

Council

Public minutes of the 150th meeting of the Health and Care Professions Council as follows:-

Date: Thursday 25 May 2023

Time: 11am

Venue: Zoom meeting

Present: Christine Elliott (Chair)
Oli Davies*
Damien Baker*
Maureen Drake
Rebekah Eglinton
Sue Gallone
Helen Gough
John McEvoy
Lianne Patterson
David Stirling
Kathryn Thirlaway
Valerie Webster
Steven Vaughan

In attendance:

Claire Amor, Executive Director of Governance, Assurance and Planning
Chantelle Blunt, HR Business Partner
Alastair Bridges, Executive Director of Resources and Business Performance
Natasha Chaugule, HR Business Partner
Laura Coffey, Interim Executive Director of Regulation
Kellie Green, Interim Head of Fitness to Practise
Colette Higham, Professional Standards Authority
Geoff Kirk, Head of IT and Digital Transformation
Vesna Maglov, Registration Team Leader
James McMahon, Head of Estates and Facilities Management
Andrew Smith, Interim Deputy Chief Executive
Kate Steele, Capsticks LLP

*Council Apprentice

Public Agenda

Item 1. 23/45 Chair's welcome and introduction

1.1 The Chair welcomed those present to the 150th meeting of Council.

Item 1.i. 23/46 Apologies for absence

1.i.1 The Council noted that Kathryn Foreman had sent apologies for the morning meeting and that she would be in attendance for the afternoon session, starting at 1.30pm.

Item 1.ii. 23/47 Approval of Agenda

1.ii.1 The Council approved the agenda.

Item 1.iii. 23/48 Declaration of Members' interests

1.iii.1 Member's had no interests to declare.

Item 1.iv. 23/49 Minutes of the Council meeting of 23 March 2023

1.iv.1 The Council noted that the minutes had two paragraphs numbered 6.4 in error. The Council agreed that the meaning of the paragraphs was accurate, and the content should be joined in one revised paragraph. With this amendment, the Council approved the minutes of its meeting of 23 March 2023.

Item 1.v. 23/50 Matters arising

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

Standing reports

Item 2. 23/51 Chair's Report

2.1 The Council noted this item.

Item 3. 23/52 Interim Deputy Chief Executive's performance report

3.1 The Council received a report from the Interim Deputy Chief Executive. The report highlighted key areas of development in the reporting period, since March 2023.

3.2 The Council noted the following points:-

- HCPC had responded to the Department of Health and Social Care's (DHSC) consultation on the regulation of anaesthesia associates and physician associates. This draft legislation would serve as a template for further reform across healthcare professional regulators;
- following the Council's March 2023 decision on the maintenance of the temporary register, communication to those included on the register and key stakeholders would be issued at the beginning of June. Guidance on what the HCPC expects from registrants working in support of the Covid-19 recovery had been developed;
- registration contact centre performance continued to be within KPI targets. Performance was improving against the Education KPI with 9 out of 10 assessments within target range and a reduction in active cases from 120 in September 2022 to 74 at the end of April 2023;
- as part of the HCPC's approach to hybrid working and commitment to maximising efficiency, at the end of March 2023, two leases for 33 Stannary Street were exited, resulting in the HCPC footprint being entirely within its owned freehold; and
- in February 2023 the HCPC commissioned an independent review into the use of Partners. Plans arising from the review would be developed and reported to the People and Resources Committee.

- 3.3 The Council welcomed the review of the HCPC's use of Partners and noted that the Education and Training Committee would be consulted on aspects relevant to registration and education assessments.
- 3.4 The Council asked if the registration contact centre had a good understanding of peak contact times through the year. It was noted that this was the case and that the resourcing of the department followed these patterns enabling the team to meet demand. It was also noted that relevant communication on processing times were ready to be issued should this time increase beyond compliance with the KPI.
- 3.5 The Council asked how many contacts had been received by the HCPC's newly launched registrant support line. It was noted that in the first month of operation the line had had three callers, which was in line with similar services from other regulators when first launched. The line was being promoted widely in FTP communication and the contact rate would continue to be monitored.
- 3.6 The Council noted that the health and care workforce was changing at pace and questioned if the HCPC's regulation was keeping pace with this change. The need for the HCPC to determine its position on the increased use of unregulated support roles was raised. The Interim Deputy Chief Executive noted that the legislative blueprint for the regulatory reform was high level and universal enough to enable new professions to be brought into regulation should this be the decision of the government. The legislation would also

enable more agile adaptations to regulation, such as the greater use of annotations or credentials.

Item 4. 23/53 Finance Report

- 4.1 The Council received a report from the Head of Finance outlining the HCPC's financial position as at the end of March 2023.
- 4.2 The Council noted the following points:-
- the HCPC's projected year end position before further potential updates arising from income reconciliations and other year-end adjustments result was a deficit of £169k which represented an improvement on the larger deficit included in the budget at the start of the year; the decrease compared to budget reflected a number of factors, including higher volumes of registration applications, progress on efficiency, and some underspends resulting from capacity constraints;
 - total registration income was £36.8m (subject to year-end adjustments) compared to the original budget of £32.5m. This increase was largely due to an additional c. 6,900 international applications being received when compared to forecast. The increase in applications had an associated increase in operating costs to process the applications; and
 - at the end of 2022-23 the HCPC had reserves of £1.3m, before further year-end adjustments, after making provision for future liabilities. Although there had been good progress in strengthening financial management and reducing the deficit, the reserves remained well below prudential levels, which underlined the continuing need for a fee rise. The HCPC's proposed fee rise was subject to the parliamentary approval process.
- 4.3 The Council discussed the additional legal costs outlined in the paper. It was noted that this was due to the HCPC ending a relationship with a legal provider in quarter 4 of 2022-23. This had resulted in costs from reallocation and transfer of cases.
- 4.4 The Council asked if financial modelling was in place to forecast international registration income. The Executive Director of Resources and Business Performance advised that the HCPC could not easily develop a fully robust model to enable accurate forecasting of application volumes, due to a lack of clarity on future trends. The NHS workforce plan expected to be published in 2023 would contribute to an understanding of future demand and recruitment targets.
- 4.5 A member of Council noted that the recent government announcement that international students would not be able to bring dependants to the UK to study could reduce the number of international students who went on to register in the UK.

4.6 The Council questioned if the adverse depreciation variance was the result of a change in depreciation policy. The Head of Finance advised that this was not due to a change in policy but instead due to closed projects not being updated in budgets. Better communication had been implemented between the Finance and Business Change teams to prevent future reoccurrence.

Item 5. 23/54 Fitness to Practise Performance Report

5.1 The Council received a paper from the Interim Head of Fitness to Practise.

5.2 The Council noted the following points:-

- the HCPC's first registrant support line launched on 24 April 2023. The service was free, confidential and run independently of the HCPC;
- monitoring the quality and timeliness of risk assessments and case plans continued. There was a small decline in performance in March 2023 with 75% adherence to best practice standards, the target was 80%. Additional coaching, support and oversight had been implemented for newer and less experienced Case Managers to ensure performance returned to or exceeded the 80% target;
- HCPC continued to progress the oldest cases, alongside those more recently received. In March 2023, the oldest case closed was at 201 weeks, and the youngest at 2 weeks. The median age of cases closed in February and March 2023 was 30 and 27 weeks, which fell within the KPI of 33 weeks; and
- a review of the HCPC's policies processes and KPIs for the management of protection of title cases had launched.

5.3 The Council asked if the quarter two 2023-24 target for the completion of the tone of voice template review included the deployment of the new templates. It was noted that this was the Executive's aim but that this would depend on prioritisation of system changes at the time of go live.

5.4 The Council discussed what was meant by an 'old' FTP case. It was noted that this was a case outside of the timeliness KPI and for the purposes of PSA reporting meant a case older than 1-2 years old. The great majority of old cases were due to third party investigations where the third-party investigation was required to complete before the HCPC could progress the FTP case. Older cases also tended to be more complex with multiple parties involved, though not necessarily more serious. Regular risk assessments were undertaken on old cases as with all FTP cases. The Council agreed that this summary of old cases should be included in the FTP report for the readers understanding as it was a public report. **ACTION.**

5.5 The Interim Executive Director of Regulation noted that the FTP team was working on separated reporting to extract these older cases on hold due to third party investigations to give a picture of timeliness performance within the

HCPC's control. The Council agreed to do a deep dive discussion into older FTP cases at its July 2023 meeting. **ACTION.**

- 5.6 The Council advised the Executive to promote the registration support line with professional bodies, unions and internal NHS wellbeing support channels and charities.

Item 6. 23/55 Equality, Diversity and Inclusion Annual Report 2023

- 6.1 The Council received a paper from the Equality Diversity and Inclusion Strategic Lead. The paper summarised achievements against the HCPC's Equality Diversity and Inclusion (EDI) Strategy and Action Plan in 2022-23, and included detail on plans for 2023-24.

- 6.2 The Council noted the following points:-

- the HCPC had made significant progress developing the foundations to realise the long-term ambitions of the EDI Strategy. 2022-23 had been a year for putting some of these core pillars in place, including the building of data and analysis capabilities;
- over the year there had been significant improvements in the quality and the quantity of the data held for registrants. At the end of April 2023, the HCPC held EDI data for 57% of the register. This had enabled the HCPC to begin analysis of FTP data for patterns across the age and sex/gender of those registrants involved;
- consideration of EDI in governance processes had improved over the year with all ELT and Council papers including information on EDI impacts and equality impact analyses (EIAs) being completed for any formal policy development;
- internally EDI data had enabled analysis of pulse surveys through an EDI lens;
- an audit of the HCPC's approach to EDI by internal auditors BDO LLP had found no significant issues; and
- the paper included the action plan for 2023-24, which included a target to increase the percentage of EDI data held for registrants to 80%.

- 6.3 The Council noted that the development of meaningful analysis of FTP decisions across age and sex/gender had been resource intensive and complex to deliver. The Council asked if excluding retrospective analysis would reduce the resource required. The EDI Strategic Lead advised that the scale of the data set in question was relatively small, and some case types required more data to be accumulated before meaningful analysis could take place.

- 6.4 The Council discussed the reprioritisation of the EDI action plan as outlined in the paper. Concern was noted about a delay to the review of guidance for FTP decision makers being reviewed from an EDI perspective. The EDI Strategic Lead explained that this was due to resource constraints within the FTP and Policy teams and that as a mitigation guidance and training was in place for FTP panel members. Additionally regulatory reform would fundamentally alter the processes for which guidance was needed, and this was expected in the next 18 months to two years.
- 6.5 The Council noted that the aim of increasing the percentage of EDI data held for registrants in 2023-24 would include proactive communication campaigns with professional bodies and trade magazines to communicate the importance and benefit of provided the data.
- 6.6 The Council agreed that when discussing the EDI data the HCPC held for registrants transparency was key, and that if some protected characteristics were not as well understood due to less data being held this should be clearly communicated.

Item 7. 23/56 Hybrid Working Project: Key Actions, Learning and Next Steps

- 7.1 The Council received a paper from the Head of HR, Head of Estates and Facilities Management and the Head of IT and Digital Transformation. The paper outlined the HCPC's approach to hybrid working.
- 7.2 The Council noted the following points:-
- based on learning from a pilot phase, hybrid working had been adopted on a permanent basis and officially commenced in January 2023. The expected employee level of office attendance has been agreed at 20-40%, with some discretion available to allow for individual circumstances and needs;
 - work to ensure that Park House offered a fit for purpose range of spaces to meet the long-term hybrid working requirements of the organisation was nearing completion;
 - the move to hybrid working had enabled the HCPC to vacate its leases in 33 Stannary Street, in addition to the leased space vacated in 2020/21, whilst retaining Park House, reducing the estate by approximately 50%, meaning the HCPC was operating entirely within the freehold buildings;
 - the hybrid pilot included support for employees such as the provision of laptops to all staff, health and safety assessments and funding to purchase equipment that may be identified as necessary by the assessments. There had also been an increase in wellbeing initiatives; and

- employee surveys and exit interviews demonstrated that hybrid working was the most valued employee initiative at the HCPC. It had also brought organisational benefits through enhanced technology, collaborative workspaces and improved work-life balance.
- 7.3 The Chair of the Audit and Risk Assurance Committee (ARAC) noted that the risk to culture of hybrid working would be a factor explored in a planned internal audit of the people strategy and organisational culture.
- 7.4 The Council noted that levels of employee on site attendance had been below the benchmark level of 20-40% over the previous three months averaging at 15% onsite attendance. In response the Executive was taking a number of measures to increase attendance towards the benchmark, while maintaining the valued benefits of staff being also able to work remotely. The Council agreed that the 15% attendance rate was low and asked the executive to consider if the agreed benchmark of 20-40% was right for the HCPC and ensure senior leadership on site visibility to encourage employee attendance.
- 7.5 The Council suggested that the Executive consider providing home working focused training for employees such as how to work productively.
- 7.6 The Council asked the impact on protected characteristics be considered in future monitoring of the impact of the hybrid working policy, in particular to monitor any link between onsite attendance levels and career progression.
- 7.7 The Council agreed that a further paper would be presented to the Council at a time agreed by the Executive following reflection on the Council's feedback.
ACTION.

Item 8. 23/57 Unconfirmed minutes of the Audit and Risk Assurance Committee of 15 March 2023

- 8.2 The Council noted this item.

Item 9. 23/58 Decisions outside of meeting

- 9.1 The Council noted this item.

Item 10. 23/59 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 |
|-------------|-----------------------------|
| 11 | B |
| 12 | H |
| 13 | H |
| 14 | H |
| 15 | H |
| 16 | H |
| 17 | H |

Chair:

Date: