

Tribunal Advisory Committee, 29 May 2019

Data, intelligence and research evidence

Executive summary

## **Introduction**

Strategic priority 4 of the HCPC Corporate plan outlines our intention to:

'Make better use of data, intelligence and research evidence to drive improvement and engagement.'

This paper seeks to inform TAC of the aspirational framework approved by Council in December 2019. The framework supports the delivery of strategic priority 4 through four key deliverables:

1. Understand and respond appropriately to equality, diversity and inclusion matters.
2. Continually improve our core regulatory functions.
3. Influence professional practice and prevent the causes of harm.
4. Inform our approach to communication and engagement.

The framework was informed by the approach of other regulators, but was developed being mindful of the resources available at the HCPC. The paper was presented to Council as a discussion piece as the framework would need to be supported by the recruitment of a new Data and Intelligence team. This relies on budget availability and so we await the outcome of Government's decision on our proposal to increase our Registration fees, which will have a significant impact on our ability to take this work forward. In the interim we are:

1. Engaging with the Projects department to ensure data collection and reporting capabilities are built in to the new systems being developed for Registrations and Fitness to Practise.
2. Working with the Projects department to develop an interim data collection method for equality monitoring in the form of a survey that is sent to registrants following registration or renewal.
3. Attending cross-regulatory data analyst meetings to ensure we are up to date with the approach taken by other regulators, and learn from their experience.

4. Continuing to progress our portfolio of research, establishing intelligence to inform our approach to policy, guidance and procedures.

### **Decision**

TAC is invited to discuss the attached paper at Appendix A, which was presented to Council in December 2018.

### **Background information**

The HCPC Strategic intent can be found [here](#).

The HCPC Corporate plan can be found [here](#).

The HCPC Research strategy can be found [here](#).

### **Resource implications**

There are currently no expected resource implications for this.

### **Financial implications**

There are currently no expected financial implications for this work.

### **Appendices**

- The Data, intelligence and research evidence paper is attached at Appendix A.

### **Date of paper**

23 May 2019

# 1. Introduction

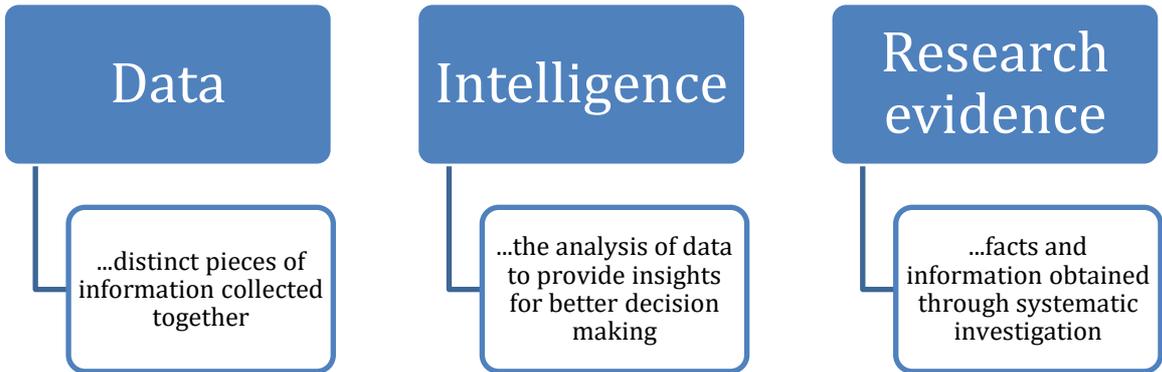
## Data, intelligence and research evidence in context

1.1. The HCPC’s corporate plan (2018-2020), underpinned by the vision, values and strategic objectives set out in the Strategic intent (2016-2020), articulates the strategic priorities to deliver our public protection remit.

1.2. The corporate plan identifies four strategic priorities

- **Strategic priority 1:** Improve our performance to achieve the Professional Standards Authority’s Standards of Good Regulation.
- **Strategic priority 2:** Ensure our communication and engagement activities are proactive, effective and informed by the views and expectations of our stakeholders.
- **Strategic priority 3:** Ensure the organisation is fit for the future and is agile in anticipating and adapting to changes in the external environment.
- **Strategic priority 4:** Make better use of data, intelligence and research evidence to drive improvement and engagement.

### What do we mean by data, intelligence and research evidence?



### What are the constraints of our current approach to data and intelligence?

1.3. Our current approach to data collection, and the systems we use, constrain our ability to use data in the most intelligent way. In particular:

- We don’t collect and/or store certain key pieces of information, which mean we are unable to answer key questions on important topics, for example:
  - representation of certain protected characteristics through our processes,

- geographical trends in fitness to practise, or
- registrant mode of practice (private, NHS, part-time, full-time, etc).
- Information is not accessible in an intuitive way, so complex reports considering multiple factors can be challenging, if not impossible.
- Transactional events are overwritten by subsequent events, particularly in the registration process. This means we are often unable to access historical data.
- We don't have a systematic, centralised way to record information sent to registrants outside of the Education, Registration, and FTP systems. Similarly, we don't have a systematic, centralised way to record information sent to other stakeholders.

### How does our Research strategy (2016-20) fit in to this work?

1.4. Our Research strategy sets out how research can ensure the HCPC's work is evidence informed. Namely by:

- undertaking research in to our regulatory role and functions;
- ensuring that research contributes to robust decision making;
- disseminating research, for example through seminars with stakeholders; and
- using research findings to contribute to the development of wider regulatory policy.

1.5. The Research strategy also outlines the key benefits of commissioning research:

- Improved insights into the impact of what we do.
- Increased objectivity and independence of evidence gathering and analysis.
- Access to data (e.g. literature) or data subjects (e.g. service users and carers) that might otherwise be challenging to access or engage meaningfully.
- Triangulation of data (for example, research adding weight to professional experience or the findings of engagement activities).
- Benefiting from the expertise of external research teams and their capacity to undertake research.

1.6. The Research strategy sets out three key objectives:

- **Objective 1:** to commission / undertake research which supports better decisions, continuous improvement and the engagement of stakeholders.
- **Objective 2:** to build internal capacity to manage effectively the delivery of research.
- **Objective 3:** to engage effectively with employees, Council members and stakeholders to disseminate the outcomes of research and identify themes and issues to be addressed through future research.

In order to fully realise the research strategy, we need access to better data and intelligence, and additional resources to deliver the work.

### How does data, intelligence and research evidence help us realise the HCPC corporate plan?

1.7. Strategic priority 4 sets out a clear vision to use data, intelligence and research evidence to drive improvements in our policies, standards and processes and our engagement with stakeholders. This approach enables us to improve performance in our core regulatory functions (strategic priority 1), improve communication and engagement (strategic priority 2), and ensures we are a responsive and agile regulator (strategic priority 3).

1.8. By developing the way we collect and use data, we would be better informed, building a robust evidence base to support appropriate and fair decision making; at a strategic, policy and operational level.

1.9. This document seeks to provide an aspirational framework to support our delivery of these objectives and sets out the key deliverables required to achieve that, should we be able to secure resources through our proposed fee rise. Those would be to:

- **Key deliverable 1:** Understand and respond appropriately to equality, diversity and inclusion matters.
- **Key deliverable 2:** Continually improve our core regulatory functions.
- **Key deliverable 3:** Influence professional practice and prevent the causes of harm
- **Key deliverable 4:** Inform our approach to communication and engagement.

1.10. If we were to take this work forward, we would propose aligning the timescales for delivery of this strategy to the Corporate plan and the Research strategy, and for the key deliverables to be reviewed and revised for 2020 onwards.

## 2. Key deliverables

### Understand and respond appropriately to equality, diversity and inclusion matters

Understanding and responding appropriately to equality, diversity and inclusion matters through the use of data, intelligence and research evidence, and responding appropriately supports strategic priorities 1 and 4

2.1. In respect of its public functions, the HCPC must comply with the public sector equality duty. This sets out that we must have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

2.2. During 2018/19 we have been developing an Equality, diversity and inclusion (EDI) policy and action plan. Whilst at a department level we have always met the principles outlined in the Equality Act 2010, publishing a written policy and action plan will help improve transparency, underline our commitment to our public sector equality duty, and provide a framework for progressing equality, diversity and inclusion issues.

2.3. In June 2018, the Professional Standards Authority (PSA) consulted upon revised Standards for good regulation. They are proposing to include a new general standard concerned with EDI:

*“The regulator understands the diversity of the registrant population and its service users and ensures that its processes do not impose inappropriate barriers or otherwise disadvantage people with protected characteristics.”*

2.4. In order to meet the PSA’s proposed new standard, we need to develop the way we collect and interrogate EDI data.

#### *Registrant*

2.5. We propose requiring registrants to provide their EDI data, or actively opt out, during the registration and renewal processes. This will ensure increased volumes

of EDI data to enable us to understand registrant diversity and take action to address any areas of concern.

- 2.6. In our current system we have EDI data for around 1% of the registrant population, although we do not link this to the registrant record, and are unable to analyse the data against other data, such as decision making. We are unable to accurately predict the percentage of EDI data we would obtain through our proposed approach, but based on that of other regulators, we would expect this to be in the region of 50-75% of the register.
- 2.7. The time required to develop our systems to do this automatically would require us to implement an interim manual process to ensure we could meet the PSA's proposed standard once implemented. We would collect data through the renewal process, gathering information from each profession in turn, and having an overall picture across the professions within two years.

#### *Employees and partners*

- 2.8. We also propose developing the range and depth of our diversity monitoring data for the recruitment and retention of employees and partners to ensure we understand and respond to challenges in appropriate representation of different groups across employees and partners. We collect the majority of this data already, through established HR processes, but within this work would look to extend our capabilities, particularly around data reporting. The work required around data collection and reporting for employees would be owned by HR.
- 2.9. In order to achieve this we would require systems which enable us to improve our abilities to collect and analyse this data in a range of ways.

#### **Continually improve our core regulatory functions**

Continually improving core regulatory functions through the use of data, intelligence and research evidence supports strategic priorities 1 and 4
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- 2.10. In order to continually improve our core regulatory functions, we need to develop our approach to the collection of data and intelligence.
- 2.11. Our core regulatory functions cannot be considered in isolation in this regard. In order to assess trends and issues, and act intelligently in response, we need to track information about registrants' education, personal details, ongoing work information, and concerns raised about their fitness to practice.
- 2.12. The key areas our data and intelligence would need to focus on to support continual improvements would be:
  - Understanding the characteristics of registrants, in particular protected characteristics.

- Tracking student perspectives on quality assurance.
- Monitoring the quality of practice-based learning.
- Using data from other bodies to inform our quality assurance approach.
- Tracking where a registrant studied/trained to understand issues arising from certain programmes.
- Profiling career stage.
- Clarifying where registrants consider themselves lone practitioners.
- Categorising allegation types in a clear and systematic way, in a system which ensures reports are easily accessible.
- Holding contemporaneous data on a registrant's workplace (organisation, Trust (where appropriate) and region).
- Being able to establish the root cause of fitness to practise concerns (education, stage of career, CPD, etc).
- Profiling the stage of cases (individually and collectively)
- Understanding not well founded decisions by tracking decision making.

2.13. We would need to be able to interrogate data at a:

- **case level** – to better support our approach to decision making and our understanding of an individual case in a fast and effective way;
- **organisational level** – to establish if there are key trends which, if identified, can be targeted to prevent issues arising in the future;
- **regional level** – to understand issues in different areas of the country to inform proactive communications and engagement; and
- **national level** – to provide robust evidence to inform our policies and standards.

## Influence professional practice and prevent the causes of harm

Using data, intelligence and research evidence to influence professional practice and prevent the causes of harm supports strategic priorities 3 and 4
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2.14. In order to protect the public, we also need to be a responsive regulator by:

- contributing to public inquiries;
- responding to public inquiry recommendations relevant to us;
- being agile in supporting the evolving nature of the professions we regulate; and
- using our data, intelligence and research evidence to proactively preventing problems.

### *Public inquiries*

2.15. Public inquiries are typically commissioned on high profile matters, with significant public interest and under limited timeframes. They require data and intelligence from relevant organisations quickly and coherently.

2.16. Given the constraints of our current approach to data and intelligence, our ability to support fast and effective delivery of accurate and detailed information to public inquiries can sometimes be limited. By improving the data we hold, and our ability to access and report on that data, we would be able to provide a more robust contribution to public inquiries, where required.

2.17. Improved data and intelligence would also assist us in addressing any recommendations arising from public inquiries which are of relevance to us. By understanding the profile of our stakeholders, registrants and fitness to practise cases, we could take action in a targeted, informed and intelligent way, realising benefits and change quickly and effectively.

### *Supporting our professions*

2.18. Our professions are subject to rapid change; in the environment in which they work, the roles they take, and the challenges they face. In response to workforce issues, societal expectation, and an ageing population, we've seen unprecedented change in the scope of practice of some of our professions.

2.19. This speed of change requires us to respond promptly and effectively to ensure we meet our public protection obligations. Our standards, policies and processes can quickly become out of date, resulting in challenges for our registrants. By interrogating our data, and making better use of research evidence, we could develop standards, policies and processes in an informed and proactive way to

ensure we reflect the challenges and issues faced by registrants in their places of work.

### *Preventing problems*

2.20. The HCPC is committed to increasing its efforts to preventing problems rather than taking action afterwards. This has a number of benefits:

- reducing harm to physical/mental health of service users and carers;
- reducing any potential disruption to service user care by keeping registrants in practice;
- reducing the impacts on registrants' careers and wellbeing;
- improving trust in healthcare professionals; and
- reducing the costs associated with fitness to practise processes, both to the regulator, and the registrant.

2.21. In order to prevent problems, we first need to understand them. This requires systems which facilitate the collection and interrogation of the data in a streamlined, robust and intelligent way. The data and intelligence could then be used to inform:

- **Development of our standards, policies and guidance** – whilst we engage and consult on our standards, policies and guidance, having robust data regarding the application of our standards, and the areas particularly prevalent in fitness to practise means we could ensure even greater detail in areas which present more risk.
- **Closer liaison with employers and professional representatives** – understanding trends in complaints and fitness to practise outcomes would help inform a targeted approach to liaison with employers and professional representatives, making best use of resources to achieve meaningful change.

The ability to successfully interrogate data at an organisational and regional level would significantly increase our ability to target liaison with employers and professional representatives, influencing change and preventing harm.

- **Engaging service users** – the largest complainant group is the public, making up 41% of concerns raised. Many these complaints get closed at an early stage.

In order to improve efficiency in our fitness to practise function, focusing on cases requiring action, and managing cases in a fair and timely manner, we need to better understand the reasons many complaints from the public get closed at an early stage.

By categorising allegation types in a clear and methodical way, in a system which ensures reports are easily accessible, means we could undertake targeted research to establish root causes for case closure in complaints made by the public.

- **Understanding trends across and within the four countries** – if we're able to have an improved understanding of trends in across the UK and within each of the four countries, we would be better equipped to assess risk and take selective action to address those risks. The collection of this intelligence would be through:
  - analysis of the diversity of our registrant groups to inform our approach to partner recruitment (to reflect the diversity of the professions) both within and across the four countries, ensuring fair decision making;
  - retrospective analysis of fitness to practise cases, both quantitatively using the information we collect during an investigation, and qualitatively through careful engagement with those involved in the fitness to practise process, to further understand the trigger points for fitness to practise issues; and
  - qualitative research to understand common misconceptions and misunderstandings; to inform myth busting activities.

## Inform our approach to communication and engagement

Using data, intelligence and research evidence to inform our approach to communication and engagement supports strategic priorities 2 and d
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2.22. Our approach to communication should be informed predominantly by qualitative research which seeks the views of each stakeholder group to assess their preferences, needs and views. This should be supported by the data we hold and the intelligence we develop. Together, data, intelligence and research evidence could help us:

- Strengthen our communication activities with all of our stakeholder groups, and ensure they are targeted and effective;
- Inform our approach to engagement with each of the four countries, ensuring we take account of the differences in policy and practice, and deliver information and activities in the most valuable way possible;

- Develop our approach to engaging with employers to help prevent problems and manage matters safely and effectively in a local setting where possible; and
- Develop appropriate mechanisms to involve service users and the public in the development of standards, policies and processes in a constructive and practical manner.

### **3. Reporting and system requirements**

3.1. Whilst this paper does not seek to propose the appropriate IT systems to support the delivery of the data, intelligence and research evidence framework proposed above, there are a number of considerations that would need to be taken in to account in exploring this further.

#### *Data security*

3.2. There would need to be robust controls and governance mechanisms to ensure the data is collected and analysed according to the Information Commissioners Office requirements.

#### *Data accessibility*

3.3. The reporting functionality for our data and intelligence function would need to be:

- easily accessible to employees across the organisation;
- easily available to external stakeholders and the wider public;
- flexible and agile; and
- relied upon to provide accurate and up-to-date information.

3.4. We recommend consideration of an data and intelligence hub available to staff and the public, to satisfy the above requirements and to:

- provide insights in to student and registrant characteristics; for example age, gender and ethnicity;
- inform stakeholders about trends in education programmes;
- facilitate access to organisational, regional and national trends;
- present information about complaint volumes and case progress through the fitness to practise function;

- explore differences across the four countries
- assist our stakeholders in improving patient care; and
- inform our stakeholders in workforce planning.

3.5. This piece of work would need to be scoped in more detail and progressed through the major projects portfolio.

#### 4. What are we able to do using our existing resources?

##### Data

4.1. Within our existing resources we are able to collect more data to satisfy the requirements set out in paragraph 2.12, but the storage and analysis of that data would be challenging.

##### Intelligence

4.2. Although we are able to collect more data using our existing resources, our ability to access that data through reports is constrained for two key reasons:

- **Limited system abilities:**
  - Information is not accessible in an intuitive way, so complex reports considering multiple factors can be challenging, if not impossible.
  - Transactional events are overwritten by subsequent events, particularly in the registration process. This means we are often unable to access historical data.
  - We don't have a systematic, centralised way to record information sent to registrants outside of the Education, Registration, and FTP systems. Similarly, we don't have a systematic, centralised way to record information sent to other stakeholders.
- **Employee resource:**
  - We currently undertake research and analysis of our core regulatory functions for development and reporting purposes. However, in order to facilitate more in-depth and targeted research and analysis, we would require further resources.