

Council

**Public minutes of the 130th meeting of the Health and Care Professions
Council as follows:-**

Date: Thursday 21 May 2020

Time: 9.30am

Venue: Teleconference

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

In attendance:

Claire Amor, Secretary to Council
John Barwick, Chief Executive
Neil Cuthbertson, Executive Director of Digital Transformation
Gordon Dixon, Director of Business Improvement
Claire Holt, Director of HR & OD
Jacqueline Ladds, Executive Director of Policy and External Relations
Charlotte Rogers, Policy Manager (items 11-12)
Tian Tian, Director of Finance
Katherine Timms, Head of Policy and Standards (items 11-12)

Public Agenda

Item 1.20/51 Chair's welcome and introduction

- 1.1. The Chair welcomed Council members and the Executive to the 130th meeting of Council.

Item 2.20/52 Apologies for absence

- 2.1 Apologies for absence were received from Stephen Cohen. The Chair explained that Stephen Cohen had given prior detailed comments on aspects of the papers and that she would raise these on his behalf at appropriate points in the meeting.

Item 3.20/53 Approval of Agenda

- 3.1 The Council agreed to consider matters arising following the discussion topic, with this change the Council approved the agenda.

Item 4.20/54 Declaration of Members' interests

- 4.1 No interests were declared.

Item 5.20/55 Minutes of the Council meeting of 25 March 2020

- 5.2 The Council agreed the minutes of the 129th meeting of the Health and Care Professions Council.

Discussion topic

Item 6.20/56 The future healthcare landscape and its implications for the HCPC

- 6.1 The Chair introduced Rohit Talwar, CEO of Fast Future. Rohit explained the role of futurists, being that they help organisations prepare for the future, provoking strategic thinking through horizon scanning.
- 6.2 Rohit provided the Council with an overview of a number of scenarios focused on differing outcomes for economic recovery and pandemic control.
- 6.3 The Council discussed how the scenarios could impact on the HCPC and the factors the HCPC would need to negotiate and to effectively regulate in the future.
- 6.4 The Chair summarised the discussion and set out the strategic questions it had raised:-

- what does the future of regulation look like and what is the value of regulation;
- how does the HCPC ensure it is protecting the public; and
- how does the HCPC organise itself to enable new regulatory approaches.

6.5 The Chair noted the issues raised in the discussion which would be key to answering the strategic questions:-

- the impact of local or central approaches to service delivery
- changes to service delivery models
- the integration of health and social care
- recognising the community response and services
- where will the public look for assurance on their healthcare choices
- harnessing public opinion and demonstrating the contribution of HCPC regulated professions
- registrant health and wellbeing
- supporting workforce planning and demand
- the regulatory risk profile of current and aspirant professions
- expected increase in mental health service demand in longer term
- what level of risk is the HCPC willing to accept in its regulatory approach; and
- the continuing importance of the regulatory reform agenda.

6.6 The Council and SMT thanked Rohit for a stimulating discussion, which would assist the HCPC is developing its future strategy.

Standing items

Item 7.20/57 Matters arising

- 7.1 The Council noted those matters arising from the meeting held on 25 March 2020.
- 7.2 The Council noted the Executive's response on matter arising four. While the Council accepted that the data was not available to understand the scale or impact of maternity returners to the register, it agreed the issue remained a concern that required future consideration. The Executive advised this issue would be considered when reviewing the return to practice guidance later in 2020. The issue would also be covered in the communications accompanying the fee rise when this is progressed.

Item 8.20/58 Chair's report

- 8.1 The Council noted a report from the Chair.

Item 9.i 20/59 Covid-19 response

- 9.i.1 The Council received a paper from the Chief Executive.

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

- the temporary register contained approximately 26,000 registrants including 4,600 students. A key issue was the deployment rate of these registrants which was understood to be low, though accurate data was not available;
- whilst no indication has been given by government that the emergency powers will cease any time soon, the SMT has started to consider at a strategic level what is needed to ensure an orderly close down of temporary registration. A proposed policy position would be shared with Council for approval;
- comprehensive guidance had been developed for registrants within a dedicated COVID-19 information hub on the HCPC website. This also included wellbeing support resources for registrants. Guidance was being adapted in line with the changing government position;
- stakeholder communication on COVID-19 issues had been extensive with high email recipient open and view rates on recent mailing and video publishing;
- HCPC quickly adapted to working remotely and service standards had only temporarily been impacted. Redeployment and shift working had been used in registration to ensure the increased volumes of queries were dealt with to standard;
- regulatory continuity technology adaptations had been prioritised and accelerated for example virtual hearings and electronic hearing bundles had quickly been established; and
- the Executive was planning for the reshaping of the HCPC working environment and culture based on the experience of operating and regulating during the Covid-19 pandemic. In the immediate term planning was focused on how to enable a phased and safe return to office based working when it is appropriate and safe to do so.

9.i.3 The Council thanked the Executive for the excellent work undertaken at pace to respond to the pandemic under challenging circumstances.

9.i.4 The Council discussed the temporary register closure approach. It was noted that the Executive would seek to avoid a 'cliff edge' hard stop scenario and that closure needed to be driven by the needs of the sector, which may differ for different professions, for example psychological services were expected to be at peak demand when the clinical crisis was over. The Executive would prefer that regulators had the power to switch the temporary registers on and off in response to demand. Discussions had been held with the Department of Health and Social Care (DHSC) about embedding the emergency powers in the HCPC's legislation.

- 9.i.5 The Council agreed that temporary registration was not desirable as a long term regulatory solution as this would undermine the value of full registration and regulatory risk control. There was however a need to ensure regulation was flexible and able to respond quickly to future demand.
- 9.i.6 The Council noted that data on deployment rates was not robust. The Council suggested that the Executive consider undertaking a survey of registrant experiences during the pandemic, including seeking data on deployment. The Executive agreed that this would be a valuable information source to tap into, and would support the HCPC in being appropriately responsive and supportive, as well as informing and influencing stakeholders. It could also help to inform strategy development.
- 9.i.7 The Council noted that the temporary reduction in productivity referenced in the report had been a result of the quick adaptation to home working for roles which previously were not set up for this way of working. Additionally, many employees also had childcare and home schooling responsibilities as schools were closed. The HCPC needed to be reasonable in its expectations of productivity in this context. Regardless, normal service standards were now being achieved thanks to the agility and hard work of HCPC's employees.
- 9.i.8 The Council noted that the HCPC would follow government guidance with regard to the carry-over of annual leave entitlements. Employees were being encouraged to continue to take time off for their wellbeing during the working from home period.
- 9.i.9 The Council noted that remote telephony technology solutions were being explored to enable the call centre function to restart for registration queries. A call back request system was in place until this capability was established, and emails were being responded to within one day as per service standards. Renewal windows had been extended in light of both the challenges facing registrants and the reduced telephone service. The Council requested a timescale for the introduction of a remote telephony solution.
- 9.i.10 The Council noted that costs related to the pandemic response were being collated to evidence any future submission of grant funding. The types of expense which would be included was discussed.

Item 9.ii. 20/60 Chief Executive's performance report

- 9.ii.1 The Council received a report from the Chief Executive.
- 9.ii.2 The Council noted that the change plan priorities had been reviewed and a Corporate Plan for July to December 2020, with proposed areas of change focus, would be presented for agreement at the Council's July meeting.
- 9.ii.3 The Council welcomed the report and the progress made on change activity in a challenging period of pandemic response.

- 9.ii.4 It was suggested that the Executive consider using the smaller registration appeals panel system as a 'proof of concept' for tribunal improvement initiatives.
- 9.ii.5 The Council noted the work on financial modelling, which sought to address recommendations from the PWC review of financial control to improve the robustness of the HCPC's financial model.

Item 10. 20/61 Finance Update

- 10.1 The Council received a paper from the Director of Finance.
- 10.2 The Council noted the 2019-20 year end result variance against budget was due to planned cost reduction in various departments and an additional grant claim in relation to lost opportunity cost resulting from the uncertainty of the social work regulation transfer date. The value of this grant amounted to £709k. The Council noted the March 2020 (Month 12) un-audited management accounts.
- 10.3 The Council asked for clarification on the presented cash flow figures as there were two figures within the report. The Director of Finance agreed to provide this by correspondence following the meeting.
- 10.4 The Council noted that a new financial reporting dashboard was included in the report; feedback on financial reporting requirements was requested. The Council advised that a two tier report was required to provide suitable information to both those who were financially fluent and those who were less so.
- 10.5 The Council discussed the Financial Strategy presented for approval. It was noted that the strategy had arisen from discussions between Audit Committee members and the Executive on the reserves policy, deferred at the last Council meeting. It was felt that the approach to reserves and the use of pre-paid registration fees was best expressed as a Financial Strategy.
- 10.6 The Financial Strategy articulated that the reserve policy was based on net realisable assets with working capital being provided by cash through registration pre payments. The Audit Committee had since requested that the Strategy be updated to set a lower level of net realisable assets. Council agreed the Financial Strategy approach in principle and agreed to receive the Audit Committee recommendation on the level of net realisable assets, by correspondence following the meeting.
- 10.7 The Senior Council Member noted that her review of Committee structure included a focus on the appropriate place for financial and people assurance as this did not naturally fit with either the Audit or Remuneration Committees.

Items for discussion / approval

Item 11. 20/62 Registrant health and wellbeing research

- 11.1 The Council received a paper from the Head of Policy and Standards.
- 11.2 The Council had viewed in advance a short film produced as part of the HCPC commissioned University of Surrey (UoS) registrant health and wellbeing research. The Council noted that:-
- the Swartz round film sought to demonstrate the benefits of peer support and reflective discussion in developing professional resilience in stressful work environments. It was part of a suite of resources being developed to support registrant wellbeing;
 - the UoS had produced another film based on its interviews of registrants who had been subject to an HCPC FTP process. This would be shared with the Council at its July meeting; and
 - the Executive was developing a registrant health and wellbeing strategy which would focus on how the HCPC could take a more supportive approach to those involved in the FTP process.
- 11.3 The Council welcomed the Swartz round film, noting that it fitted well with the HCPC's reflective approach to CPD. The Council noted that facilitation was key to participants feeling that the group discussions were a safe environment to share their experiences honestly.
- 11.4 The Council noted that Swartz rounds had an associated cost which would not be accessible to all registrants. It was noted that NHS Education for Scotland had developed a similar resource known as Values Based Reflective Practice, which could be more affordable. The Executive agreed that these resources were useful and that the film did not advocate the need for Swartz rounds, instead focusing on the benefit of reflective facilitated discussion and peer support. The Executive was engaging with NHS Education for Scotland to explore the use of their resources in this area.
- 11.5 The Council approved the publication of the film.

Item 12. 20/63 Advance Practice update

- 12.1 The Council welcomed Charlotte Rogers, Policy Manager, to her first Council Meeting.
- 12.2 Charlotte provided the Council with an overview of the intended approach to developing the HCPC's regulatory approach to Advanced Practice (AP). The Council noted that:-

- following desk based research, external research would be commissioned to better understand the risk profile of AP practice;
- this would lead to the development of proposals taking into account the wider context of regulatory reform and workforce demand;
- an extensive engagement plan would run in parallel;
- timescales for the work were ambitious with the aim to present proposals to Council for approval at the end of 2020. Council would receive regular progress reports leading to the delivery; and
- in developing an engagement plan the Executive was mindful of the pressures on stakeholders at this time. Engagement would be targeted and specific and include a diverse range of groups.

12.3 The Council was asked how they would like to be involved in the work. A number of members volunteered to contribute as needed. The Chair of Council proposed that a workshop on AP be held in July 2020 with the participation of those members with experience in this area. It was suggested that the Executive seek to involve key external stakeholders if possible.

12.4 The Council noted that the Executive had been in dialogue with key stakeholders on AP and would continue to work collaboratively with these stakeholders in developing the HCPC's approach to AP.

The Council noted the following items:-

Item 13. 20/64 The equality impact of our approach to COVID-19

Item 14. 20/65 Gender pay gap report 2020

Item 15. 20/66 Unconfirmed minutes of the Education and Training Committee of 24 March and 23 April 2020

Item 16. 20/67 Any other business

16.1 There was no further business.

Item 17. 20/68 Date and time of next meeting:

17.1 10am, 2 July 2020.

Item 18. 20/69 Resolution

The Council adopted the following resolution:

'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;
- (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.

Item	Reason for Exclusion
19	B
20	B
21	H
22	A

Chair:

Date: