

Council

Public minutes of the 142nd meeting of the Health and Care Professions Council as follows:-

Date: Wednesday 23 March 2022

Time: 10am

Venue: Videoconference

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

In attendance:

Claire Amor, Secretary to Council
Zoe Allan, Governance Officer
Adrian Barrowdale, Equality Diversity and Inclusion Strategic Lead
John Barwick, Chief Executive and Registrar
Alastair Bridges, Executive Director of Resources and Business Performance
Nesta Caiger, Insight and Intelligence Analyst
Matthew Clayton, Policy Manager
Laura Coffey, Head of Fitness to Practice
Gareth Davies, Head of Insight and Analytics
Kellie Green, Head of Professionalism and Upstream Regulation
Colette Higham, Professional Standards Authority
Alan Keshtmand, Head of Finance
Naomi Nicholson, Executive Director of Professional Practice and Insight
Margaret Osibowale, Financial Planning and Analysis Manager
James Penry-Davey, Capsticks LLP
Andrew Smith, Executive Director of Regulation
Kate Steele, Capsticks LLP
Talha Zafar, Department of Health and Social Care
*Council Apprentice

Public Agenda

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

- 1.1 The Chair welcomed those present to the 142nd meeting of Council. The Chair extended a special welcome to Council member Stephen Vaughan, who was attending his first meeting, having had to send apologies to the February 2022 meeting due to Covid illness.
- 1.2 The Chair thanked those members of Council who attended the HCPC's in person all employee engagement day on 11 March 2022. She noted the excellent feedback she had received from HCPC employees on the sessions led by Council members.
- 1.3 The Chair reflected on recent events in Ukraine noting that colleagues both at Council, and across the HCPC, would have loved ones impacted by the conflict. She noted the need to be aware of each other's wellbeing as well as remaining focused on the important organisational performance improvement work at hand.

Item 1.i. 22/23 Apologies for absence

- 1.i.1 Apologies for absence were received from Eileen Mullan due to illness.
- 1.i.2 The Council noted that Stephen Cohen had sent apologies for the morning session of the meeting but that he would join the afternoon session.
- 1.i.3 The Council noted that Valarie Webster would be in attendance at the morning session of the Council but had sent her apologies for the afternoon session.

Item 1.ii. 22/24 Approval of Agenda

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

Item 1iii. 22/25 Declaration of Members' interests

- 1.iii.1 The Chair noted that she had a declaration of interest to make in relation to agenda item 12, which would ask the Council to agree the process for consideration of her reappointment as Chair. It was noted that before the item commenced, the Chair would leave the meeting due to this interest. The Council nominated Council Member Helen Gough to Chair the meeting for item 12.

Item 1iv. 22/26 Minutes of the Council meeting of 3 February 2022

- 1.iv.1 The Council approved the minutes of its meeting of 3 February 2022.

Item 1.v. 22/27 Matters arising

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

Standing reports

Item 2. 22/28 Chair's Report

2.1 The Council noted this item.

Item 3. 22/29 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 report included an annual review of the HCPC's public inquiries tracker, which recorded the HCPC's responses to public inquiries and other relevant reviews. The purpose of the tracker was to monitor the commitments HCPC had made in response to recommendations;
- the final report on delivery of the Corporate Plan 2021-22 commitments was included in the report. The Executive was pleased to report that 85% of commitments had been delivered, in the context of a year of increased core regulatory work. The milestones not met primarily related to building data analysis capacity, which had been impacted by recruitment challenges and a rethinking of the infrastructure required for data collection;
- since the last report to Council the Executive's focus had remained on improving the timeliness of international application processing in response to the significant increase in applications. As previously reported to Council, as well as additional internal resources, a third-party provider had been engaged to provide surge capacity processing;
- the online application pilot had gone live at the beginning of March 2022. The pilot involved 100 international applicants and depending on the success of the pilot, all international applications would be moved online at the end of March 2022;
- sustained improvements had been achieved in the HCPC's Interim Order performance as well the quality of risk management and case planning;
- the government had announced its intention to end the operation of temporary registers by the end of September 2022. The Executive was engaged in preparing communications on this closure, focused on encouraging those wishing to return to practice to reregister; and

- on 11 March 2022 the HCPC held its first all employee day in person since the pandemic began. The theme of the event was connection and wellbeing, with a number of Council members delivering very well received sessions on their professions and regulation. The positivity of the day would feed into planning for formalised hybrid working.
- 3.3 The Council asked if the Executive was expecting significant numbers of temporary registrants to re-join the register. The Chief Executive responded that large numbers were not expected but that it was important to reach out to those who had a positive experience re-joining the profession during the pandemic to encourage them to re-join their profession on a permanent basis.
- 3.4 The Council welcomed the recent engagement with the Chief Scientific Officers. Council member David Stirling offered his assistance on engagement on the Professional Qualifications Bill in the devolved nations.
- 3.5 The Council asked if the Executive had sector intelligence on whether the increase in international registration applications would continue, and if so, if additional resource capacity was planned. The Chief Executive responded that the increase was projected to be maintained through 2022 due to known sector international recruitment campaigns. The HCPC was being kept informed on plans by sector stakeholders and an increase in resource required for processing had been factored into the budget for 2022-23. The move to fully online applications would also assist in managing this increase.
- 3.6 The Council asked if the third-party surge support partner would also provide learning and improvement consultancy to enable the HCPC to better adjust its own processing systems. The Executive Director of Regulation confirmed that the partner would contribute learning to the HCPC's continuous/continued international process review.
- 3.7 The Council discussed the HCPC's intended move to formalised hybrid working and asked if the HCPC would be able to quickly revert to full home working should pandemic restrictions require. The Executive Director of Resources and Business Performance advised that the ability to flex the scale of hybrid working was key to the plans being developed. He added that the HCPC was investing in better remote working equipment for all employees and that remote telephony capability and capacity was being upgraded
- 3.8 The Council approved the proposals for changes to the HCPC's strategic risks as set out in the paper.

Item 4. 22/30 Finance Report

- 4.1 The Council received a standing report from the Head of Finance.
- 4.2 The Council noted the following points:-
- the operating deficit for the year to date was £0.8m compared to a budgeted deficit of £2.2m and a forecast deficit of £1.4m. This favourable variance could be attributed to departmental underspends

across the organisation and the reclassification of facilities costs from operational expenditure to capital;

- the year end deficit continued to be forecast at £1.5m, as expenditure was expected to catch up at the end of year;
- there was an opportunity for further improvement on the forecasted deficit should the volume of international applications continue to grow; and
- key risks included rising energy prices and a potential need to increase the dilapidations provision for the Stannary Street property.

4.3 The Council noted the projected income set out in the report. It was noted that the increase in international applications and therefore income was offset by increased processing costs. There also remained some challenges in reconciling income in a timely manner due to system integration issues.

4.4 The Council asked why the HCPC maintained high cash balances. The Head of Finance explained that this was due to the advance payment of registration fees. Fees were paid two years in advance and income from this was closely monitored to ensure sufficient flow through without eating into prepayments. The Executive would be introducing cashflow forecasting to better monitor this.

4.5 The Council asked if there was any indication of an increase in applications due to Ukrainian refugees seeking to continue their professions. The Executive Director of Regulation advised that this was being monitored but that to date no such applications had been made.

Item 5. 22/31 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:-

- the internal target of 70% adherence with internal best practice standards for risk assessments was met for the first time in January and sustained in February 2022. The Executive aimed to improve this to 80% by the end of Q1 202-23;
- pre-ICP timeliness performance had met the KPI of 33 weeks since August 2021. The age range of cases closed pre-ICP had increased as older cases had been progressed through to the ICP stage; and
- since November 2021, the age range of cases closed pre-ICP had increased as older cases were progressed. However, the median age of cases closed had remained within the 33-week pre-ICP KPI since August 2021. The median age of the live post-ICP caseload had been below the 39 week KPI since May 2021.

- 5.3 The Council welcomed the sustained improvement demonstrated within the report.
- 5.4 The Council discussed the introduction of frontloading cases. It was noted that existing resource could not immediately be transferred into frontloading, as a large number of legacy process cases would remain during the transition to be worked through to completion. This required additional resource to bridge the transition. Frontloading had commenced through external providers in the first instance to enable the HCPC to undertake the needed recruitment to bring this work in house.
- 5.5 The Council asked the Executive to include the modal age of cases in future reports, and to include the actual numbers against the forecast in figure 11.
ACTION.
- 5.6 The Council asked why the reduction in median age of cases did not also result in a reduction in the number of open cases. The Head of FtP responded that while case load had not reduced, the age profile had; which indicated that the older cases were being concluded, while new cases were still being progressed.
- 5.7 The Council discussed the benefits regulatory reform may have on FtP processes. It was noted that the power to resolve suitable cases at an earlier stage without needing to hold a final hearing would be a key enabler to improving the registrant experience of FtP processes as well as enabling the HCPC to improve timeliness.
- 5.8 The Council noted that the HCPC's experience of agile FtP transformational work would assist in implementing regulatory reform changes.

Items for discussion / decision

Item 6. 22/32 Equality, Diversity and Inclusion Action Plan

- 6.1 The Council received a paper from the Equality, Diversity and Inclusion (EDI) Strategic Lead. The paper presented the HCPC's EDI action plan which set out how the HCPC would deliver on the commitments made in its EDI strategy 2021-26
- 6.2 The Council noted the following points:-
- the action plan represented the practical steps the HCPC needed to take to meet the ambition set out in the HCPC's EDI Strategy 2021-2026;
 - the plan would build on significant progress made in 2021-22, as set out in the paper;
 - actions were set out at a high level as the plan would need to adapt to changes in the HCPC's operation as well as external factors;

- as the HCPC's EDI data set increased and analysis was undertaken, the action plan would adapt to include learning from this analysis. Additionally, some of the actions within the plan would also be dependent on future ELT and Council decisions on funding; and
 - an internal group would oversee the delivery of the action plan. This EDI Steering Group would be chaired by the executive sponsor for EDI, the Executive Director of Professional Practice and Insight, and would be supported by the EDI Strategic Lead. Action holders, employee forum members and EDI champions would be included in the group.
- 6.3 The Council welcomed the ambition of the plan's objectives to look beyond the compliance requirements and into best practice. It was noted that the HCPC had a gap analysis review undertaken by an independent third-party specialist in 2021 which was positive with regards to current compliance. The action plan would take the HCPC beyond compliance.
- 6.4 The Council asked how the Executive would ensure continuing momentum in delivering the action plan commitments. The EDI Strategic Lead responded that all heads of function had been engaged in the development of the action plan and had accountability for the areas within their remit. The key elements of each year of the action plan would also be included within the Corporate Plan commitments so that achievement of the EDI action plan was a key part of the Executive's accountability for the delivery of the HCPC's Strategy. Oversight of the Action plan would be provided by the EDI steering group.
- 6.5 The Council noted the large number of actions within the action plan and noted some concern at the deliverability of this. The EDI Strategic Lead responded that the actions were phased across the full five years of the EDI strategy and were prioritised. Deliverability had been discussed with heads of function and the Executive was confident the content of the action plan was appropriate and achievable.
- 6.6 The Council requested that a progress to date column be added to the action plan to better reflect if delivery was on track. **ACTION.**
- 6.7 The Council agreed that the terms used in the action plan should be defined. The Executive agreed to add a glossary. **ACTION.**
- 6.8 The Council asked how the Executive had engaged with service users and incorporated their views and experiences into the action plan. The Executive Director of Professional Practice and Insight responded that building the HCPC's engagement with service users was a key focus of engagement development. The HCPC aimed to develop the inclusion of the service user voice through all regulatory functions. The HCPC's EDI forum had been consulted on the development of the action plan, reaching a broad range of stakeholders.
- 6.9 The Council discussed the collection of registration EDI data. It was noted that currently this was a voluntary completion on application and renewal but that the Executive were exploring the permissibility of a mandatory completion of

the EDI monitoring form. The form would retain a prefer not to say option for those not wishing to provide data.

- 6.10 The Council welcomed consideration of equality of education attainment within the action plan. The EDI strategic Lead noted that this was a very important issue to consider, the HCPC would seek to build its understanding of consideration of this issue within HCPC approved programmes.
- 6.11 The Council noted the importance of consideration of EDI impact being built into existing processes to embed it into the HCPC's culture. The Council asked if the resources were in place to do this. The EDI strategic lead responded that his role was to engage and challenge all areas of the HCPC on the consideration of EDI issues and not to do this for them.
- 6.12 The Council approved the EDI action plan.

Item 7. 22/33 Revisions to the Standards of Proficiency

- 7.1 The Council received a paper from the Policy Manager. The paper presented the results of a public consultation on proposed changes to the HCPC's Standards of Proficiency (SoPs).
- 7.2 The Council noted the following points:-
- stakeholder engagement to inform the SoPs review began in 2019 and included a paper based review, a series of workshops across the four countries and focused meetings with stakeholders including all professional bodies.
 - due to the pandemic, the consultation was launched later than first planned. The consultation ran from July to October 2020. The HCPC received 299 consultation responses, 74% from individuals and 26% from organisations;
 - some consultation responses included detailed feedback on the profession specific standards which required further engagements with key stakeholders;
 - the proposed changes to the standards relating to EDI would be a significant change. The current standards made reference to a need to be aware of EDI impacts, however the proposed changes would introduce a more active duty to ensure inclusion in practice; and
 - the Education and Training Committee (ETC) had considered the proposed changes to the SoPs and consultation response document at its meeting on 9 March 2022, and had agreed to recommend the changes to Council for approval.
- 7.3 The Council thanked the Executive for the excellent engagement work undertaken to progress the SoPs review, noting the significant work required

to review all 15 SoPs at one time. The Council noted the cross applicability of standards or practice as being a benefit of multi-profession regulation.

- 7.4 The Council noted that the ETC discussed the changes regarding EDI specifically, noting the challenges of moving from requiring acknowledgement of the impact of EDI to active resistance to discrimination. The Committee had noted the importance of supporting registrants to understanding this requirement. The Policy Manager agreed that this was a key focus of the roll out of the new standards and advised that the HCPC would work with professional bodies and undertake bespoke engagement where a need was identified.
- 7.5 The Council added that this support needed to extend beyond delivery through HCPC approved programmes. Council member David Stirling requested engagement with the Policy Team on the development of supporting materials on what the changes meant.
- 7.6 In response to a question, it was noted that data on the protected characteristics of those responding to the consultation was not held.
- 7.7 The Council noted the importance of HCPC Partners being fully aware of the SoPs changes, as regulatory decision makers. The Head of Professionalism and Upstream Regulation responded that Partners were included in plans for the roll out of the standards, and that Partners EDI training would be reviewed to ensure it reflected the changes to the SoPs.
- 7.8 The Council noted that a significant and wide-ranging engagement strategy was being developed to support the roll out of the revised SoPs. The Executive Director of Professional Practice and Insight noted this strategy was focused on four country engagement which would benefit from the strong engagement undertaken by the policy team in the development of the revised SoPs.
- 7.9 The Council approved the revised SoPs and the consultation response document.

Item 8. 22/34 Stakeholder Perceptions Survey

- 8.1 The Council received a paper from the Head of Insight & Analytics and the Head of Professionalism & Upstream Regulation. The paper contained the Executive's analysis of a recent stakeholder perception survey.
- 8.2 The Council noted the following points:-
 - the survey sought to enable the HCPC to better understand how it was viewed by its stakeholders as well as seeking to measure progress against the aims of the 2021-26 Corporate Strategy, EDI Strategy and Registrant Health and Wellbeing Strategy;
 - the survey ran between October and December 2021. Just under 1,300 responses were received, 79% of which were from registrants. While

registrants comprised the largest respondent group, the registrant response rate was approximately 1 in 300. While a small sample, they survey provided a valid and worthwhile data set for analysis;

- professional bodies had the highest response rate of all stakeholders at 51%;
- the survey found that confidence in the HCPC was improving for all groups but could improve further. A key theme across groups was a lack of innovation, which could be expected for a regulator; and
- the survey results would form a benchmark to measure future performance. The Executive planned to re-run the survey at the midpoint of the Strategy timeframe and again at the conclusion in 2026.

- 8.3 The Council welcomed the report. The high rate of 'don't know' response from students was noted as an opportunity to improve engagement at the very first stages of future registrant's developing professionalism. The Head of Professionalism and Upstream Regulation agreed noting that the HCPC had been developing new events engagement with students in 2021 including a digital student hub. This focus would be maintained in 2022-23 and was a commitment within the Corporate Plan 2022-23.
- 8.4 The Council noted the importance of targeting the right respondents within an organisation, those who would lead the engagement with the HCPC such as chief allied health professions officers within trusts. The Council asked If the HCPC had included service user organisations such as Healthwatch in order to gain insight from those using registrants' services. The Head of Insight and Analytics responded that the HCPC had targeted service user organisations, but engagement had been low. Improving service user engagement was a key priority for the HCPC's changing engagement approach, and the next survey would consider how to better engage this group.
- 8.5 The Council asked what was meant by respondent 'sentiment' about the HCPC. The Head of Insight and Analytics advised that the survey had asked respondents to give three words to describe the HCPC, these words were then categorised as positive negative or neutral in the analysis. This data set had been challenging to analyse as many respondents used connecting words rather than just standalone. This element of the survey would not be included in the next iteration.
- 8.6 The Council welcomed the actions from the survey being represented in the Corporate Plan 2022-23. The Council agreed that the representative sample achieved through running the survey in house was sufficient and that investment in a more complex approach should not be a priority given the HCPC's other development work requiring funding.
- 8.7 The Council noted the limited sample size for the direct feedback from individual registrants. The Council agreed that the feedback from professional bodies mitigated this as representing a large proportion of registrant's views.

- 8.8 The Council asked that future surveys engage the Chief Scientific Officers alongside the Chief Allied Health Profession Officers.

Items to note

The Council noted the following items:

Item 9. 22/35 Unconfirmed minutes of the People and Resources Committee of 3 March 2022

Item 10. 22/36 Unconfirmed minutes of the Audit and Risk Assurance Committee of 9 March 2022

Item 11. 22/37 Unconfirmed minutes of the Education and Training Committee of 10 March 2022

Special item for approval*

Item 12. 22/38 Chair Reappointment Process

- 12.1 Christine Elliott, Chair of Council, left the meeting having noted her conflict of interest at the meeting's commencement. Council Member Helen Gough took the Chair for the item.
- 12.2 The Council received a paper from the Head of Governance. The paper set out the process for the consideration of the reappointment of the HCPC's Chair.
- 12.3 The Council noted the following points
- the process set out in the paper adhered to the HCPC's agreed Council Appointments Process as well as PSA guidance on how reappointments should be considered;
 - In line with the Council's agreed appointments process, the Senior Council Member had been consulted in the development of the paper and its proposals;
 - the reappointment consideration would include a comprehensive 360 performance review led by the independent panel member. This would seek feedback from external and internal stakeholders.
- 12.4 The Council asked how the independent panel member had been identified. The Head of Governance noted that this had been through recommendations from other regulators as well as a recommendation from a previously engaged independent appointment specialist. The Senior Council Member would meet with the proposed candidate for the Independent Panel member to explore their suitability.
- 12.5 The Council approved the process for the reappointment of the Chair and the composition of the reappointment panel. The Council agreed that the

confirmation of the independent panel member would be delegated to the Senior Council Member.

The meeting suspended at 12.30pm and reconvened at 2pm in public session

Items for approval

Item 13. 22/39 Corporate Plan 2022-23

- 13.1 The Council received a paper from the Chief Executive and Head of Governance.
- 13.2 The Council noted the following points:-
- the presented plan was the second Annual Corporate Plan of the 5 Year Corporate Strategy. Learning from the 2021-22 plan had informed the volume of change work included in the 2022-23 plan;
 - the 2022-23 plan included a clear statement that the timing of regulatory reform for HCPC was unclear and if it impacted in 2022-23 the priorities within the plan would be reviewed;
 - an accompanying deliverables tracker provided more granular detail on the delivery of the plan to better enable the Council to monitor delivery. As in 2021-22, updates would be brought to the Council on a quarterly basis; and
 - a review of the delivery of the 2021-22 plan was included in the paper as an appendix. The Executive was pleased that 85% of the deliverables in the 2021-22 plan were achieved, given the increase in core regulatory work during the year. This message was celebrated at the all-employee day on 11 March.
- 13.3 The Council welcomed the Corporate Plan 2022-23 noting that the Council had considered an early draft at its meeting in February 2022 and endorsed the areas of focus.
- 13.4 The Council noted that the plan included work to develop the HCPC's environmental and sustainability reporting, this would be a building block for future years ongoing development in this area.
- 13.5 The Council agreed that referencing the challenging financial picture for the HCPC in the Chief Executive's forward was sufficient and that the Corporate Plan was not the right place to centre on this.
- 13.6 The Council discussed the deliverables tracker and noted that the benefit measures varied in approach. It was agreed that this was appropriate depending on the type of activity they were associated with. The Head of Governance advised that the HCPC's new Business Change team was developing a benefits realisation framework to help the organisation in better

articulating how benefits were defined and measured. This work would assist future Corporate Planning.

13.7 The Council asked how the Corporate Plan was used in engagement. The Chief Executive noted that it formed a discussion piece with key stakeholders as well as a key internal document to communicate the key priorities for the year.

13.8 The Council approved the Corporate Plan 2022-23.

Item 14. 22/40 Any other business

14.1 There was no further business.

Item 15. 22/41 Date and time of next meeting:

15.1 26 May 2022 - 10am

Item 16. 22/42 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
17	C
18	H
19	H
20	H
21	C
22	C
23	B
24	C
25	H

Chair:

Date: