

Agenda Item 5

Enclosure 1

**Health and Care Professions Council
14 February 2019**

**Minutes of the Council meeting of 6 December
2018**

For approval

From Claire Amor, Secretary to Council

Council

Public minutes of the 121st meeting of the Health and Care Professions Council as follows:-

- Date:** Thursday 6 December 2018
- Time:** 11.00am (The public part of the meeting will be preceded by the private part of the Council meeting at 9.30am)
- Venue:** Room K, Health and Care Professions Council, Park House,
184 Kennington Park Road, London SE11 4BU
- Present:** Stephen Cohen (Deputy Chair)
Maureen Drake
Sue Gallone
Sonya Lam
Joanna Mussen (items 1-16)
Gavin Scott
Robert Templeton
Stephen Wordsworth

In attendance:

Claire Amor, Secretary to Council
John Barwick, Executive Director of Regulation
Olivia Bird, Policy Officer
Guy Gaskins, Executive Director of Operations and IT
Teresa Haskins, Director of HR and Organisational Development
Val Huet, CEO of the British Association of Art Therapists
Brian James, Head of Fitness to Practise
Jacqueline Ladds, Executive Director of Policy and External Relations
Jasmine Leng, Policy Officer
James Penry-Davey, Capsticks
Sarah Ritchie, Policy Officer
Marc Seale, Chief Executive and Registrar
Kate Steele, Capsticks
Tian Tian, Acting Director of Finance
Katherine Timms, Katherine Timms – Head of Policy and Standards
Alex Urquhart, Stakeholder Communications Officer

Public Agenda

Item 1.18/188 Chair's welcome and introduction

- 1.1. The Deputy Chair welcomed Council members and those seated in the public gallery to the 120th meeting of Council.

Item 2.18/189 Apologies for absence

- 2.1 Apologies were received from Eileen Mullan and Kathryn Foreman.

Item 3.18/190 Approval of Agenda

- 3.1 The Council approved the agenda.

Item 4.18/191 Declaration of Members' interests

- 4.1 All members declared an interest in item 22(i) Council member remuneration, as it related to their remuneration.

Item 5.18/192 Minutes of the Council meeting of 19 September 2018

- 5.1 The Council agreed the minutes of the 120th meeting of the Health and Care Professions Council.

Item 6.18/193 Matters arising

- 6.1 The Council noted those matters arising from the meeting held on 19 September 2018.

Item 7.18/194 Chair's report

- 7.1 The Council received a report from the Deputy Chair. The Council noted recent external engagement activity undertaken by the Deputy Chair.
- 7.2 It was noted that key messages from external stakeholder engagement continues to be the need for the regulators to cooperate and share information effectively, as well as to engage more with the prevention agenda.
- 7.3 The Council discussed the need to ensure that internal change activity remains focused on real improvement and remains manageable for the Executive team. The Council noted that the capacity of the Executive team is monitored by the Chief Executive.

Item 8.i.18/195 Chief Executive's report

- 8.i.1 The Council received a report from the Chief Executive.

8.i.2 The Council noted the following points:-

- the PSA has initiated the assessment stage of the annual review of the HCPC's performance;
- the Chief Executive has met with the new Chief Executive of the PSA, Alan Clamp. The HCPC reaffirmed its role in supporting regulatory change; and
- a new Minister for Health has been appointed. It is not expected that the Regulation of Medical Associate Professionals will progress until Spring 2019 due to this handover.

8.i.3 The Council requested that more narrative detail to accompany the Chief Executive's list of external meetings. It was agreed this would be provided in the next report.

Item 8.ii.18/196 Performance report

8.ii.1 The Council received a paper from the Chief Executive.

8.ii.2 The Council noted the following points:-

- the fees consultation closes on 14 December, so far 1,300 responses have been received;
- the month 6 forecast indicates that for the full year, registration income will be on budget, and overall expenditure is forecast to be £294k above budget;
- the average number of cases per case manager is currently 49, this is close to the optimum of 45. This indicates utilisation of the additional resource approved by Council is having an impact;
- the number of new FTP cases and enquiries has risen considerably in November. FTP resource has been responsive to this increase, with closure and progression statistics being positive; and
- 93.6% of social workers renewed by the close of the renewal window. It is expected the readmission process will return a significant number to the register within the next few months.

8.ii.3 The Council discussed registrant numbers. It was noted that the register is growing by approximately 700 registrants a month, the reasons for this growth were discussed, noting that recent changes to education commissioning may lead to increases in student numbers as restrictions are removed. Additionally, the removal of bursaries may impact on registrant demographics in coming years.

- 8.ii.4 The Council noted that some professions are experiencing low student uptake. Should this trend continue, it will impact workforce numbers as retiring registrants are not replaced in adequate numbers. It was noted that the Allied Health Professions Strategic Oversight Forum established by the Department of Health and Social Care (DHSC), is looking at ways of encouraging more students into these professions.
- 8.ii.5 The Chief Executive recommended that the Council allocate time to explore the area of standards. It was agreed that a workshop on HCPC standards will be arranged for Council in March 2019.
- 8.ii.6 The Council discussed progress on strategic priority 3, building organisational capacity. It was noted that the number of projects undertaken by the HCPC has consistently increased each year and that cost and quality are delivered, however timeliness has been more challenging to maintain. It was noted that the HCPC is reviewing its project management processes to improve delivery. The impact different approaches to IT are also expected to improve this capability.
- 8.ii.7 The Council noted that the operationalisation of the strategic risk register continues. It was agreed that the Council would review the strategic risk register in March 2019.
- 8.ii.8 The Council thanked Registration and FTP employees for their hard work in managing the recent social worker renewal and the increase in FTP cases.
- 8.ii.9 The Council thanked the Executive for adapting the performance report in response to feedback. The Council requested that the Chief Executive also provide an overall assessment of organisational performance.

Item 9.18/197 Transfer of Social Workers to Social Work England

- 9.1 The Council received a paper from the Executive Director of Regulation.
- 9.2 The Council noted the following points:-
- arrangements for the data transfer are being discussed with Department of Education, DHSC and Social Work England (SWE);
 - communications with suppliers of the key HCPC IT systems for FTP, Registration and Education are being managed;
 - monthly joint meetings with the SWE Executive have been agreed; and
 - a public statement of the transfer date is being pursued as uncertainty remains.

- 9.3 The Council discussed the social work risk register. It was agreed that the risk of change to the transfer date should be a red risk. It was noted that the Executive had not had sight of SWE's risk register and that this has been requested along with their project plan.
- 9.4 The Council discussed the risk that the project is cancelled and HCPC remains the regulator of Social Workers in England. It was noted that this would pose a significant risk for the HCPC as it would require a quick reversal of resource reductions made in preparation for the reduced regulatory workload.
- 9.5 The Council noted that the HCPC's internal auditors, Grant Thornton LLP had undertaken a review of the project governance and provided positive assurance that arrangements are suitable. It was recommended that a further review be undertaken in 2019.

Items for discussion / approval

Item 10.18/198 Draft Corporate Strategy 2019-24

- 10.1 The Council received a paper from the Executive Director of Policy and External Relations.
- 10.2 The Council noted that the draft strategy had been discussed at the Council's strategic workshop in October. Following this members fed back on the drafting of the strategy by correspondence. Employee workshops, held in November, have informed the vision and values included in the strategy.
- 10.3 The Council agreed the text of the strategy document, noting that further employee engagement on values, and how to embed these, will be undertaken in early 2019, with the final strategy presented to Council in March 2019 for final approval.
- 10.4 The Council discussed how the strategy document will be used by the Executive. It was noted that the strategy is already in use, informing work plans and the development of the budget for 2019-20. Externally the document will be a key briefing document.

Item 11.18/199 Organisational culture and engagement at the HCPC

- 11.1 The Council received a paper from the Director of HR and Organisational Development.
- 11.2 The Council noted that the culture and engagement plan will support the successful delivery of the corporate strategy. It will define, develop and

embed any necessary cultural change in a way that ensures integration with key strategic activities across the organisation.

- 11.3 The Council discussed how outcomes will be measured. It was noted that a facilitated discussion with the Senior Management Team will agree the measurements to be used.
- 11.4 The Council noted that the plan is focused on employees. Partner and Council and Committee members are outside of its scope. Partner induction and refresher training will also include a section on organisation values.
- 11.5 The Council welcomed the review and agreed to receive an update in May 2019. It was noted that the expected delivery date of plan is October 2020, and that momentum will be supported by regular reporting to the Senior Management Team and Operational Management Team.
- 11.6 The Council noted that this would be Teresa Haskins, Director of HR and Organisational Development, last Council meeting as she would shortly be taking up a new external role. The Council thanked Teresa for her hard work and support.

Item 12.18/200 Professionalism and prevention – proposals in more detail

- 12.1 The Council received a paper from the Executive Director of Policy and External Relations.
- 12.2 The Council noted that the paper provides background on the HCPC's professionalism and prevention research, outlines current activity and sets out proposals for possible future activity as referenced in the five year plan.
- 12.3 The Council suggested that larger employers already have professionalism and prevention frameworks that the HCPC should seek to collaborate with.
- 12.4 The Council agreed that as part of the prevention and professionalism agenda the following areas should be included:-
 - how the HCPC could engage with employers on evidence of working practices or environments which contribute to professionalism issues. Care is needed however to ensure the HCPC remains within its regulatory scope;
 - the HCPC's role in bringing stakeholders together to collaborate to support the common remit of prevention;
 - how the HCPC gains assurance that its standards remain appropriate;
 - positive and proactive student engagement;
 - influencing the policy agenda;

- engagement with systems regulators; and
- the regulatory data the HCPC needs to maintain to engage with prevention.

12.5 The Council noted that measuring impact in this area is challenging.

Item 13.18/201 University of Surrey Research action plan update

- 13.1 The Council received a report from the Executive.
- 13.2 The Council noted recent progress on the University of Surrey research action plan. It was noted that the plan has been reviewed and adapted to ensure it integrates with, and compliments, the Fitness to Practise improvement plan.
- 13.3 The Council noted that extensive stakeholder engagement has been undertaken to support the work on self-referrals.
- 13.4 In response to a question the Executive advised that meaningful research and engagement requires adequate time to ensure aims are met.

Item 14.18/202 Data, intelligence and research evidence

- 14.1 The Council received a report from the Head of Policy and Standards.
- 14.2 The Council noted that strategic priority 4 focuses on the better use of data and intelligence.
- 14.3 The Council discussed the legal advice included in the paper. It was noted that the advice is broad, and that more specific advice would be needed on intended data use once known. The Council questioned if the HCPC's functions could be read more widely than interpreted in the legal advice and if the current interpretation is too risk averse.
- 14.4 The Council suggested that external expertise could be used to advise how the HCPC could use its data. It was noted that enhanced data analysis capabilities depend on the outcome of the fees consultation, as current resourcing scope is limited. Once running, a data intelligence function would need to prioritise and focus its resources.
- 14.5 The Council discussed the introduction of the PSA standard on Equality, Diversity and Inclusion in regulation. It was noted that the HCPC's current data limitations have been discussed with the PSA, who have advised that this should not be a bar to meeting the standard as long as planned improvement is evidenced.

Item 15.18/203 Fitness to Practise improvement project progress report

- 15.1 The Council received a paper from the Executive Director of Regulation and the Head of Fitness to Practise.
- 15.2 The Council noted progress to the plan in the reporting period. It was noted that 47% of the open caseload has moved through one or more process stage since last report, indicating cases are progressing appropriately.
- 15.3 The Council commended the progress made on the improvement plan, given the context of an unexpected spike in new cases received.
- 15.4 In response to a question it was noted that system issues are explored when multiple registrants are referred in one complaint.
- 15.5 The Council discussed the impact of the change programme and increased work volumes on FTP employees. It was noted that adding extra resource has a natural limit given the accommodation and support implications. However cases per case manager numbers are lowering which is a positive sign that recent investment has impacted.

Item 16.18/204 The revised Indicative Sanctions Policy

- 16.1 The Council received the paper from the Executive.
- 16.2 The Council noted that the HCPC consulted between 4 June and 31 August 2018 on the revised Policy. Subject to approval, the revised Policy will be implemented in early 2019.
- 16.3 The Council discussed the revision of paragraph 95 concerning mediation. It was agreed that the additional paragraph was redundant and should be removed.
- 16.4 The Council approved the revised Indicative Sanctions Policy.

Item 17.18/205 Review of financial regulations

- 17.1 The Council received a report from the Acting Director of Finance.
- 17.2 The Council noted that the proposed changes to the financial regulations are a result of recommendations from the HCPC's internal Auditors, Grant Thornton LLP.
- 17.3 It is proposed that if a singular unplanned event exceeds 1% of total budgeted revenue or 10% of total budgeted capex, the Executive will seek Council approval for the amendment to the budget. The Executive will also inform Council about any other events that are below these thresholds but

are deemed to be significant. Additionally the Council will be asked to formally approve the six and nine month reforecasts.

17.4 The Council approved the revised financial regulations

Item 18.18/206 2018-19 Month 6 financial forecast

18.1 The Council received a report from the Acting Director of Finance.

18.2 The Council noted the following points:-

- forecast registrant fee income for 2018-19 is £34.5m, which is in line with the original 2018-19 budget;
- total grant income is forecasted to be £1m for the year;
- In September, the Council approved an extra £500k for FTP, to support the case progression strategy; and
- the month 6 forecast projects that for the full year, total expenditure will be £36m. Excluding the social worker transfer project, total expenditure is projected to be £35m; this is £294k over budget.

18.3 The Council noted that the projected overspend is largely due to increased partner costs as a result of the average hearing length increasing.

18.4 The Council approved the six month reforecast.

Item 19.18/207 Equality, diversity and inclusion policy and action plan

19.1 The Council received a paper from the Executive

19.2 The Council noted that the values section of the policy will require revision, once the values are agreed for the corporate strategy. The Council agreed these would be substituted without requiring further approval of the policy.

19.3 The Council approved the equality, diversity and inclusion policy and action plan

Item 20.18/208 The Report of the Gosport Independent Panel

20.1 The Council received a report from the Head of Policy.

20.2 The Council noted that the Government's response to the report of the Gosport Independent Panel was published in November 2018. The Executive has reviewed the report and response to identify any learning relevant to the HCPC and its professions.

- 20.3 The Council noted that the HCPC's data reporting limitations require manual collation of data in response to CQC enquires, however the planned enhancements to the HCPC's data reporting capabilities within the five year plan will improve this. It was noted that protocols for information sharing with external systems regulators are in place.
- 20.4 The Council requested that whistleblowing be included in the HCPC's learning analysis.
- 20.5 In response to a question, it was noted that the HCPC's standards do require registrants to raise concerns about other professionals for example Doctors and Nurses. The Council noted that as HCPC's registrants prescribing rights develop, the risk of similar incidents involving HCPC registrants will increase.
- 20.6 The Council discussed the importance of consistent information within education programmes on the HCPC's role and standards.
- 20.7 It was noted that a series of blog pieces on the theme of how to practise safely will follow the report.

Item 21.18/209 Policy statement on review of the threshold level of qualification for entry to the Register

- 21.1 The Council received a report from Head of Policy and Standards
- 21.2 The Council noted that, at its meeting on 22 November 2018, the Education and Training Committee agreed to recommend to Council the content of the policy statement subject to minor changes.
- 21.3 The Council approved the policy statement on review of the threshold level of qualification for entry to the Register

Item 22.i.18/210 Council member remuneration

- 22.i.1 The Council received a report from the Secretary to Council.
- 22.i.2 The Council noted the following points:-
- Council member remuneration was last reviewed in 2014;
 - in early 2018 an initial review found that the HCPC is an outlier among its comparator organisations in retaining a daily fee approach for member remuneration;
 - remuneration levels were also found to be considerably below those of comparator organisations; and

- the Remuneration Committee commissioned an independent review of member remuneration to support its recommendation to Council on this matter.

22.i.3 The Council noted that, at its meeting on 18 October 2018, the Remuneration Committee considered the report, and additional benchmarking information provided by the Executive, and agreed to recommend to Council that, from 1 April 2019, members be remunerated on an annual basis at a rate of £12,000 and that Committee Chairs should receive an additional allowance of 20%.

22.i.4 It was noted that this recommendation is in keeping with the HCPC's remuneration approach for employees and the Chair of Council, being positioned at the median quartile, but also remained at the lower end of comparator organisations.

22.i.5 The Council agreed that travel time should also be referenced as a time commitment included in the annual remuneration.

22.i.6 The Council agreed the following:-

- from 1 April Council members will be remunerated on an annual basis;
- annual remuneration will be £12,000 for members and £14,000 for Committee Chairs. This will be paid as a monthly allowance;
- formal attendance expectations will be set out in a Council and Committee member remuneration policy to be approved by Council in March 2019. Minimum attendance will be 80% of governance meetings on a rolling 12 month basis; and
- Independent Committee member remuneration will remain as a day rate at £341 per day.

Item 22.ii.18/210 Council member appointments 2019

22.ii.1 The Council received a paper from the Secretary to Council.

22.ii.2 The Council approved the process for the appointment of Council members in 2019.

Item 22.iii.18/211 Council member Communication

22.iii.1 The Council received a paper from the Secretary to Council.

22.iii.2 The Council noted that it is proposed that proposes that Council members are provided with HCPC email addresses through which official communication with the HCPC will be channelled.

- 22.iii.3 The Council noted that HCPC email addresses are not being rolled out to Partners at this time due to the support requirements and licencing costs.
- 22.iii.4 It was noted that members would be able to redirect emails from HCPC email account to their personal email accounts.
- 22.iii.5 The Council agreed to the allocation of Council member HCPC email addresses.

Items to note

Item 23.18/212 Annual report on the Welsh Language Scheme

Item 24.18/213 Minutes of the Remuneration Committee meeting of 18 October 2018

Item 25.18/214 Minutes of the Tribunal Advisory Committee meeting of 14 November 2018

Item 26.18/215 Minutes of the Audit Committee meeting of 20 November 2018

Item 27.18/216 Minutes of the Education and Training Committee meeting of 22 November 2018

Item 28.18/217 Any other business

- 28.1 There was no other business discussed.

Item 29.18/218 Future agenda items

- 29.1 The Council noted that the following items would be considered at its 14 February meeting:-

- Fees consultation response
- Draft indicative budget 2019-20
- Estates plan
- Review of pay principles and policy

Item 30.18/219 Meeting evaluation

- 30.1 Members noted that the average length of papers remained too long, given the number of items on the agenda for discussion.

Item 31.18/220 Date and time of next meeting:

24.1 Tuesday 14 February 2018 at Park House, 184 Kennington Park Road,
London SE11 4BU.

Chair:

Date:

Draft