

Council

**Public minutes of the 139th meeting of the Health and Care Professions
Council as follows:-**

Date: Thursday 25 November 2021

Time: 10am

Venue: Videoconference

Present: Christine Elliott (Chair)
Stephen Cohen
Maureen Drake
Kathryn Foreman
Sue Gallone
Helen Gough
Nicola Hunt*
Sonya Lam
Eileen Mullan
Pameleta Ricketts*
David Stirling
Kathryn Thirlaway
Stephen Wordsworth

In attendance:

Claire Amor, Secretary to Council
Fatma Ali, Head of HR and OD
John Barwick, Chief Executive and Registrar
Laura Coffey, Head of Fitness to Practice
Gordon Dixon, Finance Consultant
Colette Higham, Professional Standards Authority
Naomi Nicholson, Executive Director of Professional Practice and Insight
Nasia Nicou-Panayiotou, Quality Assurance Officer
Kathryn Flynn, DHSC
James Penry-Davey, Capsticks LLP
Laura Ryan, Kingsley Napley LLP
Andrew Smith, Executive Director of Regulation

*Council Apprentice

Public Agenda

Item 1. 21/139 Chair's welcome and introduction

- 1.1 The Chair welcomed those present to the 139th meeting of Council.
- 1.2 The Chair noted that it was the last meeting of the Council for members Sonya Lam and Stephen Wordsworth, who would end their terms as Council members at the end of 2021. Christine thanked both for their invaluable service to the HCPC over many years.
- 1.3 The Chair also noted that it was the final meeting of the Council to be attended by the HCPC's first Council Apprentices, Pameleta Ricketts and Nicola Hunt. She thanked both for their contributions to the Council over 2021 which had enriched the Council's discussions.
- 1.4 The Chair finally noted that three newly appointed Council members would join the Council from 1 January 2022. She provided the Council with a summary of their profiles.

Item 1.i. 21/140 Apologies for absence

- 1.i.1 No apologies for absence were received. It was noted that Council member Kathryn Foreman would later join the meeting.

Item 1.ii. 21/141 Approval of Agenda

- 1.ii.1 The Council approved the agenda.

Item 1.iii. 21/142 Declaration of Members' interests

- 1.iii.1 No interests were declared.

Item 1.iv. 21/143 Minutes of the Council meeting of 22 September 2021

- 1.iv.1 The Council approved the minutes of its meeting of 22 September 2021.

Item 1.v. 21/144 Matters arising

- 1.v.1 The Council noted those matters arising from previous meetings.

Standing reports

Item 2. 21/145 Chair's report

- 2.1 The Council noted the report.

Item 3. 21/146 Chief Executive's performance report

3.1 The Council received a paper from the Chief Executive. The report provided narrative and data on organisational performance since the last report in September 2021.

3.2 The Council noted the following points:-

- the Strategic Risk Register was appended to the report and had undergone a detailed review with the Audit and Risk Assurance Committee earlier in November;
- mitigations in place to improve registration service performance were having a positive impact on processing times, with UK applications returning within service standards and Renewals, readmissions and CPD continuing to meet service standards;
- improving international application service was a key focus for the Executive. Additional resources had been allocated and in parallel, work was progressing to enable online applications. This would reduce the amount of manual work involved and reduce processing times;
- renewal rates were in line with those seen at the same point in previous cycles. This provided assurance that registrants had been able to complete their registration renewals on time. It also indicated that significant numbers of registrants were not leaving the workforce as a potential consequence of the pandemic;
- HCPC continued to be proactively engaged with regulatory reform, including the Health and Care Bill, the KPMG review of regulators as well as the DHSC's GMC section 60 work, which would form the template for the review of other regulators legislation;
- employee retention had improved with turnover in line within the national average. The HCPC's people strategy aimed to ensure that the HCPC was an attractive place to work. In support of this, a wellbeing framework and action plan had been developed;
- following the outcomes of an all employee new ways of working survey, a roadmap for moving to formal hybrid working had been developed, with the intention to launch a pilot early in the New Year once the building works for accommodating hearings were completed;
- government had announced it would be introducing legislation to mandate COVID-19 vaccination for healthcare workers. The HCPC's Standards did not require registrants to be vaccinated against COVID-19, but guidance strongly encouraged this. The HCPC's response to the government's consultation on this issue, set out some of the potential implications and risks relating to mandatory vaccination; and
- HCPC were seeking clarification from government about the implementation of this policy, noting that government's announcement

applied in England only, as well as engaging closely with fellow professional healthcare regulators to develop an appropriate response.

- 3.3 The Council discussed registration service levels and welcomed the improvements shown in the performance data. The Chief Executive added that significant work had been undertaken to encourage early renewal including working with professional bodies and targeted communications.
- 3.4 The Council noted that a fix had been implemented to enable registrants to change their email address, an issue which had caused significant call volumes when an employer had changed the format of its email domain. The Council welcomed this change to mitigate future disruption.
- 3.5 The Council asked for any root causes known to the HCPC as to the reduction of occupational therapist registrations. The Chief Executive agreed to review this and report back to the Council. **ACTION.**
- 3.6 The Council discussed the issue of mandatory vaccinations for healthcare workers. The Council welcomed the Executive's work with the other regulators to develop a common regulatory approach to the issue. The Council agreed that the issue of vaccinations was an employer rather than a regulator issue unless dishonesty was involved. The Council noted the need for nuance in any HCPC communication regarding mandatory vaccinations, given regional requirement variances.
- 3.7 The Council asked what the timescale was for the completion of KPMGs review of professional regulators. The Chief Executive advised that while initial feedback had been shared with the regulators, formal presentation of the results would be determined by DHSC. He added he would advise the Council of this once it was known.
- 3.8 The Council welcomed the permanent recruitment to key posts, in particular within the finance team. The Chief Executive noted that the consultant support in place would be phased out early in the New Year to enable a suitable handover period.
- 3.9 The Council welcomed the improvement to the HCPC's turnover rates and the development of the People Plan, to be discussed later on the agenda, as a significant and positive step forwards for the HCPC as an employer. The Chief Executive noted that the format of the employee turnover KPI would be amended in the next issue of the report to reflect that used for the People and Resources Committee reporting.
- 3.10 The Council noted that the milestone tracker for the Corporate Plan deliverables had been agreed as a quarterly report and the next issue would be in March 2022.
- 3.11 The Council thanked the Chief Executive and his team for the significant work undertaken as represented in the report. It was agreed the report provided a good assurance of the grip of the Executive team on the HCPC's key issues.

Item 4. 21/147 Finance Report

4.1 The Council received a paper from the Chief Executive. The report presented the HCPC's financial position at the end of quarter 2 of 2021-22.

4.2 The Council noted the following points:-

- as of the end of September 2021, income was £307k favourable to budget and operating expenditure was £245k favourable to budget;
- the forecasted outturn for fee income was expected to exceed budget by c.£1m, predominately driven by the increase in international applications. This increase had an associated increase in costs for processing;
- the variance on expenditure principally related to FtP, Registration and IT. The overspend in FtP and IT was due to shortfall in budgeting assumptions. The overspend in Registration had been agreed by the ELT and would be netted off by the increase in registration income; and
- the People and Resources Committee had reviewed the report at its meeting earlier in November 2021.

4.3 The Council noted that the retender of the case preparation and conclusion legal FtP contract included a focus on efficiency and effectiveness realisation. The benefits of this retender would not be realised until a new contract was operational in 2022-23

4.4 The Council asked if the cost of transcription services had been reviewed. The Chief Executive noted that the HCPC had led on the development of a procurement framework for the provision of transcription services which many regulators used, this enabled lower rates through 'bulk' purchase. Further transcription cost reductions in would only be realised with regulatory reform reducing the number of cases required to be determined by hearing.

Item 5. 21/148 Fitness to Practise Improvement Plan – progress update

5.1 The Council received a paper from the Head of FtP. The paper provided the Council with an update on the progress of the FtP Improvement Plan.

5.2 The Council noted the following points:-

- the target of reducing time from receipt to interim order to 12 weeks had been met in June and July but it was not met in August and September due to long running criminal investigations concluding as well as an outlier case, where the need for an IO was identified following a part heard final hearing;
- monthly quality checks were in place for all risk assessments. The Executive's aim was to achieve 70% adherence with agreed best practice standards for risk assessments by the end of October and

90% by end of December 2021. At the end of July this performance was at 67%. Improvements to process had been identified and the Executive were confident the target could be reached. The HCPC's internal Quality Assurance team would undertake an independent review of the quality and timeliness of the risk assessments in October;

- new case plans had been implemented for all new cases received into the Threshold team from Triage, and for new cases meeting the Threshold transferred to the Investigations team. Quality checks of these plans undertaken in July found that 67% of case plans adhered to best practice standards. the target was for 70% meeting the standards by the end of October 2021 and 80% by end of December 2021;
- median data reported to PSA did not include cases closed against the Threshold Policy following an initial investigation which represents 45% of all received concerns. If cases closed at threshold were included, HCPC's pre-ICP performance would be improved by a factor of 32.9 weeks;
- based on the most recently available PSA performance reports, the Executive had benchmarked the HCPC's median measure performance. The results presented in the paper indicated that the HCPC's current median age to ICP was in line with the other larger regulators and was lower than some;
- a model had been developed to track the trajectory of the median age of the live caseload over 6-12 months. The trajectory was based on current caseloads, headcount, processes, and budgeted activity. The model would be updated on a monthly basis with month end actuals, to improve its accuracy; and
- there had been an improvement in the proportion of cases within KPI range for all case categories during 2021, this provided assurance that targets were being maintained once met.

5.3 The Head of FtP noted that there had been improvement in FtP staff turnover and that there had been internal promotions which she considered a positive sign of employees developing within the department, however recruitment remained challenging and filling vacancies took time. Mitigations in the form of an improved induction and training programme provided some assurance that new employees were being onboarded effectively.

5.4 The Council noted the significant change experienced by the FtP department as part of the improvement programme and asked about morale. The Head of FtP noted temperature checks were undertaken on mood during daily team huddles on an anonymous basis which the management team had sight of. There had been an improvement in reported mood over the Autumn with a slight dip in the summer with the launch of the new IT system, which had been expected as a necessary disruption.

- 5.5 The Council asked the Head of FtP as to the potential for improved EDI data within FtP to enable data informed upstream work. The Head of FtP noted the potential of the new FtP IT system to facilitate better data collection, and that discussion was underway with the new Head of Insights and Analytics as to the priority areas of analysis for FtP.
- 5.6 The Council welcomed the performance against best practice standards for risk assessments and asked what further measures were being undertaken to meet the target of 70% compliance. The Head of FtP noted that work with risk assessment champions in each case team was underway and that improvement beyond the initial 70% target was the aim.
- 5.7 The Council thanked the Head of FtP and Executive Director of Regulation for an excellent report and welcomed the positive signs of performance improvement within FtP.

Items for discussion / decision

Item 6. 21/149 People Strategy

- 6.1 The Council received a paper from the Head of HR. The paper presented the HCPC's People Strategy 2021-26 for Council approval.
- 6.2 The Council noted the following points:-
- the People Strategy 2021-26 was the first such strategy for the HCPC and set out a clear statement on the culture the HCPC aimed for and how this would be achieved;
 - the Strategy was aligned with HCPC's Corporate Strategy 2021-26 as well as its agreed values and behaviours, and aimed to ensure that HCPC was an employer of choice with a culture and policies and procedures that set high expectations, whilst providing a stimulating and rewarding work environment;
 - it provided a people-centred framework summarised into four themes and three time horizons;
 - the Strategy had been reviewed and recommended to Council by the People and Resources Committee. The Council also took part in a workshop focused on the behavioural framework earlier in 2021; and
 - following Council approval the People Strategy would be art worked and launched with employees in January 2022
- 6.3 The Council welcomed the People Strategy and the considerable engagement work that had been undertaken with employees to inform it.

- 6.4 The Council reflected on its visibility with HCPC employees. It was noted that the all employee event in early 2022 would be an opportunity for Council to engage with employees informally.
- 6.5 The Council welcomed the development of career progression pathways and development plans to aid retention.
- 6.6 The Council approved the People Strategy 2021-26

Items to note

The Council noted the following items:

Item 7. 21/150 Unconfirmed minutes of the Remuneration Committee of 5 October 2021

Item 8. 21/151 Unconfirmed minutes of the Audit and Risk Assurance Committee of 10 November 2021

Item 9. 21/152 Unconfirmed minutes of the Education and Training Committee of 11 November 2021

Item 10. 21/153 Unconfirmed minutes of the People and Resources Committee of 17 November 2021

Item 11. 21/154 Welsh Language Scheme Annual Report 2021

Item 12. 21/155 Council and Committee 2022 dates

Item 13. 21/156 Any other business

13.1 There was no further business.

Item 14. 21/157 Date and time of next meeting:

14.1 3 February 2022

Item 15. 21/158 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
16	H
17	H
18	H
19	H
20	C, H
21	C
22	B
23	B
24	C, H

Chair:

Date: