hcpc **health & care professions council**

Council

Public minutes of the 131st meeting of the Health and Care Professions Council as follows:-

Date: Tuesday 28 July 2020

Time: 9.30am

Venue: Teleconference

Present: Christine Elliott (Chair)
                Stephen Cohen
                Maureen Drake
                Kathryn Foreman
                Sue Gallone
                Helen Gough
                Sonya Lam
                Eileen Mullan
                Gavin Scott
                Stephen Wordsworth

In attendance:

Claire Amor, Secretary to Council
John Barwick, Chief Executive and Registrar
Laura Coffey – Head of FTP (item 5-6)
Neil Cuthbertson, Executive Director of Digital Transformation
Gordon Dixon, Director of Business Improvement
Kellie Green – Professionalism and Upstream Regulation Lead (items 5-8)
Nike Gustave, Professional Standards Authority
Claire Holt, Director of HR & OD
Jacqueline Ladds, Executive Director of Policy and External Relations
Margaret Osibowale, Head of Financial Planning and Analysis (item 4-6)
Charlotte Rogers, Policy Manager (item 5)
Tian Tian, Director of Finance
Katherine Timms, Head of Policy and Standards (items 5-8)

Public Agenda

Item 1. 20/75 Chair's welcome and introduction

1.1   The Chair welcomed Council members and the Executive to the 131st meeting of Council.

Item 1.i. 20/76 Apologies for absence

1.i.1   Apologies for absence were received from Kathryn Thirlaway and David Stirling.

Item 1.ii. 20/77 Approval of Agenda

1.ii.1   The Council approved the agenda

Item 1iii. 20/78 Declaration of Members' interests

1.iii.1   Members had no interests to declare.

Item 1iv. 20/79 Minutes of the Council meeting of 21 May 2020

1.iv.1   The Council approved the public minutes of its meeting of 21 May 2020.

Item 1.v. 20/80 Matters arising

1.v.1   The Council noted those matters arising from its meeting of 21 May 2020.

Standing reports

Item 2. 20/81 Chair's report

2.1   The Council noted this item.

Item 3.i. 20/82 Chief Executive's performance report

3.i.1   The Council received a report from the Chief Executive.

3.i.2   The Council noted the following highlights from the report:-

- the KPI for international application processing time was out of target range for June. This was due to post being processed once a week as a result of the pandemic office closure, and a need to focus on temporary registration and UK applications to support the pandemic response. Processing times had since returned to KPI target compliance;

- plans for a return to office working were well developed. The return would be phased, focusing on processes that would most benefit from an office working environment, such as registrations and hearings;

- the HCPC had engaged with key stakeholders including the Chief Allied Health Professions Officers, the Chief Scientific Officers, the Council of Deans of Health and Unions to discuss proposals for closing the COVID-19 temporary registers. This had informed the HCPC's proposal to close the student register by the end of September 2020. A communications plan had been developed to support the closure;

- the Chief Executive attended a summit chaired by the Minister of State, Helen Whately to consider medium to longer term options for bringing back into service former registrants who had indicated a willingness to support the NHS during the initial crisis phase of the pandemic;

- the HCPC had re-engaged with the Unions and the UK and Scottish Governments on the implementation of proposed registration fees increases. Engagement had been positive with the Unions recognising and understanding the HCPC's position. Engagement would continue with an aim of implementing the increased by the end of 2020;

- the Department of Health and Social Care (DHSC) had re-engaged with regulators on the regulatory reform agenda. DHSC had indicated its intention to progress Education and Registration reform alongside the already proposed FTP and overarching operational framework reforms; and

- Advance Practice (AP) development work was progressing with the HCPC seeking to appoint a research team in August. The interim research findings report was expected to be presented to Council in September 2020.

3.i.3   The Council discussed regulatory reform. The following points were made:-

- DHSC had originally intended to implement the reforms on a thematic basis for all regulators at the same time. DHSC had recently indicated a change in approach to one of implementing all reforms on a regulator by regulator basis;

- it was important that the HCPC ensured it was a priority regulator for the reforms given the HCPC's and its registrant's valuable contribution to the pandemic response and the positive impact the reforms would have for the HCPC's stakeholders;

- the HCPC had been engaged with the DHSC on the HCPC's priorities for reform, seeking to get these priorities on the reform agenda;

- the Chair and Chief Executive were meeting regularly with DHSC officials to promote the HCPC's profile and advocate for its reform needs; and

- a merger of regulators had not been raised as part of the renewed focus on reform.

3.i.4 The Council requested that a summary of the HCPC's priorities for regulatory reform be provided to members to better assist them in advocating the HCPC's position with stakeholders. It was agreed this would be presented at the September 2020 Council meeting. **Action - Executive**

3.i.5 The Council discussed how the HCPC could strengthen its engagement with employers. It was noted that the Council would undertake its own stakeholder mapping exercise seeking to leverage Council Member networks more effectively. **Action - Council.**

3.i.6 Some members noted that employer's priorities were more likely to be ensuring adequate staffing with the right skills and competencies, making the HCPC's education, registration and CPD processes their interest areas, rather than FTP.

3.i.7 The Executive noted that the HCPC's prevention agenda work had been focused on engagement with employers. The HCPC had engaged with identified Ambulance Trusts to explore opportunities to work more closely with them and deliver workshops and learning for their managers and paramedics. This work would continue.

3.i.8 The Council asked if the recent focus on education in regulatory reform would result in the HCPC's own education quality assurance model review being overtaken. The Chief Executive advised that the HCPC's proposal for reforming its education model was in line with government thinking on reform, enabling greater flexibilities and a more risk-based approach. The Council noted its concern at the length of time it had taken for the HCPC to get the new education model to pilot stage. It was noted that the Executive Director of Regulation, once in post, would oversee this work and ensure it delivered to agreed timescales.

3.i.9 The Council discussed the HCPC's role in raising awareness of its professions. It was agreed that the contribution of the HCPC professions to the pandemic response was a key message to communicate as well as the important ongoing need for their skills as part of pandemic rehabilitation.

3.i.10 The Council noted the excellent work of Health Education England (HEE) in promoting awareness of the Allied Health Professions and agreed that the HCPC should seek to partner with HEE and other organisations to amplify awareness. It was noted that the HCPC had been profiling registrant stories during the pandemic and that media opportunities to highlight the work of the professions was being actively sought.

3.i.11 The Council noted the significant amount of activity ongoing at the HCPC. The impact on the pandemic on the FTP KPIs and if anything could have been done differently to reduce this impact was raised. It was noted that a review of lessons learnt form the pandemic response was being undertaken.

3.i.12 The Council welcomed the principles for establishing a new normal being taken forward with HCPC employees. It was agreed that these principles were equally applicable to Council. The Council noted that measurement of culture change would be challenging but should be considered.

3.i.13 The Council welcomed the reviewed format of the performance report agreeing that it provided more strategic focus and assurance of Executive oversight and control of the HCPC's operations.

Item 3.ii. 20/83 Corporate Plan July-December 2020

3.ii.1 The Council received a paper from the Chief Executive. The paper presented a Corporate Plan covering the period July-December 2020, setting out key areas of focus for change in the period, as well as a review of the completion of the first part of the plan (January-July 2020) and an updated Change Plan map.

3.ii.2 The Council discussed the timescale covered by the FTP Improvement Programme. It was noted that the plan focused on 18 months to clear the current backlog, however longer term planning to ensure sustainability would continue in parallel. The longer term timescale had not yet been determined.

3.ii.3 The Council noted that FTP improvement learning would be applicable to registration appeal hearings. The Executive agreed and noted that processes to get FTP hearings remotely were being applied to restarting registration appeals.

3.ii.4 The Council requested that the HCPC's emerging work on registrant wellbeing be explicitly referred to as helping to inform the FTP Improvement Programme **Action - Executive**

3.ii.5 The Council welcomed the update on the deliverables for the first half of 2020. It was noted that the deliverables for the FTP stabilisation were coded as green as these had been delivered to plan. However the Council noted that overall the full aims of the priority had not been met and that these would continue into the second half of the Corporate Plan for 2020 as the FTP Improvement Programme priority.

3.ii.6 The Council discussed priority seven which focused on the ongoing COVID-19 response. It was noted that a key aim was to embed a renewed agile and flexible working culture. The Council agreed that an acceptance of risk was key to this culture change to empower employees to try new approaches without a fear of failure.

3.ii.7   The HCPC's organisational priorities for the 2021 year were discussed. The Council noted that:-

- the development of a Corporate Strategy for 2021-26 is a key priority of the Corporate Plan July-December 2020. The Strategy would supersede the Change Plan as the document against which HCPC development is monitored and reported;

- Council was expected to be asked to approve the final Strategy at its December 2020 meeting;

- the Executive would then propose a 2021-22 Corporate Plan to support the implementation of the strategy at the Council's March 2021 meeting; and

- setting an annual Corporate Plan would be the ongoing approach to organisational priority setting and resource allocation.

3.ii.8   The Council approved the Corporate Plan July-December 2020.

Item 4. 20/84 Finance report and Q1 budget review

4.1   The Council received a paper from the Director of Finance

4.2   The paper provided an update on the HCPC's financial position and presented the quarter one reforecast of the 2020-21 budget. The Council noted the following points:-

- at the end of June 2020 the year to date deficit was £52k, a favourable variance of £1,728k when compared to the budgeted deficit of £1,779k. The variance was due to an overall significant reduction in costs due to the impact of COVID-19;

- the reduction in costs was not expected to wholly convert into a permanent saving, it was expected that approximately 90% of the underspend would be spent in the remainder of 2020-21; and

- the first quarterly reforecast for the 2020-21 financial year presented a deficit of £2,516k compared to the original budgeted deficit of £2,867k.

4.3   The Council noted the areas of underspend resulting from the pandemic restrictions preventing activities proceeding as forecast, and new ways of working. The Council agreed that the HCPC should seek to retain any more cost effective processes where possible.

4.4   The Council discussed employee turnover rates in FTP. It was noted that this had been an issue for some time which was concerning. The Executive noted that the end of fixed term contracts as a result of the transfer of social workers impacted on the turnover figures, but that employee retention and more efficient ways of recruiting in FTP was a priority of the FTP Improvement

Programme, for example an FTP apprenticeship scheme was being developed. The Council requested to see the Executive's plans for reducing this turnover and the timescales for improvement. **Action - Executive**

4.5   The Council asked if the negative cashflow forecast for 2022-23 was a concern to the Executive. The Director of Finance advised that cash flow was impacted by the two year renewal cycle, but as registration fees were paid in advance the projected temporary negative cashflow was not a risk to the HCPC's going concern assessment.

4.6   A Council member encouraged greater investment in professional liaison and prevention to accelerate tangible results from this work.

4.7   The Council welcomed the new financial reporting dashboard.

4.8   The Council approved the quarter one reforecast of the 2020-21 budget.

Items for discussion / decision

Item 5. 20/85 Equality, Diversity and Inclusion action plan

5.1   The Council received a paper from the Policy Manager. The paper set out plans to support the effective strengthening of the HCPC's Equality, Diversity and Inclusion (EDI) work. A progress update on the action plan was included.

5.2   The Council welcomed the paper and the consideration that had gone into the proposals. The Council agreed that the HCPC's commitment to EDI needed to be clear and integrated across all of the HCPC's activity.

5.3   The Council noted that longer term goals were missing from the current action plan. It was noted that the strategy would address this longer-term view. The Strategy would be developed with the engagement of the proposed registrant forum. The Council encouraged the inclusion of stretching targets with clear timescales for measurable progress.

5.4   The Council discussed the diversity of its membership. It was noted that the HCPC's Council appointment process would be reviewed to ensure there were no unintentional barriers to talented applicants from BAME backgrounds. The Chair had also encouraged the PSA to review its requirements of appointment processes to ensure no barriers were in place to promoting diverse Councils', for example mandatory redaction. Additionally, as discussed with Council members during the annual review cycle the Chair proposed that Council take forward a Council member apprentice scheme to assist BAME candidates who did not have boardroom experience. This proposal was supported by Council. **Action - Chair / Executive**

5.5   The Chief Executive noted that whilst everyone at the HCPC was responsible for EDI, the SMT were responsible for setting the tone at the top and ensuring that the organisation has a clear and actionable strategy and EDI action plan, aligned to the organisation's purpose. The Chief Executive would discuss with

Council his plans for EDI development to be an allocated area of responsibility at SMT in the private Council meeting.

5.6 The Chair encouraged all Council Members and Executive present to reflect and act on what they could do to be an effective ally for equality. **Action: Council and Executive.**

Item 6. 20/86 FTP Improvement Programme overview

6.1 The Council received a paper from the Director of Business Improvement and the Head of FTP. The paper set out how improvements would be made to FTP performance and proposed more relevant FTP KPI measures for Council oversight of FTP performance.

6.2 The Council welcomed the paper for its transparency and honesty about the challenges for FTP performance.

6.3 The Council discussed how information on FTP experiences was collected. It was noted that regular data was collected from Panel members. However, registrant and witness feedback had been more challenging to obtain in statistically significant volumes. The Improvement Programme would review and seek to improve these feedback mechanisms to capture feedback throughout the FTP process.

6.4 The Council noted that there was no proposed 'flow' KPI. The Director of Business improvement advised that flow could be seen through the total number of cases and age of cases data.

6.5 The Council agreed that improved forecasting capabilities was a key requirement for sustainability.

6.6 The Council noted that some language in the paper should be reviewed; for example, the use of the term prosecution.

6.7 The Council agreed the proposed FTP KPIs, to replace those reported against in the Chief Executive's performance report, with the understanding that a full suite of KPIs would be developed as part of the improvement programme. **Action: Executive**

Item 7. 20/87 Experiences of the fitness to practise process – research report

7.1 The Council received a paper from the Head of Policy and Standards. The paper presented the findings of HCPC commissioned research on the experiences of registrants subject to HCPC FTP processes.

7.2 The Council agreed that the findings of the research were powerful and that the HCPC should harness its learning to drive improvement to the registrant FTP experience. The Executive agreed and noted that the registrant wellbeing strategy would be informed by the findings of the research.

7.3 The Council noted that the registrant wellbeing strategy would be developed alongside the organisational strategy, but that implementing the recommendations of the research report would commence immediately.

7.4 The Head of Policy and Standards advised that she would be writing to the research participants via the research team to thank them for their participation and to set out the Council's commitment to improvement and acting on the recommendations.

7.5 The Council advised that Unions would be a key stakeholder to engage in registrant wellbeing as they often represented or supported registrants in HCPC FTP proceedings.

7.6 The Council suggested that the development of a set of principles setting out what registrants should expect from the HCPC when going through an FTP process. The Executive agreed to consider this. **Action: Executive**

Item 8. 20/88 Professionalism and prevention framework

8.1 The Council received a paper from the Professionalism and Upstream Regulation Lead. The paper posed a set of questions to the Council to assist the Executive in shaping a proposed vision and framework for the HCPC's professionalism and prevention work.

8.2 The Council discussed the draft vision presented in the paper. The following feedback was given:-

- the vision could go further on prevention, with more emphasis on avoiding FTP concerns;

- the vision should include a focus on the service users of the HCPC's professions and doing no harm;

- promoting ethical behavior should be referenced; and

- the meaning of professionalism to registrants was wider than the standards and this should be reflected.

8.3 The Council considered that the new education quality assurance model work should be included as part of the listed regulatory activity in the framework.

8.4 The Council considered the initiatives listed to be included in the proposed framework. The Council agreed that there should be a greater focus on learning about the causes of FTP concerns and how these can be avoided as part of education programmes. It was noted that this was included in the action plan accompanying the framework.

8.5 The Council suggested that international regulatory models could provide learning on effective professionalism and prevention initiatives.

8.6   The Council agreed that paragraph 4a of the paper should state that the HCPC will act on the analysis of data.

8.7   The Council requested that influencing devolved administrations be included in the framework.

8.8   A member of Council noted that the budget for prevention agenda was relatively small compared to the scope and ambition of the work and that this should be reviewed in future budgeting.

8.8   The Council noted that the professionalism and prevention framework would be developed to incorporate their feedback, and would be presented to the Council at its September 2020 meeting. **Action: Executive**

Items for noting

The Council noted the following items:

Item 9.i. 20/89 Minutes of the Tribunal Advisory Committee of 9 June 2020

Item 9.ii. 20/90 Minutes of the Audit Committee of 10 June 2020

Item 9.iii. 20/91 Minutes of the Education and Training Committee of 11 June & 8 July 2020

Item 9.iv. 20/92 Minutes of the Remuneration Committee of 15 June 2020

Item 10. 20/93 Council resolutions by correspondence

Item 11. 20/94 Any other business

11.1   There was no further business.

Item 12. 20/95 Date and time of next meeting:

12.1   24 September 2020 – 10am

Item 13. 20/96 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
14	B
15	H
16	C
17	B
18	H
19	H

Summary of matters considered in private session:

- The Council discussed a new approach to communications strategy, the Council would explore this further in a workshop in August 2020.

- The Council discussed plans for the tendering of the Council's public law advice contract.

- The Council discussed the Chief Executive's proposals for the future structure of the Senior Management Team.

Chair: …………………………..

Date: …………………………..