

Council

Minutes of the 104th meeting of the Health and Care Professions Council as follows:-

Date: Tuesday 22 March 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
Eileen Mullan
Joanna Mussen
Robert Templeton
Graham Towl
Joy Tweed
Nicola Wood
Stephen Wordsworth

In attendance:

Claire Amor, Information Governance Manager
Nicole Casey, Policy Manager
Laura Coveney, 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 HR
Kelly Holder, Director of Fitness to Practise, Secretary to Council
Jacqueline Ladds, Director of Communications
Greg Ross-Sampson, Director of Operations
Marc Seale, Chief Executive and Registrar
Edward Tynan, Policy Officer

Public Agenda – Part 1

Item 1.16/01 Chair's welcome and introduction

- 1.1. The Chair welcomed Council members and those seated in the public gallery to the 104th meeting of Council.

Item 2.16/02 Apologies for absence

- 2.1 There were no apologies received.

Item 3.16/03 Approval of Agenda

- 3.1 The Council approved the agenda.

Item 4.16/04 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 5.16/05 Minutes of the Council meeting of 10 and 11 February 2016

- 5.1 The Council considered the minutes of the 103rd meeting of the Health and Care Professions Council.
- 5.2 The Council agreed the minutes.

Item 6.16/06 Matters arising

- 6.1 The Council noted those matters arising from the meetings held on 10 and 11 February 2016.
- 6.2 The Council agreed that an action to obtain legal advice with regards to the mediation pilot should be added to the matters arising.
- 6.2 The Council noted the report.

Item 7.16/07 Chair's report

- 7.1 The Council received a report from the Chair.
- 7.2 During discussion, the following points were made:-

- the Council of Deans of Health have been helpful in promoting HCPC consultations and the meeting on 16 February with Prof Dame Jessica Corner, Chair, and Lizzie Jelfs, Director, helped to continue this positive relationship;
 - the meeting of 15 February with Hazel Winning Lead AHP and Peter McAuley AHP Deputy Principal was a good opportunity to share intelligence; and
 - the meeting of 14 March with the Institute of Biomedical Science did not take place and has been rescheduled.
- 7.3 The Council discussed the format of the Chair's report. It was agreed that the report should have a narrative accompaniment which picked up themes and current topics, and that an indication of who had initiated a meeting would increase transparency.
- 7.4 The Council noted the report.

Item 8.16/08 Chief Executive's report

- 8.1 The Council received a report from the Chief Executive.
- 8.2 During discussion, the following points were made:-
- the meeting with Dame Eileen Sills, the National Guardian (Freedom to speak up) on 8 February was to discuss plans to create a guardian for whistleblowing in each trust. Dame Eileen has since resigned her post;
 - a Memorandum of Understanding (MOU) was signed with the Regulation and Quality Improvement Authority (RQIA), Belfast on 15 February;
 - attendance at a meeting on the European Professional Card on 18 March confirmed that the alert system is up and running;
 - meetings with the Guardian and Community Care were held to discuss social work regulation; and
 - it is expected that the Queen's speech will take place on 18 May.
- 8.2 The Council noted the report.

Item 9. 16/09 New Regulatory body for social work

- 9.2 The Council were updated 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.

9.3 During discussion, the following points were made:-

- The Council reaffirmed its commitment to the statutory regulation of social workers in England and noted that it would remain the regulator of social workers in England until a new regulator opened its register.
- When concerns are raised by the HCPC's stakeholders concerning the quality of an education programme or the competencies of any registrant, the Executive should continue to seek to identify the organisation or individual and take appropriate action;
- It was agreed that if proposals to create a new regulator for social workers in England were included in the Queen's speech, the HCPC would proactively and robustly communicate its track record and the benefits of multi-profession regulation. A statement would be prepared and shared with Council ahead of release; and
- the HCPC will continue to provide effective and efficient regulation for all the professions on the register. In addition, the HCPC would continue to work with all its stakeholders to develop innovative approaches to regulation.

Item 10.i. 16/10 Month 11 management accounts

10.i.1 The Council received a paper from the Executive.

10.i.2 The Council noted the paper.

Item 10.ii. 16/11 Budget for 2016 – 2017

10.ii.1 The Council received a paper from the Executive.

10.ii.2 The Council noted the proposed budget for the year ending 31 March 2017 including the process for development of the budget, the income and expenditure, the capital expenditure, the cash flow and balance sheet and the reserves policy. The budget should be reviewed alongside departmental workplans which set out the objectives and priorities for each department, and the required resources.

10.ii.3 During discussion, the following points were made:-

- the overall position is a budgeted deficit for 2016-17 of £298k, which is less than the deficit previously indicated for 2016-17 in the Five Year Plan. The budget and the month 9 forecast for 2015-16 indicated a deficit for 2015-16, but due to stronger than expected income and progress on key projects, the actual result for 2015-16 is now likely to be a small surplus;

- the deficit in 2016-17 is expected to be followed by a surplus in each of the next three years, as the full effect of the registrant fee increase comes through;
- unlike some other public bodies, HCPC is not required to set a balanced budget every year. Council can reasonably approve a deficit budget for a given year if they are satisfied that over the longer term, HCPC's finances are sustainable;
- the budget includes the full year effect of the PSA levy and the costs of 405 Kennington Road;
- investment income is not included in the budget, this provides a form of contingency;
- budgets for Major Projects are inherently uncertain, and include a 15% contingency, and so are more likely to be overstated than understated; and
- the government's announcement that it intends to transfer regulation of Social Workers in England to a new body has not been taken into account in the budget because the government has not yet provided detail of its proposals.

10.ii.4 The Council discussed expenditure on projects. It was noted that EMT have regular project prioritisation discussions to ensure the right projects are progressed and that the main factor limiting the number of projects that can be run simultaneously is internal resource capacity.

10.ii.5 In response to a question it was noted that the HCPC does not currently have income streams outside of the registration fee. It was agreed that the Executive would look at this possibility.

10.ii.6 The Council agreed that the budget line of £5k for art should be removed from the budget.

10.ii.7 The Council agreed that the Remuneration Committee minutes would be considered by Council before the budget in 2017.

10.ii.8 The Council approved the budget for the year ending 31 March 2017 subject to the amendment agreed in paragraph 10.ii.6.

Item 10.iii. 16/12 Finance Department Workplan 2016 – 2017

10.iii.1 The Council received a workplan for 2016-2017 for the Finance department.

10.iii.2 The Council noted the planned activities for 2016-2017 which included ongoing operational processes, the implementation of the new procurement

policy and procedures, the development of the Five Year Plan model and delivering the PCI DSS project.

10.iii.3 The Council noted that the posts of Head of Financial Accounting and Finance and Procurement Officer had been filled. Recruitment for the Finance Business Partner post has not been successful and discussions were taking place about alternative ways to fulfil this role.

10.iii.4 The Council noted the Finance workplan for 2016-2017.

Item 11. 16/13 Outcome of the consultation on revised Guidance on conduct and ethics for students

11.1 The Council received a paper from the Executive.

11.2 The Council noted that the revised standards of conduct, performance and ethics (SCPE) for registrants were published in January 2016. As a result of changes to these standards, the Guidance on conduct and ethics for students (the guidance) has been amended to ensure that it continues to be fit for purpose.

11.3 During the discussion the following points were made:-

- the HCPC publicly consulted on the revised draft guidance between 19 October 2015 and 29 January 2016;
- feedback received on the revised guidance has been largely supportive; and
- the Education and Training Committee had considered and recommended to Council the draft guidance at their meeting on 3 March 2016.

11.4 The Council agreed the revised draft Guidance on conduct and ethics for students and the text of the consultation response analysis document (subject to minor editing amendments and formal legal scrutiny).

Item 12. 16/14 Outcome of the consultation on proposed amendments to the Registration and Fees and Practice Committee Rules

12.1 The Council received a paper from the Executive.

12.2 During the discussion the following points were noted :-

- as part of the Registration transformation and improvement project, amendments to the Registration and Fees Rules were consulted on between 5 October 2015 and 15 January 2016; and

- at their meeting of 3 March 2016, the Education and Training Committee agreed to recommend the amended rules and consultation document to Council for approval.

12.3 The Council agreed :-

- to make the Rules in Appendix 1 by applying the Council seal; and
- the text of the consultation responses document (subject to minor editing amendments).

Item 13. 16/15 Education Department Workplan 2016 – 2017

13.1 The Council received a workplan for 2016-2017 for the Education department.

13.2 The Council noted the planned activities for 2016-2017 which include regulatory operations, policy and process development, review of monitoring approach, launching an internal quality compliance and assurance framework and preparing and launching the approval process for programmes for orthoptists to use exemptions within medicines legislation.

13.3 In response to a question it was noted that resources can be redeployed if numbers exceeded the forecast as occurred last year.

13.4 The Council noted the Education workplan for 2016-2017.

Item 14. 16/16 Communications Department Workplan 2016 -2017

14.1 The Council received a workplan for 2016-2017 for the Communications department.

14.2 The Council noted the planned activities for 2016-2017 which include the implementation of public facing information campaigns including Be Sure and raising awareness of chiropody and podiatry protected titles, the all employee survey and subsequent action plan and communications work to raise awareness of the revised standards of conduct, performance and ethics

14.3 The Council discussed the 'be sure' campaign. It was noted that the campaign is focused on older female service users and their carers as market research has shown this group is a high user of HCPC professions.

14.4 The Council agreed that the stakeholder matrix and mapping documents should be included as a mitigation to the risk 3.2, loss of stakeholder support.

14.5 The Council noted the Communications workplan for 2016-2017.

Item 15. 16/17 Information Technology Department Workplan 2016 - 2017

- 15.1 The Council received a workplan for 2016-2017 for the Information Technology department.
- 15.2 The Council noted the planned activities for 2016-2017 which include the provision of twenty IT services and supporting the delivery of nine major projects and 22 departmental projects
- 15.3 The Council discussed sharing IT projects with other regulators. It was noted that the HCPC has used the experiences of other regulators when introducing new technology for example the Council iPads. However for major systems, legislation and therefore requirements differ too much to enable a 'one size fits all' solution.
- 15.4 The Council noted the Information Technology workplan for 2016-2017.

Item 16.16/18 Secretariat Department Workplan 2016 – 2017

- 16.1 The Council received a workplan for 2016-2017 for the Secretariat department.
- 16.2 The Council noted the planned activities for 2016-2017 which included an organisation-wide review of the implementation of the Data Protection and Freedom of Information Acts.
- 16.3 The Council noted the Secretariat workplan for 2016-2017.

Item 17.16/19 Remuneration Committee Minutes of 10 March 2016

- 17.1 The Council considered the public minutes of the 18th meeting of the Remuneration Committee.
- 17.2 The Council agreed the minutes.

Item 18. 16/20 Any other business

- 18.1 There were no additional items for consideration.

Item 19. 16/21 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
20	b
21	b

- (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.'

Summary of those matters considered whilst the public were excluded from the meeting

20.16/22 Remuneration Committee Minutes of 10 March 2016

20.1 The Council agreed the minutes of the private part of the Remunerations Committee meeting of 10 March 2016.

21.16/23 Tribunal update

21.1 The Council were updated in relation to an ongoing HR issue.

Chair: Elaine Buckley

Date: 06.07.2016