 13.iii.3 The Council noted that the HCPC ran a public consultation between 8 March and 3 May 2016 on the draft standards for the use of exemptions by orthoptists to sell, supply and administer medicines.
- 13.iii.4 The Council noted that, at its meeting in June 2016, the Education and Training Committee agreed to recommend the consultation response document and draft standards to Council for approval.
- 13.iii.5 The Council approved the text of the consultation analysis document and the standards for the use of exemptions by orthoptists, subject to minor editing amendments and formal legal scrutiny.

Item 13.iv.16/104 Outcomes on consultation on renaming the ‘local anaesthetic’ and ‘prescription only medicines’ annotation for chiropodists and podiatrists

- 13.iv.1 The Council received a paper from the Executive.
- 13.v.2 The Council noted that the HCPC ran a public consultation between 8 March and 3 May 2016 on renaming the ‘local anaesthetic’ and ‘prescription only medicines’ annotations in order to ensure that they reflect the respective exemption lists to which they refer, and also that they are easily understood by professionals and members of the public who use the online Register.
- 13.v.3 The Council noted that as a result of the consultation it is proposed that the annotation ‘Local anaesthetics’ becomes ‘Prescription only medicines – administration’ and ‘Prescription only medicines’ becomes ‘Prescription only medicines – sale/supply’.
- 13.v.4 The Council noted that, at its meeting in June 2016, the Education and Training Committee recommended the consultation analysis document and the renaming, to the Council for approval.
- 13.v.5 The Council approved the the renaming of the annotations as set out in paragraph 13.v.2 and the text of the consultation analysis document, subject to minor editing amendments and formal legal scrutiny.

Item 13.v.16/105 HCPC response to the Report of the Mid Staffordshire NHS Foundation Trust Public Inquiry – Third update on commitments

- 13.v.1 The Council noted this paper.

Item 14. 16/106 Communications report

- 14.1 The Council noted this paper.

Item 15. 16/107 Minutes of the Remuneration Committee 20 May 2016

15.1 The Council considered and approved the minutes of the public section of the 19th meeting of the Remuneration Committee.

Item 16.16/108 Any other business

16.1 There were no additional items for consideration.

Item 17.16/109 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;

Item	Reason for Exclusion
18	b
19	a

- (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 18.16/110 Minutes of the private Remunerations Committee meeting of 20 May 2016

18.1 The Council considered and approved the minutes of the private section of the 19th meeting of the Remunerations Committee.

Item 19.16/111 Minutes of the private Education and Training Committee meeting of 9 June 2016

- 19.1 The Council considered and approved the minutes of the private section of the 70th meeting of the Education and Training Committee.

Chair: Elaine Buckley

Date: 21.09.2016