

Council

**Public minutes of the 134th meeting of the Health and Care Professions
Council as follows:-**

Date: Thursday 25 February 2021

Time: 10am

Venue: Videoconference

Present: Christine Elliott (Chair)
Stephen Cohen
Maureen Drake
Kathryn Foreman
Sue Gallone
Helen Gough
Nicola Hunt (Council Apprentice)
Sonya Lam
Pameleta Ricketts (Council Apprentice)
David Stirling

In attendance:

Claire Amor, Secretary to Council
John Barwick, Chief Executive and Registrar
Laura Coffey, Head of Fitness to Practice
Neil Cuthbertson, Executive Director of Digital Transformation
Gordon Dixon, Director of Business Improvement
Kathryn Flynn, Department of Health and Social Care
Tom Hampshire, PWC
Colette Higham, Professional Standards Authority
Claire Holt, Director of HR & OD
Jacqueline Ladds, Executive Director of Policy and External Relations
Jo Moore, Executive Director of Corporate Services
Andrew Smith, Executive Director of Regulation
Rachel Taylor, PWC
Tian Tian, Director of Finance

Public Agenda

Item 1. 21/1 Chair's welcome and introduction

- 1.1 The Chair welcomed Council members and the Executive to the 134th meeting of Council. In particular the Chair welcomed Council Apprentices, Pameleta Ricketts and Nicola Hunt, to their first meeting of the Council, and Kathryn Flynn, DHSC, and Collette Higham, PSA, to their first meeting of the Council as observers.
- 1.2 The Chair noted the significant focus on FtP improvement which remained the number one priority of the HCPC, she welcomed colleagues from PWC who were supporting the HCPC's accelerated FtP Improvement Plan.
- 1.3 The Chair noted that the HCPC Committee memberships had refreshed at the start of 2021. She thanked the new Committee Chairs for agreeing to lead the important work of these groups.

Item 1.i. 21/2 Apologies for absence

- 1.i.1 Apologies were received from Eileen Mullan and Kathryn Thirlaway. It was noted both members would attend the afternoon session of the meeting. Stephen Wordsworth was not present.

Item 1.ii. 21/3 Approval of Agenda

- 1.ii.1 The Council agreed to change the order of the agenda to consider the Corporate Plan 2021-22 before the Estates Strategy paper. With this change the Council approved the agenda.

Item 1.iii. 21/4 Declaration of Members' interests

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

Item 1.iv. 21/5 Minutes of the Council meeting of 3 December 2020

- 1.iv.1 The Council approved the minutes of its meeting of 3 December 2020

Item 1.v. 21/6 Matters arising

- 1.v.1 The Council discussed the diversity audit referred to in matters arising 10 and 11. It was noted that Diversity McKenzie had been engaged to undertake an audit of the HCPC's EDI practice. The resulting report and any recommended actions would be presented at the March 2021 meeting of the Council, alongside the EDI strategy and action plan for approval.

Standing reports

Item 2. 21/7 Chair's report

2.1 The Council noted the report.

Item 3. 21/8 Chief Executive's performance report

3.1 The Council received a report from the Chief Executive.

3.2 The Council noted the following points:-

- the reporting period had been a challenging one for the HCPC's registrants and employees as the third pandemic lockdown was in place. The Executive had maintained a focus on health and wellbeing, with online resources for registrants, and a dedicated employee platform for wellbeing support, take up rates of which had been strong;
- the Statutory Instruments to effect a rise in the HCPC's fees had been laid in both parliaments. This had taken considerable time to achieve and learning would be harnessed for future fee proposals. The Executive would develop a future fees strategy, likely to be based on modest, more regular increments;
- the temporary register for former registrants remained open, the student register had closed. Engagement with stakeholders was key to ensuring the temporary register continued to meet the needs of responding to the pandemic. The Executive would bring a paper on the future management of the temporary register to the Council's meeting in March 2021;
- the Executive continued to work closely with DHSC colleagues on regulatory reform. Following the publication of the white paper for the Health and Care Bill, a consultation was expected in Spring 2021;
- Executive Director of Corporate Services, Jo Moore, joined the HCPC on 15 February. Following interviews an offer had been made to the preferred candidate for the Executive Director of Insight and Professional Practice role. Once in post, this would complete the permanent SMT structure; and
- the standing finance report was included and an appendix to the Chief Executive's report. The FtP performance report was a separate agenda item given the importance of performance improvement in this area;

3.3 The Council discussed the issue of possible vaccination requirements for registrant practice. The Executive noted that close working with stakeholders particularly NHS employers was key on the developing and complex issue of regulatory intervention with regards to vaccination. The Chair noted that she had attended a recent webinar featuring the Vaccines Minister and communication channels with the vaccine programme were open.

- 3.4 The Council noted that registrants in private practice could find it challenging to access vaccinations, some professional bodies had provided template letters for members regarding their eligibility. The Council suggested the HCPC review this option.
- 3.5 The Council asked if the Executive had experienced any impact on applications due to Brexit. The Executive confirmed that at that point, no significant impact had been seen, and that the European Mutual Recognition registration route had closed and applicants were required to use the well-established international registration route. The question of data adequacy appeared to be moving towards a positive determination which would enable data flows to continue across borders. This situation would continue to be monitored.
- 3.6 The Council welcomed the Chief Executive's focus on future fee strategy, agreeing that learning from the current fee rise was important to avoid similar delays in future. Early engagement with the unions would be essential. The Council agreed that communication with registrants was key even where decisions were made to not increase fees at review points.
- 3.7 The Council noted the Education QA pilot had commenced. Some concern was voiced about the length of time it had taken to reach the pilot stage, given the project had commenced in October 2018. The Chair of the People and Resources Committee noted the future role the Committee would play in ensuring projects were delivered with more pace. The Executive Director of Regulation accepted the concern but noted that the plan for the project in 2021 was ambitious and included sufficient time for a robust evaluation of success before full implementation.
- 3.8 The Council noted the publication of the government white paper setting out legislative proposals for a Health and Care Bill. Asked what opportunities and concerns the paper posed for the HCPC, the Executive noted that regulatory reform presented a significant opportunity to improve regulatory processes for all parties involved. Potential concerns for the HCPC included the reference to the rationalisation of regulators which reinforced the need for the HCPC to ensure it was seen as a credible regulator by stakeholders. Effective stakeholder engagement would be central to ensuring the potential benefit of reform was maximized.
- 3.9 The Council welcomed the improvements in stakeholder engagement. It was noted that the HCPC continues to build stronger working relationships with key stakeholders such as the PSA through regular information sharing meetings; the PSA had recently participated in HCPC Panel member training.
- 3.10 The Council discussed the KPI on registration appeals. It was suggested that a length of time measure should be added. The Executive noted that the Council workshop in April 2021 would be focused on establishing a holistic set of performance metrics to meet the Council's assurance needs.

Item 4. 21/9 Fitness to Practice Improvement Plan – progress report

4.1 The Council received a paper from The Executive Director of Regulation.

4.2 The Council noted the following points:-

- the report was new and Council feedback on format was welcomed. The next iteration would include milestones and benefits' realisation data;
- the FtP Improvement Plan included 16 key projects to run between January and July 2021. These could be summarised by the themes of: improving the age profile of the case load, improving the quality of case management and decision making, people and culture and implementation of key enablers;
- to progress the oldest cases legal services providers have been engaged to add capacity. Corrective case plans had been put in place for all cases which remained in-house;
- the pilot to front-load investigation activity had commenced, this aimed to improve the quality of investigations by gathering evidence earlier on in the process;
- a senior lawyer would be seconded to the HCPC from March to work with Case Managers to review the initial risk assessments and case plans for all new cases with the aim of increasing the expert input and oversight of a case at the very start of the case;
- subject to successful recruitment, legally qualified ICP Chairs would commence work from May 2021. Forthcoming core training for Panel Chairs and Legal Advisors was being reviewed to ensure areas of PSA concern received focus, with a full review of FtP Partner training taking place in autumn 2021;
- a significant recruitment campaign was underway for 18 Case Managers. A new approach to recruitment had been adopted including the use of assessment centres to add rigour and increase the focus on embodying the HCPC's values;
- FtP employees were taking part in PWC's Perform Plus methodology, a 14 week coaching and development programme; and
- the new case management system was expected to go live in April 2021; this would improve case flow management oversight and communication.

4.3 The Council noted the considerable activity taking place within FtP and asked about the impact on employees. The Executive Director of Regulation noted that this impact was a central focus. Transparency on when and why activity was taking place was essential so that employees had time to anticipate

change. Positive feedback had been received about working with PWC and the Perform Plus coaching and support, which focused on how employees were feeling as well as providing tools on time prioritisation.

- 4.4 The Council noted the continuing employee high turnover rate in FtP. It was understood that the large number of Case Managers being recruited was to ensure resource was sustainable. New starter training and induction was also in place.
- 4.5 The Council noted that PWC was providing programme management support which would be handed over to the HCPC at the end of their assignment.
- 4.6 The Council requested that milestones for the programme include a forecast trajectory for KPI achievement, with estimates of when targets would be met. The Council encouraged the Executive to establish productivity baselines and metrics to measure productivity improvements. **ACTION**
- 4.7 The Council noted the significant number of cases at triage stage. The question of self-referral rates was raised, noting that research had found that paramedics in particular were more likely to self-refer incidents which was often due to employers requiring all incidents be reported. This placed a resource demand on the HCPC to triage and close cases that did not require regulatory action. Improved data analysis capability would enable greater understanding of the reasons for these reports and inform the Professional Liaison team's proactive work with employers to raise awareness of issues that should be dealt with locally. The Professional Liaison team had already engaged with a number of ambulance trusts.

Items for discussion / decision

Item 5. 21/10 Risk Appetite Statement

- 5.1 The Council received a paper from the Head of Governance.
- 5.2 The Council noted the following points:-
 - the HCPC's Risk Appetite Statement (RAS) had evolved from one of universally avoiding risk to a varied ('proportionate') appetite depending on the risk area;
 - as the HCPC embarked on a new Corporate Strategy, a review of the HCPC's RAS had been undertaken to ensure it reflected the HCPC's ambition;
 - the Council and SMT had taken part in a facilitated workshop to agree risk appetite levels. The Audit Committee then approved a draft RAS for the Executive to consult individual members of the Council and SMT on their connection to the statements it contained; and
 - this consultation had provided valuable tailoring to the RAS, and the result was presented to the Council for adoption.

- 5.3 The Chair of the Audit and Risk Committee welcomed the presented RAS and the positive development process that had been undertaken. She noted that risk management was an art not a science and applying the RAS would require consideration of the nuances of any situation, and as such she did think that 'limited financial impact' should be assigned a specific value within the RAS, a question posed within the paper.
- 5.4 The Council noted the interconnectivity of the risk areas and the need to balance opposing risk appetites in decision making.
- 5.5 The Council discussed how to keep the RAS live during decision making. It was agreed that in taking decisions the Council would explicitly record its consideration of risk and its reasoning if the agreed risk appetite was not followed in that decision. Papers to Council would also continue to explore risk as a key decision making factor. **ACTION**
- 5.6 The Council also agreed to review decisions taken on an annual basis through a risk lens to understand the application of risk appetite in practice and the consequences of those decisions on risk. **ACTION**
- 5.7 The Executive noted that consideration was needed of how to socialise the RAS with employees to ensure it was understood and informed operational decisions.
- 5.8 The Council agreed to adopt the Risk Appetite Statement.

Item 6. 21/11 Deputy Registrar appointment

- 6.1 The Council approved the appointment of Andrew Smith, Executive Director of Regulation, as a Deputy Registrar.

Items for noting

The Council noted the following items:

Item 7. 21/12 Council resolutions outside of meeting

Item 8. 21/13 Any other business

- 8.1 The Chair invited Kathryn Flynn, DHSC, to share her impressions of the meeting. Kathryn noted that observing the meeting had been helpful for ensuring effective co-working with the Council.

Item 9. 21/4 Date and time of next meeting:

- 9.1 23 March 2021 – 10am

Item 10. 21/15 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
11	B, C
12	B, C
13	C
14	C
15	C
16	C
17	C
18	C

Chair:

Date: