

**Council**

**Public minutes of the 151<sup>st</sup> meeting of the Health and Care Professions Council as follows:-**

**Date:** Thursday 6 July 2023

**Time:** 11am

**Venue:** HCPC Offices

**Present:** Christine Elliott (Chair)  
Oli Davies\*  
Damien Baker\*  
Maureen Drake  
Rebekah Eglinton  
Kathryn Foreman  
Sue Gallone  
Helen Gough  
John McEvoy  
Lianne Patterson  
David Stirling  
Kathryn Thirlaway  
Steven Vaughan

**In attendance:**

Zoe Allan, Business Manager, Office of the Chair and Chief Executive  
Claire Amor, Executive Director of Governance, Assurance and Planning  
Alastair Bridges, Executive Director of Resources and Business Performance  
Laura Coffey, Interim Executive Director of Regulation  
Rosemary Flowers-Wanjie, Policy Manager (item 6)  
Rachael Gledhill, Head of Policy and Standards (item 6)  
Kellie Green, Interim Head of Fitness to Practise (items 1-5)  
Colette Higham, Professional Standards Authority  
Anna Holdsworth, Capsticks LLP  
Alan Keshtmand, Head of Finance  
Cheryl Lee, Hearings Team Manager  
Vesna Maglov, Governance Officer  
Graham Masters, Independent Member of the Audit and Risk Assurance Committee  
James McMahon, Head of Estates and Facilities Management (items 6-7)  
Dave Munday, Unite the Union  
Bernie O'Reilly, Chief Executive  
Andrew Smith, Interim Deputy Chief Executive  
\*Council Apprentice

## Public Agenda

### **Item 1. 23/68 Chair's welcome and introduction**

- 1.1 The Chair welcomed those present to the 151<sup>st</sup> meeting of Council.
- 1.2 Particular welcome was extended to Bernie O'Reilly who was attending his first meeting of Council since joining the HCPC as Chief Executive on 3 July.

### **Item 1.i. 23/69 Apologies for absence**

- 1.i.1 Apologies were received from Valerie Webster.

### **Item 1.ii. 23/70 Approval of Agenda**

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

### **Item 1.iii. 23/71 Declaration of Members' interests**

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

### **Item 1.iv. 23/72 Minutes of the Council meeting of 25 May 2023**

- 1.iv.1 The Council approved the minutes of its meeting of 25 May 2023.

### **Item 1.v. 23/73 Matters arising**

- 1.v.1 The Council noted those matters arising from previous meetings.
- 1.v.2 The Council noted the recent publication of the NHS England Workforce Plan, agreeing that the HCPC had a role to play in supporting the achievement of the plan.

## Standing reports

### **Item 2. 23/74 Chair's Report**

- 2.1 The Council noted this item.

### **Item 3. 23/75 Interim Deputy Chief Executive's performance report**

- 3.1 The Council received a report from the Interim Deputy Chief Executive. The report highlighted key areas of development in the reporting period, since May 2023.

### 3.2 The Council noted the following points:-

- in late June, the Professional Standards Authority (PSA) published the HCPC's Performance Review Report for 2022-23. HCPC regained three standards, one in registration and two in Fitness to Practise (FTP). The HCPC welcomed this recognition of improving performance but remained focused on regaining the remaining two FTP standards;
- the HCPC's Strategic Risk Register was included as appendix D of the report. The HCPC's most significant risk remained financial sustainability. The Executive and Chair were working closely with Department of Health and Social Care (DHSC) and Scottish Government officials on the legislation for the HCPC's proposed fee rise;
- the first progress report for the 2023-24 Corporate Plan milestones was included as appendix C of the report. While good progress had been made in initiating workstreams and projects, three areas were rated as amber. Two areas were rated amber due to the initial planned delivery being missed in 2022-23, these were the implementation of the finance system (Business Central) and the tone of voice project. The review of English Language Proficiency was also rated amber due to a decision to delay the start of the consultation to allow more time for pre-consultation engagement;
- HCPC had commissioned research from the University of Plymouth to give a better understanding of how well newly qualified registrants from each of the 15 professions were prepared for practice. This work was progressing well and would report to the Education and Training Committee and Council at the end of 2023; and
- a key focus of the Professionalism and Upstream Regulation team was supporting international registration route registrants. The team's 'Joining the UK Workforce' events had an average of 247 attendees each month. The team also delivered a bespoke session for Australian paramedics in collaboration with Health Education England (HEE) to provide support to its international recruitment workstream.

3.3 The Council noted that the HCPC's temporary register had closed to applications at the end of June 2023. The HCPC had written to all temporary registrants inviting them to make a declaration that they remained engaged in work to support the Covid recovery. Following this exercise, 219 people remained on the temporary register. Since the temporary register was established in 2020, 1,162 temporary registrants had re-joined the workforce on a permanent footing by re-registering on the permanent register.

3.4 The Council discussed the KPIs included in the report. It was noted that PSA learning points were received on a quarterly basis and learning from these was shared with the FTP operational teams and Partners. Regarding the KPI for cases concluded at final hearing, the Council noted that the 0% figures for March and April 2023 did not mean that no hearings were held, rather this

meant that no hearings were concluded within the target timeframe of the KPI. This was due to a focus on the progression of older cases.

- 3.5 With regard to the Education Quality and Timeliness KPI, the Council asked if the Executive was confident that the improvement in timeliness reported would be maintained. The Executive Director of Regulation noted that the April 2023 figure had been particularly high as a group of older cases were cleared. Following this clearance, performance within the KPI was expected to be maintained.
- 3.6 The Council agreed that service user engagement was important to inform the review of English Language Proficiency. The Executive Director of Governance, Assurance and Planning confirmed that a similar service user engagement approach would be taken as with the Standards of Conduct Performance and Ethics review.
- 3.7 The Council discussed the recent publication of the NHS Workforce Plan for England. It was noted that protected CPD space had been included on the plan, the Council welcomed this and the Executive's recent engagement with NHS Employers.
- 3.8 The Council discussed the KPI for recruitment and onboarding efficiency, noting that delays with internal interview availability and scheduling were becoming fewer. It was noted that the People and Resources Committee had discussed this issue with the Executive at its June meeting.
- 3.9 The Council welcomed the launch of the HCPC's first reverse mentoring scheme, and it was noted that the Chair of Council and the Chair of the People and Resources Committee would take part in the scheme.
- 3.10 The Council thanked Andrew Smith for his excellent leadership as the Interim Deputy Chief Executive in the absence of a Chief Executive.

#### **Item 4. 23/76 Finance Report**

- 4.1 The Council received a report from the Head of Finance, outlining the HCPC's financial position as at the end of May 2023.
- 4.2 The Council noted the following points:-
  - two months into 2023-24, the HCPC's operating surplus for the year to date was £0.5m compared to a budgeted deficit of £0.3m. Although this was an improvement compared to the budget, it was a reflection of timing differences early in the year and a number of risks and opportunities needed to be managed;
  - the year-to-date income position was a favorable variance of £0.6m. This was largely attributable to the volume of international applications surpassing budget forecasts with 2,219 applications for the 2023-24

year to date compared with a budgeted volume of 1,333. The total forecast for the financial year was 8,000 international applications;

- for the next iteration of the report a number of areas would be reviewed to improve the accuracy of financial forecasting, these included costs directly attributable to the increase in international registrations, recognizing the savings from the exit of the 33 Stannary Street leases and a review of FTP legal provider costs based on the latest operational metrics and caseloads;
- a further area for review was removing the vacancy factor and instead including the phasing of vacant posts through the year and devolving these costs to hiring departments from the Chief Executive budget; and
- at the end of May 2023, the HCPC's reserves were £1.6m. HCPC's reserves policy required it to hold positive net assets, less intangible assets, which would require reserves of around £9m.

4.3 The Council noted that the Audit and Risk Assurance Committee (ARAC) had reviewed the measures in place to mitigate the risk of the HCPC being uncompliant with the reserves policy. While the Committee had been somewhat assured by the mitigations in place, it was recognised that the reserves funding gap was fundamentally a result of fee income shortfall, which needed to be addressed.

4.4 The Council noted that the impact of increased interest rates had been factored into the budget.

4.5 The Council discussed FTP legal costs. It was noted that monthly service level agreement management meetings were held with all legal providers. FTP legal costs would be reprofiled in the next iteration of the Council finance report.

## **Item 5. 23/77 Fitness to Practise Performance Report**

5.1 The Council received a paper from the Interim Head of Fitness to Practise. The report set out FTP operational performance as of the end of May 2023.

5.2 The Council noted the following points:-

- the HCPC had regained PSA standards 16 and 17 relating to risk assessment and case management quality. The Executive was pleased that this result reflected the improvement shown through internal quality assurance activity and remained focused on regaining the two remaining FTP PSA standards;
- there had been an increase in interim order applications in May. This appeared to be a result of receiving relevant information on cases in April and early May that increased the risk profile of those cases.

Despite the increase in volume, the timeliness KPI for applications continued to be met;

- quality checks on case plans and risk assessments had shown a decrease in compliance in February and March which was quickly addressed through additional support and oversight for newer members of the FTP team. This had positive results and compliance was back to 87% for risk assessments and 92% for case plans in May 2023; and
- the open investigation caseload had reduced from 891 in March 2023 to 794 in May 2023. There had also been a reduction in the number of open post-ICP cases.

5.3 The Council discussed the analysis of older cases contained within the paper. The following points were made:-

- old cases were defined as being any case outside the HCPC's KPI for timeliness. Often these cases had been, or still were, put on hold due to third party investigations needing to complete first, such as police investigations;
- cases that were on hold were monitored regularly to ensure that active investigation resumed as soon as possible. All old cases also had a corrective case plan to target any blockers to progression;
- due to system limitations, current reporting was unable to account for the on-hold period when reporting a case age. If the HCPC's oldest cases which had been on hold were removed from the reporting, the median age of the live pre-ICP caseload would be 23 weeks, which was significantly below the HCPC's 33 week KPI;
- the Council agreed that being able to report on the impact of on hold cases on the timeliness KPI was important for transparency of the HCPC's FTP performance, given these cases were outside of the HCPC's control. It was suggested that in future when this was possible, there should be separate KPIs for cases that had or had not been on hold;
- the Council noted that the impact of on hold cases on KPI results would not be an issue unique to the HCPC and should be discussed with the PSA to understand the consideration given in the performance review process to factors outside of the regulators' control **ACTION**; and
- cases that were old but had not been on hold were discussed. It was noted that the reasons for these cases being outside of timeliness KPI were often linked to the complexity of the case and the willingness or capacity of parties to engage. This issue was discussed regularly with the FTP representatives' forum. The Executive also acknowledged that some older cases were out of KPI due to case management issues for which the HCPC was at fault. The FTP improvement programme

included projects aimed at dealing with these case management delays, which had shown improvement through frontline checks. A frontline check on timeliness would be introduced alongside the frontline quality checks which had seen positive results.

- 5.4 The Council discussed the uptake of the recently launched registrant support line. It was noted that there had been 36 contacts to date which was comparable to other regulators' support lines when launched. The service was signposted in key communication with registrants during the FTP process, this included registrants involved in older cases. Anonymous data on users of the service would be monitored to inform ongoing promotion communications. The Council requested that when more data was held, an analysis of the EDI characteristics of users be undertaken to ensure accessibility was not an issue. **ACTION.**
- 5.5 The Council welcomed the attainment of two of the four PSA standards for FTP previously not met, noting that it was a positive indication that the FTP improvement programme was delivering positive results. One standard still not met related to the HCPC's communication with case participants; the Council noted the progress being made on the tone of voice review of FTP template letter and asked what action the Executive was taking on day-to-day external communication. It was noted that the tone of voice project included training for all FTP team members on the principles of the intended tone of voice, focusing on handling calls appropriately, recognising reasonable adjustment needs and participant vulnerability.
- 5.6 The Council noted that turnover in the FTP teams had improved, however recruitment remained challenging with recent campaigns being unable to fill all posts. Apprenticeships had been used previously with apprentices going on to join the FTP teams permanently. The HCPC was also exploring working with university careers services to recruit graduates of law. To further support competitiveness, case manager salaries had been reviewed.

## **Item 6. 23/78 Standards of Conduct Performance and Ethics Consultation – Initial analysis of feedback**

- 6.1 The Council received a paper from the Policy Manager. The paper presented an extract of early analysis of the Standards of Conduct Performance and Ethics (SCPEs) and social media guidance consultation.
- 6.2 The Council noted the following points:-
- the SCPEs and social media guidance consultation closed on 16 June 2023 and a detailed analysis of the responses was underway. A workshop with the Education and Training Committee would be held in August to explore some of the analysis feedback in detail;
  - the Council would be presented with the full consultation analysis and proposed revised SCPEs and social media guidance at its meeting in September 2023; and

- given the breadth of the themes explored in the consultation the Executive had produced an extract of the analysis focusing on feedback regarding the relationship between registrant social media posts and government messaging, as well as feedback on the use of language which arose from a service user engagement focus group.
- 6.3 The Council discussed the use of the term ‘government messaging’ within consultation and agreed that public health messaging was more accurate terminology to use. The need to be clear on the line between professional and personal social media use when discussing personally held views was emphasised.
- 6.4 It was raised that Covid vaccinations had prompted significant public debate and that registrants may have felt their expertise and experience did qualify them to speak on the issue. It was agreed that the focus of regulation should be on the individual putting the interests of public safety first and not advocating misinformation.
- 6.5 The Council agreed that the tone of the standards and guidance should not be prescriptive to cover all actions and situations but instead should focus on registrants needing to act within their area of expertise and maintain professionalism and confidence in their profession.
- 6.6 The Council discussed the feedback from the service user focus group on the use of language. It was noted that the group had suggested the use of words such as civility, reciprocity, mutuality and empathy. The Council welcomed the engagement with service users and the rich feedback the focus group had generated.
- 6.7 The word reciprocity was raised as being potentially confusing or being interpreted as a mutual give and take transaction between a registrant and service user which was not the intention of the standards.
- 6.8 The Council agreed the importance of using plain English and words that were commonly understood by the public and used in society.

## **Item 7. 23/79 HCPC Environmental Sustainability**

- 7.1 The Council received a paper from the Head of Estates and Facilities Management. The paper asked the Council to approve the HCPC’s sustainability statement, net zero targets and roadmap.
- 7.2 The Council noted the following points:-
- the paper set out the HCPC’s organisational journey towards being a net zero regulator;



- a baseline analysis had been undertaken of the HCPC's scope 1, 2 and 3 emissions. This would enable future measurement of progress towards net zero emissions;
- a sustainability statement setting out the HCPC's commitment, high level plan and roadmap had been developed to move the HCPC towards net zero emissions. This included targets for each scope, the latest being scope 3 by 2039-40; and
- the HCPC had begun to engage stakeholders in early conversations about the environmental impact of professional practice, including through the recent SCPEs consultation.

7.3 The Council noted the need for transparency regarding the HCPC's reduced office footprint. While improved environmental performance had been a positive outcome, the motivations for the reduction had been due to the impact of the pandemic and changing ways of working as a result. **ACTION.**

7.4 The Council agreed that the term sustainability should be defined within the statement as this meant different things to different people and groups. It was also agreed that the inclusion of social impact elements should be removed to make the statement more clearly focused on environmental elements. **ACTION.**

7.5 The Council welcomed the inclusion in the statement that the use of resources in pursuing net zero would be proportionate, agreeing that while important, other issues also needed investment across the HCPC.

7.6 The Council noted that the government net zero target in Scotland was 2045 not 2050 as in England.

7.7 Subject to the amendments outlined in paragraphs 7.3 and 7.4, the Council approved the sustainability statement for publication and net zero targets as set out in the paper.

7.8 The Council thanked the Head of Estates and Facilities Management for the significant work undertaken to move the HCPC forward in its environmental sustainability. The positive changes to the office environment were also welcomed.

## **Item 8. 23/80 Appointment of Registrar**

8.1 The Council appointed Bernie O'Reilly, Chief Executive, as the HCPC's registrar from 7 July 2023.

**Item 9. 23/81 Unconfirmed minutes of the Education and Training Committee of 7 June 2023**

- 9.1 The Council noted that the Committee would hold a workshop in August to explore themes arising from the Standards of Conduct, Performance and Ethics consultation. All Council members would be invited to attend the workshop.

**Item 10. 23/82 Unconfirmed minutes of the People and Resources Committee of 8 June 2023**

- 10.1 The Council noted this item.

**Item 11. 23/83 Unconfirmed minutes of the Audit and Risk Assurance Committee of 14 June 2023**

- 11.1 The Chair of the Audit and Risk Assurance Committee highlighted the progress that had been made in the HCPC's risk assurance maturity. She also noted the positive work taking place within the Business Change team on benefits realisation.

**Item 12. 23/84 Decisions outside of meeting**

- 12.1 The Council noted this item.

**Item 13. 23/85 Council and Committee dates 2024**

- 13.1 The Council noted this item.

**Item 14. 23/86 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.

<b>Item</b>	<b>Reason for Exclusion</b>
15	F, H
16	F, H
17	B, H
18	H
19	H
20	H

Chair: .....

Date: .....