

**Council**

**Public minutes of the 126<sup>th</sup> meeting of the Health and Care Professions  
Council as follows:-**

**Date:** Wednesday 25 September 2019

**Time:** 1:30pm (preceded by a private session of Council at 10.30am)

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

**Present:** Christine Elliott (Chair)  
Stephen Cohen  
Maureen Drake  
Kathryn Foreman  
Sue Gallone  
Sonya Lam  
Eileen Mullan  
Gavin Scott  
David Stirling  
Robert Templeton  
Kathryn Thirlaway  
Stephen Wordsworth

**In attendance:**

Roz Allison, Head of Communications  
Claire Amor, Secretary to Council  
Sarah Atkinson, Kingsley Napley  
Isabel Ayo Ajao, Registration Manager  
John Barwick, Executive Director of Regulation  
Olivia Bird, Policy Manager  
Kayleigh Birtwistle, Project Manager  
Heidi Bullimore, Internal Communications & Engagement Manager  
Paul Cooper, Head of Projects  
Gordon Dixon, Interim Finance Director  
Roy Dunn, Chief Information Security and Risk Officer  
Guy Gaskins, Executive Director of IT and Resources  
Helen Gough, Future Council Member  
Nike Gustave, Professional Standards Authority  
Eva Hales, Assurance and Development Manager  
Nicola Hill, Kingsley Napley  
Claire Holt, Interim Director of HR & OD

Brian James, Head of FTP  
Jacqueline Ladds, Executive Director of Policy and External Relations  
Jasmin Leng, Policy Officer  
Paula Lescott, Head of Quality Assurance  
Isabel Lucas, Professional Standards Authority  
James McMahon, Officer Services Manager  
Emma Munro, Clinical Scientist  
Benedict Newman, Quality Compliance Officer  
James Penry-Davey, Capsticks LLP  
Jason Roth, Infrastructure Manager  
Shaf Shafiq, Policy Officer  
Ewan Shears, Governance Officer  
Kate Steele, Capsticks LLP  
Kirsty Taylor, Fitness to Practise Quality Manager  
Katherine Timms, Head of Policy and Standards  
Adeola Wilson, Communications Officer

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## Public Agenda

### **Item 1.19/133 Chair's welcome and introduction**

- 1.1. The Chair welcomed Council members, the Executive and those seated in the public gallery to the 126<sup>th</sup> meeting of Council.
- 1.2. Particular welcome was extended to Kathryn Thirlaway, David Stirling and Helen Gough. Kathryn and David had joined the HCPC Council as Council members on 1 September 2019. Helen would join the Council on 1 January 2020.
- 1.3. The Chair announced that the HCPC's Chief Executive, Marc Seale, had resigned from his role and would leave the HCPC at the end 2019. He would be focused on the transfer of social worker regulation project until his departure and interim arrangements were in development to support this. The Chair on behalf of the Council formally thanked Marc for his many years of service to the HCPC and his invaluable guidance to the Council.
- 1.4. The Chair thanked the HCPC's employees for their continued hard work and efforts to improve the HCPC's performance against the PSA standards of good regulation. Employees had been key to the development of a plan to accelerate this improvement, which the Council had considered and agreed in private session.

### **Item 2.19/134 Apologies for absence**

- 2.1 No apologies were received. The Council noted that Marc Seale, Chief Executive was unable to attend the meeting due to a family commitment.

### **Item 3.19/135 Approval of Agenda**

- 3.1 The Council approved the agenda.

### **Item 4.19/136 Declaration of Members' interests**

- 4.1 No interests were declared.

### **Item 5.19/137 Minutes of the Council meeting of 4 July 2019**

- 5.1 The Council agreed the minutes of the 125<sup>th</sup> meeting of the Health and Care Professions Council.

## **Item 6.19/138 Matters arising**

- 6.1 The Council noted those matters arising from the meeting held on 4 July 2019.

## **Standing items**

### **Item 7.19/139 Chair's report**

- 7.1 The Council noted a report from the Chair.

### **Item 8.19/125 Chief Executive's organisational performance report**

- 8.1 The Council received a report from the Chief Executive. The Executive Director of Regulation presented the performance report to Council. The following points were noted:-

- the receipt of new FTP cases continued to be higher than forecast and represented a 15% increase in volume from the comparable period of the previous year. Employee vacancies and the high number of temporary staff contributed to the increase in open cases. Recruitment was underway to mitigate this;
- the Executive met with the PSA in September to understand the outcomes of the revised standards pilot. A review had commenced of the PSA framework of evidence for the new standards;
- the Government published its response to the reforming regulation consultation in July 2019. The consultation analysis highlighted the value of the HCPC model of regulation. In its response, the Government committed to developing a more modern legislative framework;
- the HCPC is continuing to prepare for Brexit in accordance with planning laid out to Council at its February 2019 meeting. This included proactive communications for registrants and applicants, to advise on what they would need to do in the event of a 'no deal'; and
- a reporting dashboard had been created for key FTP metrics. The Council were asked for feedback on this for further development.

- 8.2 The Council welcomed the new dashboard reporting format for FTP KPIs noting that monitoring over time would be required to evaluate suitability.

- 8.3 The Council noted that several KPIs relating to FTP were not being met and were not expected to be met in the short term. Council noted its concern about this and the wish that this improve through the change plan agreed by Council.

- 8.4 The Council noted that the FTP risk assessment KPI was not met and sought assurance from the Executive that this was being addressed. It was noted that each open case is assessed on a weekly basis to ensure an appropriate risk assessment is in place and action is taken should this not be the case. The Head of FTP provided an update to the Council that of the 21 cases reflected in the reported figures, only three now remained outstanding.
- 8.5 The Council discussed interim order target performance. The Head of FTP stated that he was encouraged that numbers remained low and that the data indicated the most serious cases were being prioritised.
- 8.6 The Council noted that the impact of fixed term contracts ending was presented as contributing to the KPI on employee turnover. The Council considered that fixed term contracts not being extended should not contribute to turnover figures.

#### **Item 9.19/140 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:-
- the project remained on target and data sharing continued with Social Work England (SWE). The data export had been tested in the production environments to ensure the time required to export the data could be predicted with confidence. The data extraction from the FTP and Registration systems would commence on 22 November. This was to allow sufficient time for extraction, export and for SWE to ingest the data into SWE systems;
  - the Grant Funding Agreement with the Department for Education (DfE) had been varied (increased) following a request for additional grant funding due to the impact of the delay and uncertainty around the transfer date. The fifth grant claim had been approved by the DfE. The next claim was due to be submitted in October;
  - the transitional regulations necessary to enable the smooth transfer of functions between HCPC and Social Work England had been laid in Parliament;
  - the Cabinet Office Infrastructure Projects Authority (IPA) would conduct a further readiness review during the week commencing 14 October. The results of this would provide further assurance as to the readiness of SWE to begin regulation; and
  - the fieldwork for the Internal Audit review of the project was underway. Feedback from the auditors their findings to date had been positive. The Audit Committee would consider the final report at its November 2019 meeting.

- 9.3 The Council questioned if the issue with the FTP export tool outlined in paragraph 3.3 of the report had been resolved. The Executive confirmed that this issue was resolved.
- 9.4 The Chair of the Audit Committee noted that at the Committee's recent meeting, they had discussed the transfer of registration fees to SWE and the timing of this. It was noted that the exploration of extending this timeline had been deprioritised as the team was working to ensure the data transfer could be achieved.
- 9.5 The Council asked when the 'lessons learnt' phase of the project would commence. It was noted that the project would carry on post the transfer date of 2 December and that key learning points were logged throughout the lifecycle of the project to be reflected on in the round during the project close stage.
- 9.6 The Council asked the Executive how confident they were that the transfer would take place without major issue. The Executive stated they were confident about the elements the HCPC had control of and that independent internal audit review had supported this confidence.
- 9.7 The Council noted that the PSA would review social work cases when conducting the HCPC's next performance review, though this would be post the transfer date.

#### Items for discussion / approval

#### **Item 10.19/141 Professional Standards Authority for Health and Social Care Performance Review Report 2018-19**

- 10.1 The Council received a paper from the Head of Policy and Standards.
- 10.2 The Council noted the following points:-
- in July 2019, the PSA published its annual performance review of the HCPC. The PSA concluded that six FTP standards were not being met. The HCPC met all of the standards relating to: guidance and standards; education and training; and registration;
  - the PSA acknowledged the investment made in the FTP improvement plan, but recognised that it was too early to judge its effect. The PSA expects to be able to assess this effectiveness as part of the 2019-20 review; and
  - the PSA's review of the HCPC's performance in 2019-20 will be based on new standards of good regulation.
- 10.3 The Council noted that the Executive had recently met with the PSA audit team to work through the evidence requirements for the new standards.

- 10.4 The Council discussed the proposal for quarterly PSA data submissions to be reviewed by the SMT. The Council noted that the SMT would not be making any amendments to the data and that the new step in the process was to give the SMT a clearer oversight of trends.
- 10.5 The Council discussed how the results of PSA audits could be reported to the Council sooner. It was agreed that the Council did not require the report to be in final draft to consider it. The Executive agreed to review the timetable for the next audit with a view to bringing the results to Council at an earlier stage.

#### **Item 11.19/142 Fitness to Practise Annual Report**

- 11.1 The Council received a paper from the Head of Fitness to Practise.
- 11.2 The Council noted that the report would be produced as a microsite focusing on the key points with illustrative graphics to engage the target audience.
- 11.3 The Council welcomed the report and the inclusion of analysis on the nature of concerns, possible due to the ongoing case classification work.
- 11.4 The Council noted that the Tribunal Advisory Committee considered the draft report at its September meeting, no amendments were recommended.
- 11.5 The Council agreed that the report should reference the failure of the six FTP PSA standards in 2019.
- 11.6 The Council approved the text for the 2018-19 Fitness to Practise Annual Report subject to the minor amendment agreed in paragraph 11.5.

#### **Item 12.i.19/143 Unconfirmed minutes of the Education and Training Committee of 11 September 2019**

- 12.i.1 The Chair of the Education and Training Committee provided the Council with a verbal summary of the business considered at the Committee's September 2019 meeting.

#### **Item 12.ii.19/144 Standards of proficiency review**

- 12.ii.1 The Council noted this item.

#### **Item 12.iii.19/145 Social media guidance updates**

- 12.iii.1 The Council received a paper from the Head of Policy and Standards.
- 12.iii.2 The Council noted the following points:-

- revisions to the social media guidance were proposed to strengthen the text on confidentiality and to outline further key considerations when using social media. These revisions had been shared with key stakeholders and their feedback incorporated;
  - the Education and Training Committee had considered the amendments at its September 2019 meeting, and requested that the Executive revisit the content on professional and personal use of social media platforms as it appeared to the Committee to be a little too restrictive; and
  - the Committee also suggested that the potential positive impact of the changes for older service users with less awareness of social media, be added to the equality impact assessment.
- 12.iii.3 The Council agreed that on page 8, the guidance should recommend reference to professional standards as an assistance to making professional judgements as to the appropriateness of social media activity.
- 12.iii.4 The Council approved the revised social media guidance subject to the amendment outlined in paragraph 12.iii.3.

#### **Item 13.19/146 Committee allocations**

- 13.1 The Council received a paper from the Head of Governance.
- 13.2 The Council confirmed the appointment of Kathryn Thirlaway to the Education and Training Committee and David Stirling to the Remuneration Committee.

#### **Item 14.19/147 Unconfirmed minutes of the Audit Committee meeting of 10 September 2019**

- 14.1 The Chair of the Audit Committee provided the Council with a verbal summary of the business considered at the Committee's September 2019 meeting.

To note

The Council noted the following papers:-

#### **Item 15.19/148 Unconfirmed minutes of the Tribunal Advisory Committee meeting of 17 September 2019**

#### **Item 16.19/149 Summary of the PSA's report: 'How is public confidence maintained when fitness to practise decisions are made?'**

#### **Item 17.19/150 Summary of the PSA's report 'Developing a methodology to assess the consistency of fitness to practice outcomes'**



**Item 18.19/151 Workforce planning**

**Item 19.19/152 Update of FTP case classification**

**Item 20.19/153 Any other business**

20.1 There was no further business discussed.

**Item 21.19/154 Meeting evaluation**

21.1 The Head of Policy and Standards was invited to provide her observations of the meeting She noted that it was helpful when members had questions about the papers as this helped to improve the papers' content.

**Item 22.19/155 Date and time of next meeting:**

22.1 4 December 2019, at Park House, 184 Kennington Park Road, London SE11 4BU.

Chair: .....

Date: .....