

Agenda Item 5

Enclosure 1

**Health and Care Professions Council
06 December 2017**

**Minutes of the Council meeting of 20 and 21
September 2017**

For discussion and approval

**From Claire Amor, Information Governance
Manager**

Council

Minutes of the 113th meeting of the Health and Care Professions Council as follows:-

Date: Wednesday 20 September 2017

Time: 2pm

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
John Barwick, Acting Director of Fitness to Practise
Guy Gaskins, Director of Information Technology
Andy Gillies, Director of Finance
Abigail Gorringe, Director of Education
Kellie Green, Head of FTP Operations
Michael Guthrie, Director of Policy and Standards
Teresa Haskins, Director of Human Resources
Kelly Holder, Director of Fitness to Practise
Louise Lake, Director of Council and Committee Services
John Witt, Capsticks Solicitors LLP
Greg Ross-Sampson, Director of Operations
Marc Seale, Chief Executive and Registrar
Matthew Smith, Bircham Dyson Bell LLP
Tian Tian, Head of Financial Accounting

Public Agenda

Item 1.17/127 Chair's welcome and introduction

- 1.1. The Chair welcomed Council members and those seated in the public gallery to the 113th meeting of Council.

Item 2.17/128 Apologies for absence

- 2.1 No apologies were received.

Item 3.17/129 Approval of Agenda

- 3.1 The Council approved the agenda.

Item 4.17/130 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 5.17/131 Minutes of the Council meeting of 6th July 2017

- 5.1 The Council considered the minutes of the 112th meeting of the Health and Care Professions Council.
- 5.2 The Council agreed the minutes.

Item 6.i.17/132 Matters arising

- 6.i.1 The Council noted those matters arising from the meetings held on 6 July 2017.
- 6.i.2 The Council noted the report.

Item 6.ii.17/133 Annual review of outstanding actions

- 6.ii.1 The Council received a report outlining progress made on Council actions September 2016 – July 2017. It was noted that the report will be presented annually.
- 6.ii.2 The Council noted the report.

Item 7.17/134 Chair's report

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

- the Chair and the Director of Policy and Standards met with Joanne Fillingham, the AHP lead for NHS Improvement. Discussion included apprenticeships for AHP roles. The Council discussed the focus on nursing in current plans and noted that workforce need is the primary driver for apprenticeship model growth;
 - the Chief Executive and Chair met with colleagues from the Council of Deans for Health (CoDH). The CoDH have recently launched their strategy which includes a theme of regulation. The HCPC Executive will continue to build on effective working relationships with the CoDH and identify opportunities for joint working; and
 - the Chair met with George Jenkins, Chair of the PSA, as part of a regular schedule of meetings. The draft HCPC 2016-17 PSA performance report was discussed along with the regulators' role in education quality assurance as part of the prevention agenda.
- 7.3 The Council discussed how the HCPC engages with four country stakeholder organisations. It was suggested that a forum or shared engagement activities with other regulators could reduce resource demands on smaller organisations. It was agreed that this would be considered in the upcoming stakeholder engagement session at the strategic away day.
- 7.4 The Chair congratulated the Chief Executive on his recent regulatory excellence award, awarded at the annual CLEAR conference in Denver. The award recognises the HCPC's multi profession regulatory model.
- 7.5 The Council noted the report.

Item 8.17/135 Chief Executive's report

- 8.1 The Council received a report from the Chief Executive.
- 8.2 During discussion the following points were noted:-
- the Law Commissions work on regulatory reform is likely to take the form of a series of Section 60 orders rather than primary legislation. A consultation on the regulation of physician's associates is expected to be published in the near future;
 - the PSA have shared the draft performance report for 2016-17. The HCPC has responded to the report and a final report is expected to be published in late September or early October 2017;
 - the HCPC responded to a recent PSA consultation on the standards of good regulation. A further consultation will follow on the wording of new standards;

- the Executive met with Department of Health (DoH) and the Department for Education (DofE) civil servants working on the social work regulator project on 19 September 2017;
- a joint conflicts of interest statement has been published with signatures from the nine regulators overseen by the PSA, including the HCPC;
- building work on 186 Kennington Park Road has been delayed over the summer due to exploratory works revealing some masonry to be in poor condition and requiring remediation work. A report outlining action taken will be presented to the Council on day two of the September meeting agenda;
- the Registration project is progressing with the new CPD portal in test stage; and
- outturn for 2017-18 will be reforecast in October based on the month 6 results.

- 8.3 The Council discussed the recent increase in employee turnover rates. It was noted that the decision to recruit on a fixed term basis only, taken due to the uncertainties presented by the new social work regulator announcement, had impacted on recruitment and retention. The strength of the London employment market also presents a challenge to attracting the right skills. The predominant reasons given for leaving are career progression and pay.
- 8.4 The Council noted the initiatives launched to improve employee retention in the longer term and that the Remuneration Committee may wish to consider the link between retention and pay in greater detail in future.
- 8.5 It was noted that internal communication on the new social work regulator is continuous and open, with regular briefings and intranet updates.
- 8.6 The Council discussed the impact of the vacancies in the Registration department. It was noted that the shortage of registration advisors impacts mainly on the service standards for answering calls due to the time required to train new advisors.
- 8.7 The Council agreed that, given the continued lack of clarity on the transfer timetable, the decision to recruit on a purely fixed term basis should be kept under review by the Executive.
- 8.8 The Council agreed that brief illustrative statement of the costs to the HCPC of the continuing uncertainty over plans for the new regulator should be produced alongside the 5 year plan model projections.
- 8.9 The Council noted that a recent meeting with the four country regulators of social workers discussed the issue of the joint MOU and mutual recognition. The HCPC encouraged the regulators to approach Frontline to explore how

the programme could adapt to meet their standards. The Council discussed the concerns the other regulators had and the implications of their decision not to register Frontline graduates. It was agreed that workforce mobility is in everyone's interests.

8.10 The Council noted the report.

Item 9.17/136 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.

9.2 The Council agreed that the new regulatory body for social work should remain as a distinct agenda item given its importance and impact for the HCPC.

Item 10.17/137 Review of the Code of Corporate Governance

10.1 The Council received a report from the Executive.

10.2 The Council noted that at the strategic away day in October 2016 and the Governance workshop held in February 2017, it was agreed that a full review of the Code of Corporate Governance should be undertaken, with a view to better utilising the Committees and strengthening reporting arrangements.

10.3 During discussion the following points were noted:-

- in order to inform the review, all Committees were asked to consider the effectiveness of the current arrangements and look at ways of addressing the issues raised;
- the proposed changes to the Education and Training Committee remit and composition require the Council to the affix the Common Seal to the Rules in accordance with Standing Order No 23;
- changes to the Remuneration Committee terms of reference were agreed by Council in May 2017;
- the Audit Committee considered the financial regulations in September 2017 and agreed to further consider changes in November 2017. It is expected that the Council will be presented with the reviewed regulations for approval in December 2017; and
- the Code of Conduct has been reviewed so as to incorporate the most salient provisions of the Member/Employee relations Protocol and thus remove the need for it to exist as a separate document.

- 10.4 The Council agreed that the work of the Committees provides valuable assurance to the Council and that members need to rely on that assurance and not duplicate business.
- 10.5 The Council welcomed the revised Code and agreed the decision points i through xii as set out below:-
- (i) That the ETC should be made up of six members, up to two of which should not be members of Council;
 - (ii) The ETC should be made up of at least one registrant member and at least one lay member;
 - (iii) That the ETC should continue to meet four times per year (as already determined within the Committee standing orders);
 - (iv) In accordance with best practise, the quoracy to continue to be half of the total number of Committee members plus one, i.e. 4;
 - (v) That the job specification for the two independent members of ETC be drawn up to attract candidates with (a) specific input from an individual with education quality assurance experience and (b) a recently qualified registrant i.e. someone that had qualified in the last five years;
 - (vi) That the ETP continue to be made up of the six members of the ETC (i.e. the ETC sitting as the ETP) with the quorum remaining at three;
 - (viii) That ETP to continue to hold ten meetings per annum although these will be more evenly spaced across the year and held at a specified, published time (i.e. not tagged onto the beginning or end of a Council or Committee meeting);
 - (ix) That the approach to training requests as set out in the pro forma at contained within the appendix;
 - (x) The Health and Care Professions Council (Education and Training Committee) (Constitution) Rules 2018 be approved and the Common Seal affixed;
 - (xi) Chair of Council and Chief Executive should not attend every meeting of Committees, instead attending when invited which would occur at least once a year; and
 - (xii) That the changes made to the suite of documents named 'The Code of Corporate Governance' as set out in the appendix be approved.

Item 11.i.17/138 Minutes of the Audit Committee meeting held on 5th September 2017

- 11.i.1 The Council considered the minutes of the Audit Committee held on 5 September 2017. An overview of the business considered was provided by the Chair of the Audit Committee.
- 11.i.2 The Council noted that the Audit Committee has agreed to tender for an External Audit provider to work with the NAO to certify the HCPC's accounts. The recommendation on the tender panel will be presented to the Council for agreement in December 2017.
- 11.i.3 The Council noted the minutes.

Item 11.ii.17/139 Expenses Policies

- 11.ii.1 The Council received a report from the Executive.
- 11.ii.2 The Council noted that the expense policies were reviewed by the Audit Committee on 5 September and recommended to the Council for approval. Following the change in the Remuneration Committee's terms of reference, future reviews will be undertaken by the Remuneration Committee.
- 11.ii.3 The Council discussed the proposed change to require receipts for items under £5. It was noted that this change is proposed to reduce the risk of abuse of the policy and criticism for not ensuring proper use of registrants' funds. Following discussion the Council agreed that the change was reasonable.
- 11.ii.4 The Council discussed the appropriateness of business class flights as allowed in the policy. It was noted that this is for longer journeys only and that often those travelling do so in their own time and are expected to work at the destination without a rest period.
- 11.ii.5 The Council approved the revised expense policies.

Item 12.17/140 Annual report – Key Financial information

- 12.1 The Council received a report from the Executive.
- 12.2 During discussion the following points were noted:-
- the summary is extracted from the full annual report and accounts for 2016-17;
 - the document intends to present the HCPC's finances in a more accessible and visual manner than the full annual report and accounts and uses the visual style first used in the latest Education Annual Report;

- the Executive is reviewing the current format of the full annual report and accounts with a view to widening its scope to include a broader discussion of performance; and
 - a paper setting out the Executive's proposals for a revised format will be presented to the Council at a future meeting.
- 12.3 The Council queried the origin of the symbols used to represent the different HCPC professions. It was noted that these symbols are used throughout HCPC publications and that the Executive would report back to the Council on their origin.
- 12.4 The Council discussed the target audience of the document and noted that it will be published online only.
- 12.5 The Council welcomed the review of the scope of the annual report and accounts but noting that a more corporate style report will require more resource and a longer production time.
- 12.6 The Council approved the summary annual report for publication. It was agreed that the annual report for 2018-19 should explore the inclusion of more non-financial activity.

Item 13.17/141 Fitness to Practise Annual report

- 13.1 The Council received a report from the Executive.
- 13.2 The Council noted that the report provides a factual summary of fitness to practise activity for the period 1 April 2016 to 31 March 2017 and includes the same data sets, and follows a similar format, to previous reports.
- 13.3 The Council noted that the Health and Social Work Professions Order 2001 requires that the HCPC annually publish a fitness to practise report. As in previous years, a separate, shorter document, Fitness to Practise – key information 2017, will be published alongside the report.
- 13.4 The Council discussed the content of the report. It was agreed that future report should include more information on the nature of concerns raised, as this would enhance the reports usefulness to stakeholders.
- 13.5 The Council discussed the number of concerns raised as a proportion of the register. The Council agreed that the low proportion is a key message to communicate to readers. The Council agreed that benchmarking the HCPC professions against other professions could provide insight.
- 13.5 The Council approved the text of the 2016-17 Fitness to Practise Annual report, subject to any necessary editorial or stylistic amendments.

Item 14.17/142 Resolution

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; 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
15	a, b ,c, h
16	g
17	g
18	c
19	b

Summary of matters discussed in private session;

- The Council approved the private minutes of the Council meeting of 6 July 2017.
- The Council discussed the most recent iteration of 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 discussed the first draft of the PSA's 2016-17 performance review of the HCPC. This draft was provided by the PSA in confidence and is not for publication. The final report is due to be published in October 2017.
- The Council ratified the recommendation of the Remuneration Committee appointment panel for the independent member of the Committee.

Chair:

Date:

Draft

Council

Minutes of the 113th meeting of the Health and Care Professions Council as follows:-

Date: Thursday 21 September 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)
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
John Barwick, Acting Director of Fitness to Practise
James Bowell, Project Portfolio Manager (item 7)
Martha Chillingworth, Senior Project Manager (item 7)
Laura Coffey, Head of Case Reception and Triage
Caitlin Drysdale, Media and PR officer (items 1-6)
Guy Gaskins, Director of Information Technology
Ann Gallagher, University of Surrey (item
Andy Gillies, Director of Finance
Abigail Gorringe, Director of Education
Michael Guthrie, Director of Policy and Standards
Teresa Haskins, Director of Human Resources
Louise Lake, Director of Council and Committee Services
Jacqueline Ladds, Director of Communications
Greg Ross-Sampson, Director of Operations

Marc Seale, Chief Executive and Registrar
Louise Shewey, Media and PR officer (items 1-6)
Alan Shillabeer, Head of Investigations
Katherine Timms, Policy Manager
Anna van der Gaag, University of Surrey
Alex Urquhart, Stakeholder Communications Officer (items 1-6)

Draft

Public Agenda

Item 1.17/149 Chair's welcome and introduction

- 1.1. The Chair welcomed Council members and those seated in the public gallery to the 113th meeting of Council.

Item 2.17/150 Apologies for absence

- 2.1 Apologies for absence were received from Stephen Cohen.

Item 3.17/151 Approval of Agenda

- 3.1 The Council approved the agenda.

Item 4.17/152 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 5.17/153 Understanding the prevalence of fitness to practise concerns about paramedics and social workers - Final report

- 5.1 The Council received a presentation from Ann Gallagher and Anna van der Gaag from the University of Surrey on the key findings contained in the report. Ann and Anna thanked their colleagues Madga Zasada, Grace Lucas Rob Jago, Sarah Banks and Zubin Austin for their work on the report.
- 5.2 The Director of Policy and Standards provided the Council with a presentation on the background to the research and the potential implications of the research recommendations.
- 5.3 The Council noted that underpinning the research was the contention that the regulator is one part of system that owns and tackles risks and harm. The Council agreed that a review of the work taking place in stakeholder organisations in UK could identify opportunities for the HCPC to contribute and influence.
- 5.4 The Council agreed that the research findings have resonance for all HCPC regulated professions and the recommendations require reflection beyond the FTP and Registration Directorates.
- 5.5 The Council discussed the nature of vexatious complaints. It was noted that the research team did not encounter many such concerns, but that often a lack of face to face engagement due to a fear of furthering persistence was a factor. The Council noted that exploring why complainants persist following a no case to answer determination could be useful.

- 5.6 The origins of referrals was discussed. It was noted that the paramedic profession has a high incidence of self-referrals. The Council discussed the positive and negative aspects of this culture, noting that self-referring is often promoted by union representation in employment matters. It was noted that the HCPC will consider targeted work with paramedic registrants and employers on when to refer and when to self-refer.
- 5.7 The Council noted the examples of good practice in the Paramedic profession in Wales, It was agreed that this was a positive message that should be highlighted where appropriate.
- 5.8 The Council noted that the dissemination of the report and communication plan will be discussed in March 2018. The suggestion was made that the implementation of the research recommendations could form a HCPC project.
- 5.9 The Council thanked the research team for their delivery of a valuable report.

Item 6.i.17/154 Minutes of the Education and Training Committee meeting held on 7th September 2017

- 6.i.1 The Council received the minutes of the Education and Training Committee held on 7 September 2017. The Chair of the Education and Training Committee provided a summary of the business considered.
- 6.i.2 The Council noted the minutes.

Item 6.ii.17/155 Consultation on the threshold level of qualification for entry to the Register for paramedics

- 6.ii.1 The Council received a paper from the Executive.
- 6.ii.2 The Council noted that the Education and Training Committee considered the consultation document at their meeting of 7 September and agreed to recommend it to Council for approval.
- 6.ii.3 The Council noted that the consultation is planned to run from 25 September to 15 December 2017. The results of the consultation will be presented to the Education and Training Committee and the Council in March 2018.
- 6.ii.4 The Council agreed to consult on changing SET 1 for paramedics and approved the draft consultation document (subject to any minor editing amendments).

Item 7.i.17/156 186 Kennington Park Road: Emergency action taken

- 7.i.1 The Council received a report from the Executive.
- 7.i.2 The Council noted that Standing Order 20 enables the Chair to exercise the powers of the Council in an emergency. In this instance action was required to prevent loss, damage or significant disadvantage to the HCPC.
- 7.i.3 The Council noted the following points:-
- on 4 August 2017, Council were made aware of an unexpected issue that had arisen in relation to the building of 186 Kennington Park Road;
 - the Chair of Council emailed all Members to let them know that the rear of the building was in much worse condition than expected and required significant remedial work to make it safe;
 - Members were provided with a briefing document that set out the five options that were available in terms of progressing with the project;
 - Stephen Cohen, on behalf of the Chair, attended a site meeting on 2 August 2017 where the range of options were considered;
 - it was agreed to rectify the building by re-patching and containing within a new structural render whilst seeking to reduce costs through the value engineering process; and
 - as a result of the rectification work, an additional £322k has been added to the project budget and an additional 25 weeks to the delivery date.
- 7.i.4 The Council noted the contents of the paper.

Item 7.ii.17/157 186 Kennington Park Road: Update

- 7.ii.1 The Council received a report from the Executive.
- 7.ii.2 During discussion the following points were noted:-
- works to remove the existing render on the middle building revealed the existing masonry and pointing to be in a poorer condition than expected and would require more brickwork repairs than anticipated from the building survey;
 - the additional remedial work adds an additional £322k to the project budget, and an additional 25 weeks to the planned 30-week schedule of works, revising the completion date to June 2018 and the overall budget from £3m to £3.32m;
 - the increase in the 186 Kennington Park Road project budget represents less than 1% of the total HCPC annual expenditure. A value

engineering process is ongoing looking at reducing the scale and quality of non-essential items to mitigate the impacts of additional costs. Offsetting savings will be secured through the month 6 forecast process; and

- the additional remedial work is underway, and significant progress is being made. The project remains on track to complete within the revised timescales and budget.

7.ii.3 In response to a question it was noted that the original survey could not have identified the poor state of the masonry due to the extensive rendering.

7.ii.4 The Council noted the contents of the paper.

Item 7.iii.17/158 Registration Transformation Project: Update

7.iii.1 The Council received a report from the Executive.

7.iii.2 During discussion the following points were noted:-

- the project aims to deliver a new operating model for the Registrations department, including processes, systems, and interactions with other areas around the organization. Phase 1 online CPD / proof of concept commenced in September 2015;
- risk mitigations include using a phased approach to deliver the project, and the addition of Gateway Reviews by EMT between each phase in order to ensure that lessons are learned and applied to future phases;
- the CPD proof of concept portal is currently due to go-live in November 2017. The system has passed user acceptance testing, with CPD assessor users and other registrant users providing positive feedback;
- issues arose in the areas of design, build and test; the impact on the project timeline was a 12 month increase, and a £122k increase in operating expenditure;
- Optevia's buy out by IBM led to some delivery delays despite assurances this would not impact. Bug fixes received from Microsoft included new bugs, adding time to the project schedule;
- Grant Thornton were commissioned to review Phase 1 of the project and examine the reasons for extending the time and increasing the cost. Their report forms appendix two to the paper;
- the next steps of the project following go-live of the proof of concept phase will be to undertake the formal Gateway Review and decide on whether and how to proceed with the replacement of the legacy system; and

- the outcome of the review and the direction of future phases will come back to Council.

7.iii.3 The Council discussed the HCPC's approach to implementing new technology. It was noted that as a policy the HCPC does not use 'Bleeding edge' technologies due to the risk but will use leading edge technologies where full support is available.

7.iii.4 The Council noted that the lessons learned during the CPD proof of concept have informed the latter phases of the project and other projects within the portfolio. The Council noted that the impact of a service level agreement on supplier relationships be explored when reviewing the next stage.

7.iii.5 The Council noted the contents of the paper.

Item 8.17/159 Minutes of the Tribunal Advisory Committee meeting held on 12th September 2017

8.1 The Council considered the minutes of the Tribunal and Advisory Committee held on 12 September 2017.

8.2 The Council noted that a wider holistic review of the Partner recruitment, selection and appraisal principles will be discussed at the TAC November 2017 meeting.

8.3 The Council welcomed the thorough discussion held by the TAC regarding the Indicative Sanctions Policy review, noting it would not duplicate the issues raised in its own discussion.

8.4 The Council noted the minutes.

Item 9.17/160 Review of the indicative sanctions policy

9.1 The Council received a paper from the Executive.

9.2 During discussion the following points were noted:-

- the Executive considers it appropriate to undertake a more comprehensive review of the policy following a number of years of amendments due to change in case law;
- the review aims to ensure the policy is up to date, reflects public opinion and continues to ensure panels make fair and proportionate decisions;

- it is anticipated that a public consultation will be held at the beginning of 2018 with the policy coming into effect at the end of 2018;
 - to develop the scope of the review, the Executive has reviewed the policies and guidance of other regulators, before holding workshops with HCPTS employees; and
 - the review and consultation document will be further informed by a number of engagement activities, including market research;
- 9.3 The Council discussed the timescales outlined in appendix B to the paper. The Council requested that the Executive consider if shorter periods are possible without undermining the thoroughness of the review.
- 9.4 The Council noted the contents of the paper.

Item 10.17/161 Any other business

- 10.1 There was no further business.

Item 11.17/162 Future agenda items

- 11.1 The Council noted that the following items are planned for the December 2017 meeting agenda;
- PSA performance review 2016-17
 - Fitness to Practise Policy
 - 2018-19 priorities and budget setting principles
 - Charging for Education visits
 - Financial regulations review
 - Procurement policy
 - Competency framework for panellists
 - 5 year plan
 - Six monthly review of information governance and feedback and complaints

Item 12.17/163 Meeting evaluation

- 12.1 The Council requested that visitors observing the meeting be introduced during the meeting welcome.
- 12.2 The Council requested that a 'live' agenda plan be made available to Members.

Item 13.17/164 Date and time of next meeting

13.1 Wednesday 6th December at 2pm and Thursday 7th December 2017 at 10am
at Park House, 184 Kennington Park Road, London SE11 4BU. (TBC)

Chair:

Date:

Draft