

Council

Public minutes of the 144th meeting of the Health and Care Professions Council as follows:-

Date: Thursday 21 July 2022

Time: 11:45am

Venue: HCPC Offices, Kennington, London

Present: Christine Elliott (Chair)
Meera Burgess*
Stephen Cohen (until item 5)
Heeral Davda*
Maureen Drake
Rebekah Eglinton
Sue Gallone
Helen Gough (from item 13)
Eileen Mullan (from item 4)
Kathryn Thirlaway
Valerie Webster
Steven Vaughan

In attendance:

Claire Amor, Secretary to Council
Zoe Allan, Governance Officer
John Barwick, Chief Executive and Registrar
Alastair Bridges, Executive Director of Resources and Business Performance
Laura Coffey, Head of Fitness to Practice
Colette Higham, Professional Standards Authority
Naomi Nicholson, Executive Director of Professional Practice and Insight
James Penry-Davey, Capsticks LLP
Anna Raftery, QA Lead
Andrew Smith, Executive Director of Regulation
Kate Steele, Capsticks LLP

*Council Apprentice

Public Agenda

Item 1. 22/79 Chair's welcome and introduction

1.1 The Chair welcomed those present to the 144th meeting of Council.

Item 1.i. 22/80 Apologies for absence

1.i.1 Apologies for absence were received from members David Stirling and Kathryn Foreman.

1.i.2 It was noted that members Eileen Mullan and Helen Gough would join the meeting later due to transport delays.

Item 1.ii. 22/81 Approval of Agenda

1.ii.1 The Council approved the agenda.

Item 1.iii. 22/82 Declaration of Members' interests

1.iii.1 Members had no interests to declare.

Item 1.iv. 22/83 Minutes of the Council meeting of 26 May 2022

1.iv.1 The Council approved the minutes of its meeting of 26 May 2022.

Item 1.v. 22/84 Matters arising

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

Standing reports

Item 2. 22/85 Chair's Report

2.1 The Council noted the report.

Item 3. 22/86 Chief Executive's performance report

3.1 The Council received a standing report from the Chief Executive.

3.2 The Council noted the following points:-

- the paper included the first 2022-23 Corporate Plan progress report, as well as the first iteration of the revised Strategic Risk Register as agreed at the Council's May meeting;
- online UK applications functionality had launched in June. This meant that all UK, International and renewal processes were online, improving efficiency and customer experience;
- the HCPC's international application processing partner PwC had processed over 5.5k applications, and in June the median time for a first assessment decision was 55 working days which was within the 60-day KPI for the first time since March 2021;
- phone responsiveness had improved through the launch of a fully online cloud based system increasing call handling capacity and management reporting;
- greater use of data and proactive engagement with professional bodies to support renewals had continued. Dieticians had completed their renewal period with no reported concerns and 95% of the profession renewing;
- the HCPC's new Strategic Relationships Lead took up post at the end of May. This new role focused on engagement across the devolved administrations and trade unions, as well as overseeing wider stakeholder engagement; and
- the first cohort of beyond barriers mentors and mentees had completed the programme and reflected very positively regarding its impact. A new aspiring leaders' programme would launch in late 2022 as part of a formal apprenticeship qualification scheme.

3.3 The Council welcomed the positive reception of the student events run by the Professional Liaison Team. The Council asked if these events would be taken forward with all education providers. The Executive Director of Professional Practice and Insight responded that as the Professional Liaison Team grew, their reach would expand. The Council suggested that programme leaders be provided with the materials to run the events themselves to increase reach.

3.4 The Council asked how the HCPC was engaging with service users to capture their diverse voices. The Chief Executive responded that the patient voice would be a key part of the Standards of Conduct Performance and Ethics (SCPE) review and the HCPC would work with patient groups to facilitate this. The HCPC's Strategic Relationship Lead would be reviewing the HCPC's approach to engagement with service users as committed to in the Corporate Plan 2022-23.

3.5 The Council asked if employers had been engaged regarding renewals. The Executive Director of Professional Practice and Insight responded that the HCPC was engaging with NHS employers to seek to use their networks to improve the reach of HCPC messaging on renewals. The HCPC were also

working with Unions on the issue. The Council recommended that Chief Allied Health Officers within trusts be engaged, as these roles would have a greater awareness of professional regulation.

- 3.6 The Council asked how ministerial changes expected as a result of the prime minister's resignation would impact on the progression of regulatory reform. The Chief Executive responded that the Executive continued to engage regularly with Department of Health and Social Care (DHSC) civil servants regarding regulatory reform, and that assurance had been given that regulatory reform would continue, though the government's response to the KPMG review of regulators was not expected to be prioritised. In addition, DHSC had changed its approach to the reform of the GMC, separating the legislation required to regulate physician associates from the wider reform of the GMC legislation. It was hoped that this approach would enable the reform of other regulators to commence in parallel.
- 3.7 The Council noted that the temporary register was expected to close at the end of September 2022. The Council asked what the HCPC was doing to support those on the temporary register who wished to return to the permanent register and re-join their profession. The Chief Executive responded that the HCPC had approached the temporary register establishment on an opt out basis for expediency, any former registrant who had left the permanent register in the previous three years, without FtP history, was added. HCPC had written to those on the temporary register to provide guidance on how to re-join on a permanent basis. The HCPC were also supporting the Health Education England's (HEE) programme to encourage returners to practice. A fees waiver for returners was not being considered as the fee funded essential due diligence activity to ensure returners met the standards for safe practice.
- 3.8 The Council discussed the Corporate Plan milestone tracker. The Chief Executive noted that as it was the start of the year, many workstreams were reporting as green as they had initiated as expected, but that he would expect to see some challenges to delivery as the year progressed. He noted that the delivery of 85% of milestones in 2021-22 should provide the Council with some confidence that the volume of work in the plan was achievable.
- 3.9 Asked what his main concerns were regarding the HCPC's performance, the Chief Executive responded that the improvement of core regulatory functions as well as the greater use of data were of key focus.

Item 4. 22/87 Finance Report

- 4.1 The Council received a standing report from the Head of Finance. The report presented the HCPC's financial position as at the end of May 2022.
- 4.2 The Council noted the following points:-
- the operating surplus for the year to date was £0.9m compared to a budgeted deficit of £0.7m, which was attributable to the significant

increase in the international scrutiny fees income and departmental underspends;

- year to date income was £1.0m favourable to budget. it was expected that international applications would exceed forecasts for the full financial year, as 48% of forecasted application numbers had already been received. This increase in income was offset by an associated increase in application processing costs; and
- the budgeted outturn for the financial year was a deficit of £0.8m. The position would be managed actively to mitigate any further risks; and
- as part of the quarter one forecast, detailed reviews were taking place on income recognition, on-going project costs and FtP work in progress.

4.3 The Council noted that the end of quarter one forecast was underway, and the Executive Director of Resources and Business Performance expected this to add accuracy to end of year result forecasting to enable adjustments to be made in expenditure if required. He noted that the Executive would return to the Council with any key prioritisation decisions that needed to be made as a result.

4.4 The Council noted that FtP cost pressures, rising energy costs and inflation were listed as a key financial risks and that the quarter one forecast would provide clarity on the extent of their impact.

4.5 The Council discussed the financial investment required for hybrid working equipment. It was noted that the main expense was laptops for all employees to ensure equality in provision, as over the pandemic period some employees had been using personal devices. Other home working equipment provision was being considered. The Council noted the importance of ensuring equality diversity and inclusion was kept in mind when considering how to best support home working for all employees.

Item 5. 22/88 Fitness to Practise Report

5.1 The Council received a standing report from the Head of FtP.

5.2 The Council noted the following points:-

- two targets were in place for Interim Order (IO) timeliness. The first target was 90% of cases going from receipt of concern to IO panel in 12 weeks. Performance against the first target was improving. In January and February 2022 the time taken was 17 weeks, the lowest time since September 2021. In May, the time taken was 24 weeks and in June, 18 weeks. In both months, the conclusion of third-party investigations impacted performance;

- the second target was the time from the point at which information was received suggesting an IO may be required, to holding an IO panel. The second target had been consistently met for some time;
- with regards to case planning, 100% and 86% of reviewed case plans met the quality standard in May and June respectively. While the team were pleased with the result, they were mindful that the checks represented a sample and more work was needed to ensure the positive changes were embedded;
- learning from the internal quality checks were on the whole minor points and lower risk cases, with the most common reason being difficulty in articulating where risk was low. On case planning, the main learning was the need to revisit the case plan through the life of the case to update it with new information;
- in May and June, the median age of cases that were closed at a final hearing decreased to 68 and 76 weeks respectively as frontloaded cases were concluded through the direct listing process. The youngest concluded case was 25 weeks since the ICP decision, lower than the KPI of 39 weeks; and
- there had been a slight uplift in the number of post-ICP cases at the end of June 2022, due to a number of cases that went part heard in the month. As with other regulators HCPC had experienced some challenges with Legal Assessor availability due to an increase in court activity post pandemic. Recruitment to increase the pool of Legal Assessors was underway.

5.3 The Council asked the Executive how the morale of FtP employees was being supported. The Head of FtP noted that celebrating success was a key focus of department communications and that there was a good understanding within the team that improvement would take time to evidence. The Council asked the Executive to include the experiences of FtP employees in future reports. **ACTION**

5.4 The Council discussed the tone of voice review which was a part of the phase two improvement projects, noting the importance of the work progressing at pace. The Head of FtP noted that this work included the review of over 300 templates, which would be prioritised by the potential impact on stakeholders. It was noted that the review was key to regaining PSA standard 18 and that a dedicated resource would be recruited to lead the work.

5.5 The Council noted the improvement being evidenced in the FtP report but expressed some concern that the overall KPI for FtP performance had not significantly improved over the previous year. The Head of FtP noted that marked improvement on the KPI wouldn't show until the cases impacted by the improvement work had closed. She noted that the team were not complacent and recognised that there was still a significant amount of work ahead to build on improvement.

- 5.6 The Executive Director of Regulation added that the FtP Improvement Board which met regularly to review the HCPC's progress in FtP improvement, and included representation from the PSA and DHSC, had advised the HCPC to pace future projects to enable adequate focus on embedding the benefits of completed projects. The Council noted the need for all employees within FtP to be clear on the success measures for projects and how these were prioritised to ensure focused efforts.
- 5.7 The Council asked for productivity data to be included in the September 2022 report. **ACTION**
- 5.8 The Council noted that the HCPC's performance and future forecasting data was being reviewed and benchmarked against the recently published data set of all regulators' performance, published in the PSA's Annual Report and Accounts 2021-22. The Council requested this information be presented at its September 2022 meeting. **ACTION**
- 5.9 The Council noted that there were 14 case manager vacancies reported in the paper and asked how this was being addressed. The Head of FtP noted that the 14 vacant posts were being covered by temporary staff and that permanent recruitment was underway, but that this was challenging as the jobs market was competitive.
- 5.10 The Executive Director of Regulation noted the HCPC had reviewed the salary scales for case managers and made enhancements to seek to be more competitive and in line with other regulators, to whom most departing case managers were lost. He added that since this review, the other regulators had increased their salary ranges reducing the impact of the HCPC's review. The HCPC would continue to keep the competitiveness of its salaries for key roles under review while being mindful of affordability.

Items to note

The Council noted the following items:

Item 6. 22/89 Decisions outside of meeting

Item 7. 22/90 Unconfirmed minutes of the People and Resources Committee meeting of 7 June 2022

Item 8. 22/91 Unconfirmed minutes of the Education and Training Committee meeting of 8 June 2022

Item 9. 22/92 Unconfirmed minutes of the Audit and Risk Assurance Committee meeting of 9 June

Item 10. 22/93 Council and Committee dates 2023

Item 11. 22/94 Any other business

11.1 The Chair invited observer Kate Steele to share her reflections on the meeting. Kate noted the themes of stakeholder communication and the employee voice were prominent in the varied items of business discussed.

Item 12. 22/95 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
13	C
14	H
15	H
16	H
17	H
18	H

Chair:

Date: