

Council

Minutes of the meeting of the Health and Care Professions Council held in public as follows:

Date: Thursday 5 December 2024

Time: 11am

Venue: HCPC Offices, Kennington

Present: Christine Elliott (Chair)
Rebekah Eglinton
Sue Gallone
Geraldine Kinkead-Richards*
John McEvoy
Jordan McKenna*
Lianne Patterson (by Microsoft Teams)
David Stirling
Kathryn Thirlaway
Steven Vaughan
Valerie Webster

Apologies: Helen Gough

In attendance:

Aihab Al-Koubaisi, Financial Controller
Zoe Allan, Business Manager, Chair and Chief Executive Office
Francesca Bramley, Governance Manager
Alastair Bridges, Executive Director of Resources
Colette Byrne, Professional Standards Authority
Laura Coffey, Executive Director of Fitness to Practise and Tribunal Services
Helen Creighton, Registration Advisor
Jessica Daly, Partner Officer
Gareth Davies, Head of Insight and Analytics
Brendon Edmonds, Head of Regulatory Development and Performance (from item 3)
Karen Flaherty, Head of Governance
Anna Holdsworth, Capsticks LLP
Michael Hughes, Registration Officer
Jamie Hunt, Head of Education
Rebecca Kidson, Senior Policy Officer
Vesna Maglov, Registration Manager
Alex Megone, Registration Officer

* Council Apprentice

Corrado Palmas, Case Support Officer
Matthew Peck, Head of Communications, Engagement and Public Affairs
Yasir Samir, external facilitator for Council effectiveness review
Aysha Shaikh, Registration Advisor
Andrew Smith, Deputy Chief Executive and Executive Director of Education,
Registration and Regulatory Standards

Unconfirmed

Public meeting

1 Chair's welcome and introduction

- 1.1 The Chair welcomed those present to the meeting of Council, including a number of observers who were individually welcomed by the Chair.

1(a) Apologies for absence

- 1.2 The apologies for absence were noted, including from the Chief Executive and Registrar, Bernie O'Reilly.
- 1.3 Lianne Patterson had also given her apologies for the private session of the meeting in the afternoon.

1(b) Approval of agenda

- 1.4 The Council approved the agenda.

1(c) Declaration of members' interests in relation to agenda items

- 1.5 Each of the four Council members who were Registration Appeal Panel Chairs declared an interest in the item relating to Council and independent committee member remuneration (item 20).

1(d) Minutes of the Council meeting on 26 September 2024

- 1.6 The Council approved the minutes as an accurate record of its meeting held in public on 26 September 2024.

1(e) Matters arising

- 1.7 The Council noted the updates on the matters arising from previous meetings held in public.

2 Chair's Report

- 2.1 The Council noted the Chair's report, including the work of the HCPC to highlight the issue of sexual safety and offer support and a voice to those affected by sexual misconduct.

Performance reports

3 Chief Executive's Performance Report

3.1 The Chief Executive's performance report was presented by the Deputy Chief Executive and Executive Director of Education, Registration and Regulatory Standards in the absence of the Chief Executive. The report highlighted key areas of development in the reporting period since the Council's last meeting in September 2024.

3.2 The Council noted the report and the following points:

- the appointment of Claire Baker, Head of Adjudication Performance, and Anna Raftery, Head of Assurance and Compliance, as the HCPC's Speak Up Guardians to provide additional support to employees who wish to raise concerns;
- a roundtable event with health care regulators, which had formed part of the review of patient safety across health and care led by Dr Penny Dash to inform the Government's ten year health plan;
- a meeting with the Chief Allied Health Professions Officers and Chief Scientific Officers from across the four nations to discuss advanced practice, which resulted in a change to the information available on the HCPC's website;
- attendance at the annual professional health and social care regulatory event regulatory event in Scotland to showcase the HCPC's work on professional boundaries and to share insights on the destination of students following registration;
- the Professional Body Forum on 2 December 2024, which had included information sharing on a range of topics including the revised English language proficiency requirements for international applicants;
- an update on regulatory functions, including ongoing work to reduce regulatory overlap in education, the publication of a 2023-24 addendum to the Education annual report 2021-23, the launch of a new data hub and the publication of the fitness to practise (FTP) equality, diversity and inclusion (EDI) analysis report 2023-24;
- the progress that had been made on most areas in the technology road map to support the delivery of the HCPC's digital strategy;
- the highest ever response rate for the employee pulse survey in the second quarter of 2024-25, noting the Executive Leadership Team (ELT) continued to review the individual comments received alongside the results and take action as appropriate; and
- the consultation that had been launched by the Department of Health and Social Care regarding the regulation of NHS managers and

planned further engagement with Council members prior to the HCPC submitting a response to the consultation.

- 3.3 The Council discussed the regulation of physician associates and anaesthesia associates by the General Medical Council (GMC) and the potential impact on the regulation of advanced practice for those regulated by the HCPC. The main concern facing the GMC was public understanding of the different scope of practice and supervision required for associate roles. The Nursing and Midwifery Council's more prescriptive approach to the regulation of advanced practice was different to that adopted by the HCPC, however, this remained an important area to support the development of the roles of allied health professionals as part of the healthcare workforce.

4 Finance Report

- 4.1 The Council noted the finance report outlining the HCPC's financial position for the period ended 31 October 2024.

- 4.2 The following areas were highlighted by the Executive Director of Resources:

- a forecast surplus of £625,000 for the full year, which was lower than the previous forecast of £1.3 million but above the original budget surplus of £186,000;
- an increase in the forecast income of £1.9 million driven mainly by the upward trend in international registration applications, noting that the introduction of the new English language proficiency requirements in January 2025 may result in a spike and subsequent dip in application numbers, however, the overall forecast of 8,000 international applications was not expected to change as a result;
- an increase in the forecast expenditure of £1.4 million, which was attributable to legal fees relating to complex FTP cases and the timing of these costs, an increase in temporary staff costs in FTP, an increase in the direct costs associated with the higher number of international applications and an increase in the contingency fund to cover 2025-26 expenditure brought forward into 2024-25;
- the reallocation of the contingency that had been ringfenced for partner costs in 2024-25 to support the increased FTP case volumes and the additional investment to align with the technology road map;
- the reserves position had improved and continued to be in line with the reserves policy, reflecting just under one month of operating expenditure; and
- the potential risks and opportunities relating to increased legal costs, increasing reserves, international applications, investment income and rental income being monitored by the ELT.

- 4.3 The Council considered whether the HCPC's improved reserves position could enable investment in programmes that would deliver efficiencies to be brought forward. The Executive Director of Resources described the challenge of balancing the ambition to increase the HCPC's reserves with investment in other areas, noting that business case approval would be required prior to any agreement to bring forward investment spend.

Action: Future finance reports would describe the implications of variances to the forecast to highlight the potential impact and any areas of risk.

5 Fitness to Practise Performance Report

- 5.1 The Council noted the update on the progress of the FTP improvement programme against the targets set to improve the quality and timeliness of case management.

- 5.2 The Council noted the following points.

- Performance against the three week target for progressing a matter to an interim order hearing once the need for an interim order has been identified was aligned with previous months. In October 2024 the median time taken was just under four weeks.
- The twelve week target for progressing a matter to interim order hearing from receipt of a concern was not being met and the median time taken was 31 weeks due to a number of cases that had been subject to a third party investigation, including one case where the criminal investigation had been ongoing for three years. The time taken excluding cases that were subject to third party investigation was closer to the twelve week target.
- Monitoring of the quality and timeliness of risk assessments continued and these had exceeded the 80% adherence target, with 89% compliance each month since February 2024.
- The 80% target for meeting the best practice standard for the quality and timeliness of case plans had been consistently met since July 2024 and 83% compliance had been achieved in October 2024.
- The median cases that were closed at the point of case conclusion tended to vary month on month depending on the decisions that had been made that month. The median age of cases closed at the threshold and Investigating Committee Panel (ICP) stage in October 2024 was 26 weeks, which fell within the key performance indicator (KPI) of 33 weeks. The median age of cases concluded at a final hearing in October 2024 was 100 weeks, which included the oldest case and reflected the focus on concluding older cases. While the benefits of frontloading were evident in the shortest age of cases reaching conclusion, the median age was likely to remain high into January 2025.

- The average number of new FTP referrals between April and October 2024 had been 9% higher than the monthly average in 2023-24 and the number of open threshold cases continued to increase. Additional resource, which included new posts and the reallocation of resource across the different teams, had been brought into the Investigations team and induction and training programmes had been revised. The introduction of the revised standards of performance, conduct and ethics in September 2024 was too recent to have contributed to the increase in referrals and other healthcare regulators were noted to have a similar increase in levels of FTP referrals.
- At the end of October 2024, the median age of the open pre-ICP caseload was 38 weeks, which was slightly higher than the KPI of 33 weeks for this stage of the process. This median was consistent with previous months and the median age had been maintained at 35-38 weeks since February 2024, despite the increase in FTP referrals.
- The number of cases at the post-ICP stage was 478 in October 2024, 74 of which were listed for a future final hearing.
- The median age of cases closed in October 2024 was 26 weeks, which was within the KPI of 33 weeks. The Council noted the information that was provided to registrants and the support that was available to them throughout the process. There was a continued focus on progressing both older and new cases despite the increase in FTP referrals.
- There had been an increase in the number of in-house frontloaded investigations, with 19 investigations and the first in-house frontloaded investigation had concluded and sent to the ICP for consideration. Recruitment to expand the legal capacity and capability in-house had continued.
- The first phase 1 of the work to optimise scheduling processes had been completed leading to improved productivity and the second phase, to review the listing process, was due to commence in January 2025.
- A review of the support and guidance offered to witnesses had commenced, with a focus on support for vulnerable witnesses, including those involved in cases relating to allegations of sexual misconduct.

5.3 The Council reflected on the staffing challenges within the FTP department as highlighted as a risk in the report and suggested this should refer to 'people' rather than 'resource'. Some temporary staff had been recruited to manage the increased levels of referrals, while others were covering maternity leave and long-term sickness absence. The Executive Director of Fitness to Practise and Tribunal Services and the Head of HR and OD were reviewing how to improve recruitment and retention rates, acknowledging the importance of supporting employees in view of the difficult nature of the work. Improvements had already been made to the induction programme to support newly appointed employees.

- 5.4 The Council reiterated the benefits of understanding the reasons for the delays in cases reaching conclusion, particularly where these were on hold pending the conclusion of third party investigations or were proceeding more slowly due to their complexity and the need to deal sensitively with those involved. This would also enable the Council to better understand the extent of the improvement in the management of cases not impacted by these delays.

Items for discussion/decision

6 Fitness to practise diversity report and diversity profiles

- 6.1 The Head of Insights and Analytics presented an overview of the FTP diversity report and diversity profiles. The insights set out in the report would inform further work to identify areas of focus and to seek to address conscious and unconscious biases.
- 6.2 The FTP diversity report provided additional analyses of data published in the FTP annual report in October 2024. This was made possible as a result of the HCPC having diversity data for 97% of its registrants as at the end of 2023-24. The report and the presentation to the Council highlighted:
- the differences in the number, rates and rate ratios of concerns reported across several areas including registration route, profession, various protected characteristics and case classification; and
 - the number and percentage of FTP concerns at different decision points in the FTP process.
- 6.3 Diversity profiles had been published on the HCPC website to provide a more interactive dataset. The intention was to develop an archive of snapshots with additional visual aids to enable further analysis of trends over time. The Council emphasised the importance of highlighting the assumptions and limitations of the data when considering the format in which it would be published.

7 Speaking up (whistleblowing) policy

- 7.1 The Head of Governance summarised the proposed changes to the whistleblowing policy to continue its evolution to encourage and welcome speaking up in the broadest sense. The policy reflected the criteria set out in the policy review framework published by the National Guardian for Freedom to Speak Up. The tone and language of the policy had been adjusted to make it less formal and more accessible for employees.
- 7.2 The revised policy had been recommended to the Council for approval by the Audit and Risk Assurance Committee (ARAC). An additional change to the policy had been made at the request of the ARAC to reflect the support available to employees who may be facing allegations or investigation. The

policy had also been updated to link to information about the two recently appointed Speak Up Guardians on the HCPC's intranet.

- 7.3 The Speak Up Guardians would share themes from any concerns raised with the ELT and the Employee Forum. The intention was to develop a network with Speak Up Guardians at other regulators to share learning and themes and provide a support network in what could sometimes be a challenging role. The National Speak Up Guardian had also offered their support.
- 7.4 The Council approved the whistleblowing policy and reflected on how the impact of the policy could be monitored. Various feedback mechanisms already in place were noted, including regular ELT attendance at team meetings across the organisation, 'Let's Talk' sessions with the Chair and the senior leadership team, the Chief Executive's meetings with employees joining the HCPC and the anonymised free text feedback within the employee pulse survey. Employees leaving the organisation were also encouraged to participate in exit interviews.

8 Financial regulations

- 8.1 The Head of Finance summarised the proposed changes to the financial regulations, which had last been updated in December 2020. Feedback from the People and Resources Committee (PRC) and the ARAC had been incorporated into the financial regulations. The financial regulations had been recommended to the Council for approval by the PRC.
- 8.2 The financial strategy and other related policies would be reviewed and updated to align with the updated financial regulations. The PRC planned to discuss the HCPC's financial strategy at its workshop on 6 December 2024 to inform its update, the 2025-26 budget and future corporate strategy.
- 8.3 The Council approved the financial regulations.

9 Remuneration Committee standing orders

- 9.1 The Council considered the paper setting out proposed amendments to the Remuneration Committee's standing orders following the Remuneration Committee's review of its effectiveness and the standing orders at its meeting in October 2024. The standing orders had last been reviewed and amended by the Council in February 2022.
- 9.2 The Council approved the Remuneration Committee standing orders.

Items for noting

10 Chair's report and draft minutes of the meeting of the Remuneration Committee held in public on 17 October 2024.

10.1 The Council noted this item.

11 Chair's report and draft minutes of the meeting of the Education and Training Committee held in public on 6 November 2024

11.1 The Council noted this item.

12 Chair's report and draft minutes of the meeting of the Audit and Risk Assurance Committee held in public on 13 November 2024

12.1 The Council noted this item.

13 Chair's report and draft minutes of the meeting of the People and Resources Committee held in public on 14 November 2024

13.1 The Council noted this item.

14 Council forward plan 2025

14.1 The Council noted this item.

15 Council reflection

15.1 The Chair of Council acknowledged that Council members Sue Gallone and Steven Vaughan would be leaving the HCPC imminently and that this would be their final Council meeting. Each departing Council member shared their reflections on their experiences during their time at the HCPC. The Chair of the Council extended her sincere thanks to Sue and Steven for their extensive and invaluable contributions to the HCPC.

15.2 Yasir Samir, independent consultant, who was facilitating a review of the Council's effectiveness, provided his reflections on the meeting. The meeting had been well chaired and there had been respectful recognition of the contributions made by Council members and attendees.

16 Resolution

16.1 The Council resolved that the remainder of the meeting would be held in private, because the matters being discussed related 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 office holder 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 or 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
17	H
18	H
19	C and H
20	B and H
21	B, D and H
22	C
23	H
24	H
25	H
26	H
27	H
28	H

The meeting was adjourned at 12.45pm.

Chair:

Date: