



**REGULATION COUNCIL**

**Minutes**

**14 July 2015**

**Attendees and Apologies**

Regulation Council		
Patricia	Le Rolland	Lay Chair
Christine	Forde	Lay Member
Christine	Gifford	Lay Member
Ian	Shackell	Lay Member
Nabilia	Zulfiqar	Lay Member
Jonathan	Arthur	Professional Member
Robert	Farley	Professional Member
David	Stirling	Professional Member
In attendance		
Kerry	Tinkler	Registrar, Regulation Council
David	Bennett	Deputy Registrar, Regulation Council
Louise	Collins	Registrations Administrator, AHCS

## Key Discussion Points and Actions

No.	Subject	Minutes/Action	Owner	Action / Due
1.	Welcome and Apologies	The Chair welcomed members to the Committee. Two apologies were received in advance of the meeting. The Council was declared quorate.	Chair	None
2.	Declarations of Interest	One potential declaration of interest was <b>discussed</b> as follows: <ul style="list-style-type: none"> <li>The Council Member declared that NES is contributing financially towards the AHCS 2015 Congress. The Chair advised that this was not deemed a conflict of interest, but thanked them for informing the Council.</li> </ul>	Chair	
3.	Minutes of the meeting of the Interim Regulation Council on the 14 April 2015  <i>Actions and matters arising</i>	<p>The Chair asked whether the minutes were a true reflection of April's meeting. All agreed that the minutes were a true reflection, and the following points were raised with regards to the minutes (<i>NB numbering relates to April 2015 minutes</i>):</p> <p>Agenda item 8.0: A minor amendment was requested, item 8 refers to 'title' Patricia Oakley this should be changed to <b>Dr Patricia Oakley</b>, all agreed and <b>approved</b> the minutes.</p> <p>The following actions and matters arising were <b>noted</b> as follows:</p> <p>3.1 Council Member to report back from the Governance and Scrutiny meeting: Two main items were reported.</p> <p>Item 1: The Governance &amp; Scrutiny Committee Terms of Reference were due for review. It was suggested that when the Terms of Reference were at final draft stage, these could be circulated to the Council to give it the opportunity to comment. Council Members agreed that this would be beneficial.</p> <p><b>Action: Circulate Governance &amp; Scrutiny Committee Revised Terms of Reference (final draft) for comment.</b></p>	Deputy Registrar	Sept 15

Item 2: Finances was a main topic: Council agreed that this should be discussed in the 'private' part of the Council meeting.

3.2 Northern Ireland Update: The Chair reported that that the Registrar and the Chair were meeting with the RQIA (Regulation and Quality Improvement Authority for Northern Ireland) on 3<sup>rd</sup> August 2015.

Chair

This is an ideal opportunity to meet with them as the RQIA's remit has expanded in a number of areas; there have been a number of clinical reports produced reporting clinical problems that are relevant to discussions with the Council. It is important to see how the Council can be aware of clinical and healthcare science worker issues in Northern Ireland that may impact on patient safety and so regulation.

There are a number of new provisions such a new cardiac unit which is due to open in autumn 2015 and they would like some background information about Cardiac Healthcare Scientists employed at the unit.

3.3 CPD audit: A brief summary of the overall results was presented, which included some learning outcomes. The key areas that were reported back were that the audit had been a relatively time-consuming exercise, and that there was room to improve the process in readiness for the next audit, due in October 2016.

The two main issues identified were:

1. The time taken for CPD re-submissions to be assessed.
2. The online system requiring updating to make the CPD submission easier to follow, which would benefit from a couple of additional fields being added to prompt applicants to complete all areas fully.

The Registrar provided a brief overview of how the sample audit had been conducted. The sample audit was for the period of 2014/2015 and the same process had been followed as per previous VRC audits, but the VRC assessor pool had not been inherited. The overall conclusion was that the audit was a reasonable representation of the population.

It was explained that the 3% sample had been concluded by taking into consideration that the VRC's audit samples were at 5%, the PSA's recommendations were a 2% sample, therefore a 3% sample was deemed appropriate.

- 1. Action: Assessor Recruitment: expand the assessor pool for PTPE and COC applications**
- 2. Action: SOPS to be reviewed, as these had been inherited, to simplify the process for assessors and to standardise the processes**
- 3. Action: Improve communication with Registrants**

3.4 Transparency of minutes: There was some discussion around documentation being made available to the public. In principle it was agreed by Council that minutes and other papers, as well as agendas, should be published but agreed that documents deemed sensitive could not be, examples are as follows:

- a) Commercially sensitive information
- b) Financial information that is unique to the organisation
- c) Risk register as this is specific to the organisation
- d) Policies or processes that are in development

It was agreed that from now on meeting minutes and papers will be published on the Regulation Council web page however it would be the role of the Registrar and Chair to agree which should be published at the Regulation Council planning meetings.

**Action: Regulation Council Planning Meetings will include an agenda item to agree the publication of appropriate papers.**

3.5 Update on Bioinformatics: The STP curriculum has now been approved by HCPC and is now recognised for registration purposes.

3.6 Regulation Council Deputy Chair: The Chair asked Regulation Council if they were happy to continue as a newly formed council, before exploring any interest in the Deputy Chair Role. All agreed that this was appropriate and that this could be a future agenda item.

**Action: Include an agenda item 'Regulation Council Deputy Chair' January 2016.**

Registrar

Registrations  
Administrator

Registrations  
Administrator

		<p>3.7 The Initial Complaints Procedure agenda item 6.1 of April's action plan, refers to 'complaints'. This will now be changed to 'investigations'. This decision has been made as complaints may cover a range of policies e.g. complaints against registrants or self-declarations etc. All agreed that the terminology 'investigations' was appropriate.</p>	Deputy Registrar	
4.	Academy update	<p>The Registrar covered a number of items of interest for the Regulation Council to note as follows:</p> <p>4.1 AHCS Congress 2015: Congress is being held in Edinburgh and will be held over two days (6-7 December)</p> <p>Day 1 is an evening awards ceremony Day 2 is the main congress.</p> <p>4.2 AHCS Offices: it was confirmed that AHCS will no longer have a permanent office at Lenta, Kings Cross due to staff mainly working from home and the office space not being used to full capacity. This will help to reduce costs.</p> <p>Future Regulation Council meetings have been moved and October's meeting will be held at BIVDA, located by Westminster Bridge. Details of future meetings will be communicated once booked and the website updated.</p> <p><b>Action: Circulate October's venue details in advance of the meeting.</b></p> <p>4.3 The Academy for Healthcare Science has appointed a President, Dr. Brendan Cooper, who has a wealth of experience to bring to the Academy. This is a positive move for the Academy as the President has been appointed for 1-2 days per week and is contracted for 2 years.</p> <p><b>Action: invite the President to the next Regulation Council.</b></p> <p>4.4 A new member of the team has been appointed. Communication will be sent at a later date</p>	<p>Registrations Administrator</p> <p>Registrations Administrator</p>	

		<p>once written acceptance has been received.</p> <p><b>Action: Inform Regulation Council of team changes once written acceptance has been received.</b></p>	Deputy Registrar	
5.	Registrar's report	<p>The Registrar's report was presented to Regulation Council <b>to note</b>. There were some positive trends in terms of new applications and registrants. It was suggested and agreed that a more detailed report would be beneficial to the Regulation Council which should include more detail on specialisms.</p> <p><b>Action: Add specialism's of each application type (PTPE, COC and PTP)</b></p> <p>It was recognised that marketing was key to consistent growth and that the Council was not clear about the Academy's marketing strategy. It was also stressed that the marketing strategy should include raising the AHCS's Regulation Council's profile and the profile of the Registrar.</p> <p>There have been two self-declarations during 2015, both had been reviewed by the Registrar and legal advice sought. The findings were that the registrants did not need to declare, as both cases were in relation to spent convictions.</p>	Registrar	
6	Higher Specialist Scientist Register (HSSR)	<p>During the next 3 months there will be a pilot scheme running to test the Equivalence application process, pilot the standards and in parallel develop the systems and processes. A brief overview of HSSR was provided and the purpose of the document explained. AHCS are working with the PSA. The next phase of implementation is the SOPS and FTP (Fitness to Practise). The final stage will be the accredited programme route, which will entail further applicants joining the Register in 5 years' time.</p> <p>The Equivalence pilot will start from September 2015. During this time the handbook and standards will be produced, once tested.</p> <p>Regulation Council members were asked to comment on the draft document. Comments were made to the circulated paper as follows:</p> <p>6.1 Page 4, paragraph 2, describes various routes to registration and it was felt that as Practitioners were mentioned that they may think that they are eligible to apply for HCPC</p>	Registrar &	

		<p>registration. It was agreed that this was a fundamental point and would cause confusion as Practitioners cannot apply to the HSSR programme. It was recommended to cross-reference to the PTP handbook or re-write this paragraph. Regulation Council agreed that a diagram explaining the routes to registration should be added to the SOPS manual.</p> <p>6.2 The last paragraph on page 4 (the last sentence), consider changing 'care' to 'patients'.</p> <p>6.3 Page 5 first paragraph is it capacity or capability? Agreed it was appropriate language so it can remain the same.</p> <p>6.4 Registrar agreed that 8.1 should be amended to be consistent with 9.2.</p> <p>The Registrar asked Regulation Council to consider giving permission to use the document in its current format, as the pilot was being implemented the 15th July and the amendments would delay the pilot commencing.</p> <p>The Chair agreed that the pilot should not be delayed, but the Regulation Council had raised some valid points and that they would expect to see those amendments made. It was agreed that those could be made once the Registrar had returned from annual leave.</p> <p><b>Action: Amendments to be made, final version to be circulated to Council.</b></p>	Deputy Registrar	
7.	HSSR fitness to practise (FTP) process – Registrar's proposed algorithm	<p>The algorithm was discussed in detail and the following concern was raised:</p> <p>7.1 When a complaint is received, should an investigation be required then the AHCS Regulation Council will pass the investigation directly to the HCPC. This could cause time delays, the outcomes may not be satisfactory etc.</p> <p>The Registrar reiterated that AHCS would carry out its own investigation should they believe that the public remain at risk. The AHCS Regulation Council would also have the power to implement interim orders where it was deemed that there would be a high risk to the public. The process flow chart will be amended to capture this.</p> <p><b>Action: Registrar to review the initial investigation process and at this point a decision should be based on the risk to the public.</b></p>	Registrar	

		<p><b>Action: Where we have control over timelines, these should be included in the flow chart (AHCS Regulation timelines, not HCPC).</b></p> <p><b>Action: The document should reflect all UK areas, as the document currently only refers to England.</b></p> <p>7.2 The Registrar also explained that in the future a supplementary document will be produced: 'What happens if someone makes a complaint against me?'</p> <p>This is an important piece of work; once the FTP for HSSR has been completed the document will include the Practitioner part of the register.</p>	Registrar  Registrar	
8.	The Academy's Quality Assurance Framework and Quality Monitoring Arrangements	<p>The Academy's Quality Assurance Framework and Quality monitoring arrangements were developed late August 2014 and the structures were built around the Education, Training &amp; Professional Standards Committee.</p> <p>The policy is due for review on the 1<sup>st</sup> September 2015 and the Council will be invited to review the process.</p> <p>The Council were invited to make comments and it was agreed that this was a helpful document as it provides a framework. It was felt that page 3 on how standards are defined could be clearer, in relation to what we do and how we do it.</p> <p>It was explained that this is a high-level paper underpinned by agreements with HEE and ASHCS.</p> <p><b>Action: Email any comments to the Deputy Registrar in relation to the document, who will collate these centrally and send by email a revised version.</b></p> <p>The Deputy Registrar also commented that the agenda item stated 'to note' so hopefully these would not be major revisions. The final document will be sent to the ETPSC and Board for approval but AHCS Regulation Council will have the opportunity to comment further.</p>	Council Members	4 Sept



9.	AHCS Regulation Council's risk matrix submitted to the PSA	<p>The risk matrix was a condition of the AHCS PSA application and was submitted to the PSA in November 2014. There were a number of conditions that had to be met and learning points for AHCS to consider. A hard copy of the risk matrix was circulated to Council to review.</p> <p>The Deputy Registrar explained that the purpose of this agenda item was to summarise the purpose of the document and to allow Regulation Council Members to ask questions regarding the PSA application process. Council needed to consider how we address any pending actions for September, which is when the PSA will expect an update on progress.</p>		
10.	Addressing the learning points in the PSA's report on the AHCS application and risk matrix	<p>The Deputy Registrar explained in detail all elements of the PSA risk matrix:</p> <ol style="list-style-type: none"> <li>1. It has been developed from the 5 year Regulation Council Plan</li> <li>2. It is a learning point to increase the pool of assessors</li> <li>3. We need to review the current complaints process to identify if the process includes that someone will represent vulnerable witnesses (identifying what support is required).</li> <li>4. It was suggested we look at the GDC process. A Regulation Council Member volunteered to investigate this further and provide feedback to the Deputy Registrar.</li> </ol> <p><b>Action: email PSA to check that the proposed approach to addressing the PSA's learning points is appropriate.</b></p>	Council Member Deputy Registrar	4 Sept
11.	<p>Investigation policy and process group activity for complaints against:</p> <p>a) AHCS Regulation Council b) AHCS Registrants</p>	<p>A brief overview of the purpose of the policy was provided for both current and future use. It was explained that we need to develop processes and panel recruitment, which is at the early stages. Each step of the process was covered and commented on by the Council.</p> <p><b>Action: Additional box within the table required after 'complaint/information received' to state AHCS confirm receipt of complaint/information.</b></p> <p>There was a question for clarity as to who the Case Manager would be, it was confirmed that this would be an AHCS member of staff, most likely Registrar or Deputy Registrar.</p> <p>It was explained that the composition of the Investigation Panel would comprise three people and would have a Lay Chair, consistent with the Regulation Council's Terms of Reference. The</p>	Registrar	

Panel will always include a person from the relevant specialism or theme.

There was some discussion around the fact that an investigation could require 3 panels:

1. Initial investigation
2. Disciplinary
3. Appeals

This could be resource intensive if 3 panels run and could equate to 9 individuals in total being involved in the whole investigation process.

It was confirmed that the panel other than the Lay Chair would not be paid and that this would be seen as an opportunity for the individual's CPD.

It was agreed that due to the number of registrants, the risk was fairly low and that recruitment and training could be put on hold. The Registrar reassured the Council that the necessary processes were in place should an investigation panel be required.

**Action: Flow charts are required to show how complaints and investigations will be handled from the perspective of:**

- a) AHCS Regulation Council
- b) AHCS Registrants

12.	Genetics update	<p>An update on the genetics STP was provided, in the context of a number of other genetics initiatives that will have an impact on the healthcare science workforce.</p> <p><b>Action: It was agreed that it would be useful to have the following information:</b></p> <ol style="list-style-type: none"> <li><b>1. Further information on the key stakeholders</b></li> <li><b>2. Relevant information on planned genetics courses</b></li> </ol>	Deputy Registrar	Oct 15
13.	Wider consultations (Law Commission / HCPC / other)	<p>HCPC is now chaired by Elaine Buckley. On further investigation into the Law Commission's report on healthcare professional regulation, the Government will not consider changes to the primary legislation. It will therefore only take action through secondary legislation and minor changes to the existing statutory Regulators for the foreseeable future.</p>		
14.	Regulation Council Annual Plan based on the Statement of Regulatory Intent (SORI)	<p>It was confirmed that we need to work with the Annual Plan rather than rewrite it.</p>		
15.	Chair's action protocol	<p>For the sake of consistency, the Academy's ETCPS Committee will be adopting the same agenda terminology as that used by the Regulation Council.</p> <ul style="list-style-type: none"> <li>• To approve: Items that need final discussion and formal agreement</li> <li>• To note: Items that are not for discussion but need to be received by Council</li> <li>• To discuss: Items that need debate by Council but do not need agreement on anything specific</li> <li>• To agree: Determine next steps/actions and/or timelines, and/or work to be undertaken.</li> </ul> <p>The ETPSC has adopted a Chair's protocol whereby decisions can be made by the Chair outside of the normal scheduled meetings. The Chair asked whether the Regulation Council would agree to the same process.</p> <p>If adopted, this protocol would always ensure that any emails were sent to the Chair with the Council Members copied in to ensure that they had the opportunity to comment if required.</p>		

	<p>This protocol would only be used where absolutely necessary and would not constitute normal practice. Under these conditions, the Council agreed to adopt the Chair's Action protocol.</p> <p>The Chair reported a discussion that she had had recently with the Interim Chair of the ETPSC about FTP processes. The Chair proposed to test 'what if scenarios re fitness to practise' in a joint workshop with members of the ETPSC. A workshop proposal will be drafted and brought to the next meeting of the Council for its consideration. If the format can be agreed then the workshop will take place early in 2016.</p>	Chair	
Date of Next Meeting	13 <sup>th</sup> October 2015, venue moved to BIVDA, Devonshire House 164-168 Westminster Bridge Road, London, SE1 7RW		
Close of meeting	15.20		

Minute sign off sheet for the Regulation Council meeting that took place 14<sup>th</sup> July 2015

Signature of Regulation Council Chair: *Rachel Rowland*

Date of signature: 13.10.15