
Equality, Diversity and Inclusion annual report to Council

Executive Summary

This paper sets out the achievements from 2022-23 in delivering on the commitments made in the Equality, Diversity and Inclusion (EDI) Action Plan, on meeting the PSA's expectations around their EDI standard for good regulation, and on our wider work for the future to progress a meaningful, sustainable programme of change and development around EDI.

We have achieved a great deal in the last 12 months. For the first time, HCPC was able to meet the PSA Standard 3 for good regulation, successfully demonstrating that we understand the diversity of our registrant population, and that we have serious commitments to understanding those who utilise our services. Our ability to collect EDI information from applicants, and from registrants via our self-service portal has formed the most important foundation of our ability to both meet Standard 3, and to engage credibly with the wider issues of the fairness of our regulatory processes. We are able to demonstrate a far greater understanding of the profile of our registrants and have begun the vital work to analyse the impact of our processes – including fitness to practise – across protected characteristics.

We have worked across the organisation in 2022-23, progressing work on some core foundational issues – EDI and issues of fairness feature prominently in our proposed updates on the Standards for Conduct, Performance and Ethics, whilst our internal diversity audit reported no serious or significant issues with the HCPC's approach to tackling this agenda.

The organisation now has the mechanisms in place to ensure that EDI is properly considered at all key stages of policy development and decision making – the changes to the registrant fee structures was supported by a comprehensive and robust equality impact analysis, ensuring that we were able to identify the likely issues involved in proposing the changes, but also to pre-emptively offer mitigations against identified impacts.

Work will continue across the organisation to progress this work, and we are confident that the plan continues to ensure that HCPC is well-positioned to face the challenges ahead in this rapidly changing arena.

Previous consideration Considered by ELT on 16 May 2023.

Decision Council is asked to discuss this report.

Next steps	Following Council’s discussion of the report, work will continue to deliver on the HCPC’s EDI plans for 2023-24.
Strategic priority	This work engages each of the strategic priorities and constitutes the plan to deliver on our existing commitments. Particularly aligned with Strategic Priority 1 - Improving the experience of registrants and others who engage with the HCPC.
Financial and resource implications	Our intent is that wherever possible, we will take advantage of work that is already agreed and in train to deliver against commitments. This paper creates no new resource or financial impact beyond what that established when ELT and Council approved the initial EDI action plan and 2023-24 budget. However, ongoing scoping will be required by action holders.
EDI impact	There is no separate equality analysis. This body of work exists because of, and in effect is, an organisation-wide equality analysis. The actions contained within the plan, and beyond, set out how the HCPC will meet and exceed our statutory obligations, and how we will be taking future actions to mitigate against any negative or unwanted impacts of our regulatory functions, our business decisions and our employment strategies.
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Equality, Diversity and Inclusion Annual Report to Council - May 2023

Overview

1. Since the approval of the EDI action plan in March 2022, we have continued to deliver on the actions necessary to meet the commitments made in the EDI strategy 2021 – 2026. We have made significant progress developing the foundations of our long-term ambitions, and the last 12 months have been vital for putting some of these core pillars in place, including the building of our data and analysis capabilities, and in updating and implementing our regulatory standards such as our Standards of Proficiency for registrants, and the current live review of our Standards for Conduct, Performance and Ethics.
2. We have dramatically improved both the quality and the quantity of the data we hold about our registrants, and this means we have been able, for the first time, to begin the analysis of our fitness to practise data for patterns across the age and sex/gender of those registrants involved. This is complex work, and although very early analysis has been shared previously at Council seminars and with external stakeholders through our EDI and Profession Bodies forums, this remains ongoing work. We are hugely excited to be able to take this key step in addressing the question of fairness in our regulatory activities.
3. We also received an encouraging audit on our diversity work from our internal audit partners, and we believed we are well placed to continue our work to retain the PSA's EDI standard, which we met for the first time in 2021/22.
4. Looking ahead, our EDI plan has already identified the actions we want to take forward, and we are confident that we have the commitment required to maintain the momentum we have built up since the launch of our action plan.

Background

5. Council approved the HCPC's EDI Action Plan in March 2022. The plan was created to support the delivery of the commitments made in our EDI Strategy 2021–2026, and the actions included were those identified as those most likely to ensure we could meet those commitments. We engaged widely to develop of the action plan, meeting with action holders, the Senior Leadership Group across HCPC and our external EDI Forum.
6. The plan built on HCPC's existing commitments to being a fair regulator and saw the coordinated efforts of the organisation to fulfil our EDI responsibilities brought together under one banner. Actions for the period 2022 - 2026 were identified, with those for the first 12-24 months being the ones we considered 'foundational' to our future progress. The plan remains a living document developing over time.

7. As we promised when the plan was first developed, our action plan is ambitious, and we will need to hold ourselves to account for its delivery. Bringing an annual update to Council on our progress, and on our future ambitions, is part of this commitment.

Progress in Year One

8. The plan is largely on track, with the majority of planned actions from Year 1 completed during 2022-23. Highlights include:
 - significant advances in the collection of EDI data for our registrant population, introducing EDI data collection for our applicants, and early stage analysis of EDI data (of sex/gender and age) relating to registrants impacted by our fitness to practise (FTP) processes that we hope to publish in the coming months
 - now collecting EDI data of our internal impact - eg through Pulse surveys, hybrid-working pilot survey etc
 - informing the ongoing review of our Standards of Conduct Performance and Ethics (SCPEs) to enhance our expectations around diversity, discrimination and harassment
 - ensuring that ELT and Council papers now include information on EDI so that decisions can be taken in light of relevant considerations, ensuring that our senior decision-makers have access to appropriate information, and that it is properly considered and that equality impact analyses (EIAs) are conducted for every formal policy development
 - reviewing our approach to attracting a diverse range of candidates to Council appointments, including updated wording in the information pack for candidates and enhanced EDI monitoring of applicants

Actions completed

9. The bullet points below record the outputs from the EDI action plan that are now complete. Please note that some of these actions have generated further actions that will be incorporated into the plan for future years, and that actions will often be included within a suite of wider actions. This means that although individual actions may be listed as 'complete', as planned within our schedule, the surrounding work and wider objectives will continue to be live and engaged. For example, Action 7 'Council and ELT papers require EDI information for every submission' has led to a new action on developing guidance for Council and ELT on using EDI information to inform decision making, an action already scheduled for 2023-24.
 - Review our Standards of Proficiency for registrants to ensure that the diverse health needs of the 21st century UK population are reflected.
 - EIAs are produced and considered for every policy development.

- Council and ELT papers require EDI information for every submission*
- Conduct an EDI audit with our internal audit partner.
- Refreshed oversight mechanism for EDI that also supports external scrutiny of our progress.
- Review our process for ensuring registrants applying from overseas are able to join the register, including how applications are evidenced, our list of pre-approved programmes and any other relevant factors.
- Update the wording of the health and character declaration to better prevent unnecessary declarations from registrants*.
- Analyse and report on our staff survey results by all protected characteristics.
- Introduce regular reporting across all our employment activities across all protected characteristics.
- Set further actions from our EDI reporting across all of our HR activities, across all protected characteristics.
- Review of our appointment process for Council to attract a diverse pool of high-quality candidates.
- Develop a mentoring scheme to support the development of staff under-represented at managerial levels.

*action has generated further work for future action: see 'Further actions developed' below

Outstanding actions

10. There are two actions where further works have arisen in the course of delivering the actions as anticipated:

Action 13 - Introduce regular reporting across all our regulatory activities across all protected characteristics

11. Although we have been able to introduce EDI data collection at the point of application, we have not yet been able to begin reporting on diversity characteristics of registration decisions. This is because the development of meaningful analysis of fitness to practise decisions across age and sex/gender has been both resource intensive, and will be complex to deliver successfully. As we refine our capabilities in this area, we will use those lessons to develop our ability to report on other core regulatory activities.

Action 15 - Introduce EDI monitoring for FTP complainants

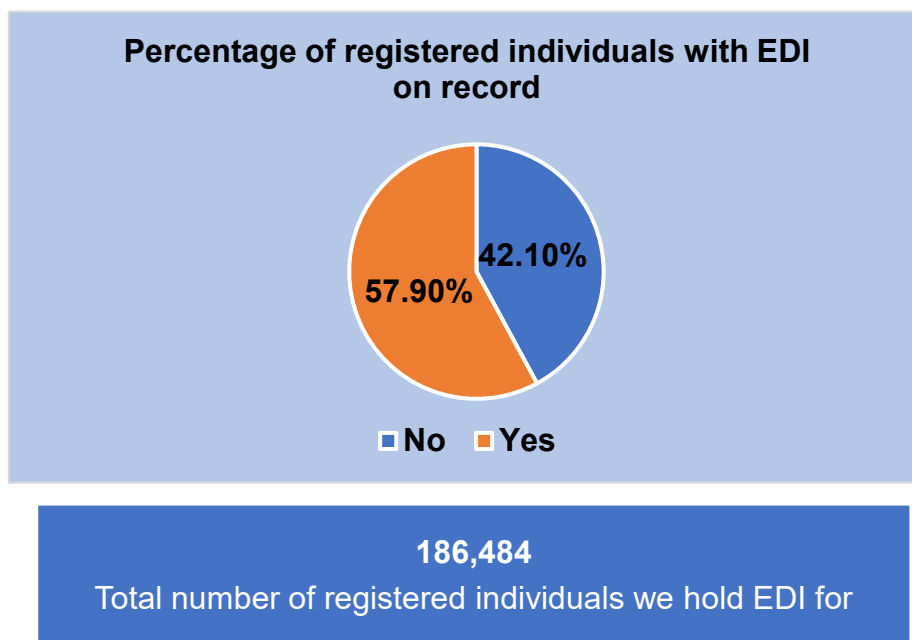
12. The project to create an online concerns process for Fitness to Practise referrals is currently underway. We are currently developing the technical specification for the online form and its effective integration with the case management system, which means that the overarching timetable is currently under review by the project team.

EDI Data analysis and reporting

13. A huge amount of work was undertaken in 2022 to both capture registrant EDI data, and to begin the long-term programme of work to use this data – captured at the point of registration and/or renewal – to analyse the protected characteristics of registrants who have been involved in our FTP processes so that we can understand if any particular groups have been impacted by them.

14. As it stands, we currently hold EDI data for over 50% of the register (approximately 57% at the end of April 2023). This is a significant increase on our performance over the last 16 months (in December 2021, we published EDI fact sheets based on a response rate of 19%). We are now confident that by the end of 2023, when every profession will have completed at least one renewal cycle with the option to provide EDI data, we will have EDI data for more than 80% of the register.

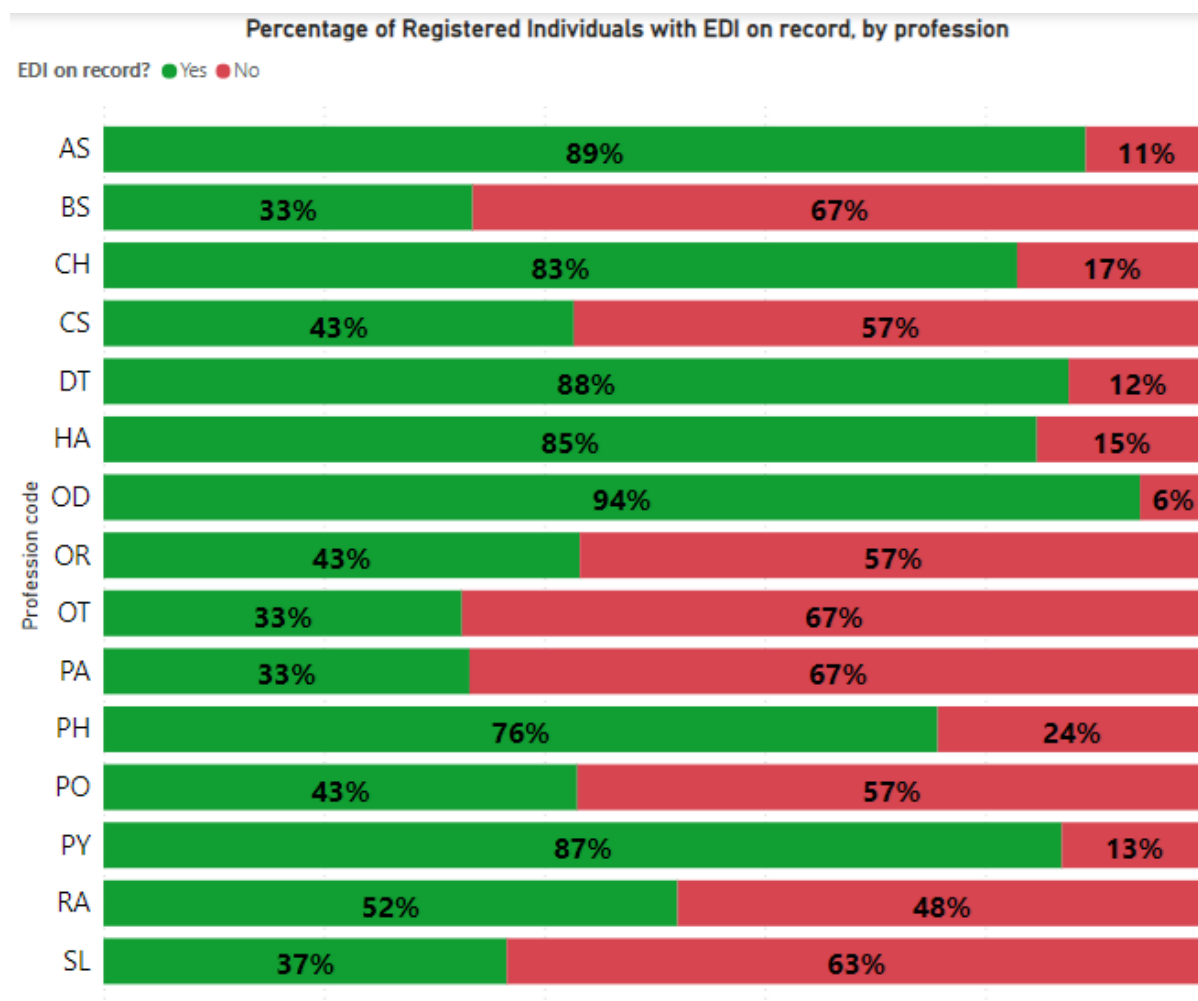
Figure 1 – registered population with EDI information 31st April 2023



15. As a consequence of the improvement in our data being driven by the developments we have made to the renewals process, including ensuring that all renewing registrants are asked to complete the EDI monitoring questions, there are some professions with a lower response rate than others.

16. It is possible to see the current rates of completion in the screenshot of the following chart:

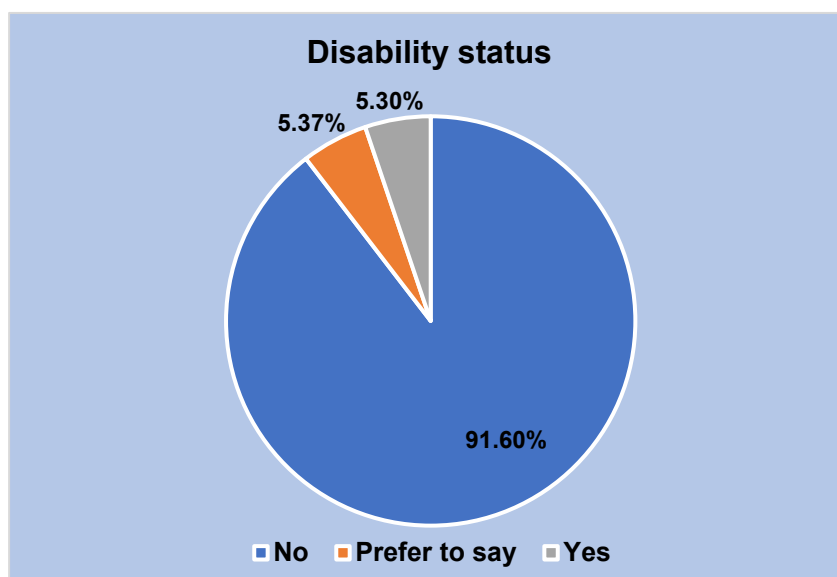
Figure 2 – response rates to EDI monitoring across professions



17. 'EDI on record' means that a registrant has completed the EDI monitoring question on the registration portal, or provided information via our historic EDI survey exercises.
18. From this table it is clear to see the impact of introducing EDI data collection at the point of renewal – every profession with a response rate greater than 50% has been through our renewals process, and
19. Occupational therapists (OT) and biomedical scientists (BS) are two of our larger profession populations, and they last renewed the period before we launched the EDI data collection functionality.
20. In terms of what the data currently tells us, we are able to make high quality analysis of our age and sex/gender data, as this information has been routinely shared with us for a number of years by registrants. However, other protected characteristic information, for example ethnicity and disability, is developing in line with the above graduated improvement across different professions.

21. We already ensure that data analysis is utilised in our EIA process wherever relevant information is available – for example, our own data was utilised in the EIA that supported the HCPC fees consultation exercise – and our revised EDI factsheets for the professions will provide a hugely valuable resource for both internal and our external stakeholders.
22. As our data quality improves, we will also be able to provide greater granularity for specific characteristics. For example, our initial analysis will allow us to report on whether or not a respondent considers themselves to have a disability:

Figure 3 – proportion of respondents who consider themselves to be disabled



Disability status	Count	%
No	161,815	91.60%
Not recorded	34	0.02%
Prefer not to say	5,303	3.00%
Yes	9,493	5.37%
Total	176,645	100.00%

23. As our data and analytical capabilities develop, we would then be able to report on the specific self-reported categories we currently ask for in our registration and renewal process:

Figure 4 –question set used to understand different disabilities and/or long-term conditions experienced by respondents

Q2a Do you have any of the following disabilities, long term conditions or impairments? Select all that apply:
Dyslexia, dyscalculia, dyspraxia
Neurodiverse (e.g., autism, ADHD etc.)
Long term/chronic physical health condition
Mental health condition
Mobility or musculoskeletal issue
Prefer not to say
I do not have a disability, long term condition or impairment
I have a disability, condition or impairment not listed above (please describe

24. Linked to this work is the observation that some of our internal EDI monitoring systems (in particular, those used for HR and Partner Services) are not yet aligned with our approach to monitoring of registrants and applicants. This is something we are keen to explore further, and will become increasingly important as we start the process of sharing and publishing the data we hold.
25. During 2023/24 we will also begin the analysis of data from the latest round of Council recruitment to understand how well we attracted diverse candidates, and to identify any significant gaps in those who applied.

Further actions developed

26. When discussed at the October meeting of the EDI Steering Group, a number of actions were agreed that need to be taken forward, either developing from actions that have already been completed, as identified by the organisation, or as a natural progression from work undertaken thus far.

Guidance for decision makers

27. Every paper submission for ELT and Council includes EDI information collated by the author(s) which is designed to demonstrate to ELT and Council that relevant factors have been considered when developing the papers/proposals etc. This information is also important as it will be weighed by decision-makers and factored into the eventual decision. To develop the usefulness of this, we intend to produce guidance for decision makers on how to best utilise this information, and factors they should consider. This action will be included for 2023-24, and integrated with the work undertaken to update the policy development process.

Updated health and character declarations

28. Although the declaration received minor amendments, there is still work we would like to do to address the way in which we ask applicants about health conditions that may impact on their fitness to practise. This will also be included in the action plan.

Diversity Audit

29. In October 2023, HCPC's audit partners BDO conducted a diversity audit, to provide assurance that we are meeting our legal responsibilities, and to understand any areas for development. We were pleased to receive their report which indicated no significant concerns, and which made a number of minor recommendations, including improving the administration and review cycles of relevant documents, and considering the adoption of external benchmarking exercises. The Steering Group will consider those recommendations to understand if further actions are required.

PSA Performance Review

30. In 2021-22 the PSA determined that the HCPC had met Standard 3 (the EDI standard) of their Standards for Good Regulation. This was the first time the HCPC were found to meet this standard, following an intense period of development and progress of initiatives such as our registrant EDI data collection portal and subsequent publication of our analysis and factsheets, and our gender and ethnic pay gap reports.
31. Since November 2022, the Strategic Lead for EDI has, with other HCPC colleagues, been working to support the PSA's review of the evidence collection matrix for the EDI standard. We have been providing constructive feedback, alongside other regulators, to the PSA on the draft evidence matrix and guidance and we expect the final version published towards the end of May.
32. When this final version is published by the PSA, we plan to review the evidence matrix and confirm that our current workplan ensures that we are able to meet their revised expectations, and to identify any new actions required.

Engagement and promotion of EDI work

33. Part of our work on EDI is a determination to ensure that others know what we are doing to develop our agenda. We will continue to operate an effective and engaged external EDI Forum where we will be able to share our plans, seek the views of external stakeholders and promote the outputs of our work, whilst the EDI engagement officer will provide our link with internal voices to support our work. It is also intended that the Strategic Lead for EDI will continue to play an externally visible role, speaking at events and conferences to, for example, share the results of our monitoring of fitness to practise monitoring information, and contributing to communications such as blogs and newsletters.

EDI activity for 2023-24

33. The table below records the actions from the EDI action plan that we will start in the 2023-24 financial year. Please note that some of these actions will begin in 2023-24, but that we would not anticipate being able to complete within that time period. These are indicated in the table. Please also note that the number references their original reference from the action plan approved by Council in 2022.

EDI Action Plan - 2023-24

34. The tables below are split into two. The first table includes those actions from the plan that we anticipate being able to progress as planned, whilst the second table include those that have been re-prioritised in Department workplans and are currently unlikely to take place during 2023-24.

Table 1 – Planned to Progress

	Action	EDI involvement	Co-owners	Delivery
4	Review our education and training programme standards to ensure that provision for learner welfare properly addresses EDI concerns	Contribute to the review programme, ensuring the regulatory role in ensuring fairness in education is met Support the development of the EIA	Policy Education	SETS review scheduled to begin in Q4
8	Implement the relevant recommendations from the 2023 Diversity Audit	Lead responses on the conclusion of the audit findings, including reviewing external benchmarking frameworks and revising the EDI training module	HR Governance	June 2023 Audit report approved by ARAC
12	Review our support measures for vulnerable registrants, complainants and witnesses	Identify EDI specific aspects to vulnerability and vulnerable groups	Fitness to Practise	Scheduled to begin Q3
13	Introduce regular reporting across all our regulatory activities across all protected characteristics	Develop data requirements, on functionality and on data reporting usage, plus interpretation of data	Insight and Analytics Fitness to practise Registration	Scheduled FTP reporting in June, with limited protected characteristics analysis. As Registrations develop their reporting capabilities in the future, EDI to be included
15	Introduce EDI monitoring for FTP complainants	Develop data requirements, on functionality and on data reporting usage, plus interpretation of data	Fitness to Practise Insight and Analytics	Project underway to build the data collection capacity. Analysis will be undertaken in future years
16	Commission analysis of differential rates of success across protected characteristics for the Education programmes we approve	Advise on data requirements, analysis and reporting needs	Education	Data sharing options will need to be considered Q3 – analysis will be undertaken in future years

19	Review of our regulatory reform work through an EDI lens to explore every opportunity to remove disadvantage and discrimination	Support development of the programme EIA, driving EDI aspects of the programme work	Policy	By Q4
28	Review our engagement activities to ensure we are meeting needs of diverse stakeholders	Support to identify gaps in current engagement approach	Strategic Relationships Lead	Working across Strategic relationships work plan delivery 2023/24
30	Ensure training and development for our Council and leadership teams remains relevant to their role in making the HCPC a fair, inclusive organisation	Identify training needs, and provision of bespoke training to Council and ELT	Governance	Q2 Council and ELT recruitment activities will confirm timetable
39	Produce pay gap reports on relevant protected characteristics (currently gender and race)	Subject matter advice on relevant factors and further reporting function	HR	Q4
41	Review our existing EDI training for all staff and partners	Advise on current best practice, identifying relevant subject matter and advising on content	HR Partners	HR Q3 Ongoing for Partners
(new action number)	Continue to progress and utilise EDI factsheets for professions	Advise on content, reporting, narrative and design.	Insight and Analytics	Ongoing work – worksheets produced Q1
(new action number)	Continue to support the ongoing SCPEs review through the facilitation of an EDI reading group who can advise on specific EDI issues for the SCPEs	Facilitate engagement activities (including post consultation accessibility workshops)	Policy Communications Strategic Relations	Carried over from 2022/23 plan to review SCPEs Q2
(new action number)	Continue to support the HCPC's response to the PSA's review of Standard 3 of the Standards for Good Regulation	Ongoing engagement with PSA to influence the changes proposed to the Standard 3 evidence matrix	Quality Assurance	Not previously on the workplan, this carries over from 2022
(new action number)	Identify relevant work to meet any new requirements arising from the PSA's revisions to the evidence matrix for Standard 3	Review the expectations of the PSA in light of any changes made by the PSA's finalised update and identify any gaps in the HCPC's current work plans	Organisation-wide	A new action arising from the PSA's changes

Table 2 - Actions subject to re-prioritisation

	Action	Co-owners	Current status
6	Review our readmission to the register/returners to practise policies and processes so that the EDI impacts of these policies are understood and, where relevant, negative impacts are mitigated against.	Policy	Due to capacity and forthcoming regulatory reforms on readmissions, now included in 2024-25 Policy work plan.
22	Review requirements for continuing professional development (CPD) for registrants to ensure no unfair impact, and that registrants are able to demonstrate our expectations around EDI in CPD.	Policy Registration	Linked to regulatory reform work, likely to be scoped in 2024-25.
24	Review the bank of conditions we may apply to registrants' practice as part of fitness to practise actions	Policy Fitness to Practise	Deferred for future FTP workplan due to FTP and Policy team capacity
25	Review fitness to practice guidance for decision makers – including triage, threshold and investigation committees.	Policy Fitness to Practise	Deferred for future FTP workplan
26	Review of our tribunal service guidance and decision-making frameworks.	Policy Fitness to Practise	Deferred for future FTP workplan (practice notes review continues as per review cycle)