

Council

Minutes of the meeting of the Health and Care Professions Council held in public as follows:

Date: Thursday 30 January 2025

Time: 10am

Venue: Videoconference (Zoom)

Present: Christine Elliott (Chair)
Rebekah Eglinton
Helen Gough
Geraldine Kinkead-Richards*
John McEvoy
Jordan McKenna*
Lianne Patterson
David Stirling
Kathryn Thirlaway
Valerie Webster

Apologies: None

In attendance:

Zoe Allan, Business Manager, Chair and Chief Executive Office
Claire Amor, Executive Director of Corporate Affairs
Eniola Awoyale, Policy Manager
Francesca Bramley, Governance Manager
Alastair Bridges, Executive Director of Resources
Laura Coffey, Executive Director of Fitness to Practise and Tribunal Services
Karen Flaherty, Head of Governance
Alice Gair, Council Apprentice designate
Helen Grantham, Observer
Colette Higham, Professional Standards Authority
Anna Holdsworth, Capsticks LLP
Jamie Hunt, Head of Education
Nicole Jones, Improvement and Compliance Specialist
Otilia Juravle, Front Loaded Investigations Case Manager
Alan Keshtmand, Head of Finance and Commercial
Bernie O'Reilly, Chief Executive
Cath Menary, HR Advisor

* Council Apprentice

Sejal Patel, Council Apprentice designate
Matthew Peck, Head of Communications, Engagement and Public Affairs
Pam Ricketts, Observer
Catharine Seddon, Observer (for items 1-4)
Shahmyla Shabir, Operating Department Practitioner student
Andrew Smith, Deputy Chief Executive and Executive Director of Education,
Registration and Regulatory Standards
Carl Stychin, Observer
Anies Sulieman, Operating Department Practitioner student
Alistair Ward-Boughton-Leigh, Education Quality Officer

Public meeting

1 Chair's welcome and introduction

The Chair welcomed those present to the meeting of Council. The Chair individually welcomed a number of observers, including two new Council Apprentices due to join the HCPC imminently, four observers who had been selected for recommendation to the Privy Council for appointment as Council members, HCPC employees and external observers.

1(a) Apologies for absence

1.1 There were no apologies.

1(b) Approval of agenda

1.2 The Council approved the agenda.

1(c) Declaration of members' interests in relation to agenda items

1.3 Each of the four Council members who were Registration Appeal Panel Chairs declared an interest in the item relating to Council member remuneration (item 16). Council members were also involved with the NHS in different capacities, which could give rise to a potential conflict of interests in relation to the consultation to regulate NHS managers (item 15).

1(d) Minutes of the Council meeting on 5 December 2024

1.4 The Council approved the minutes as an accurate record of its meeting held in public on 5 December 2024.

1(e) Matters arising

1.5 The Council noted the updates on the matters arising from previous meetings held in public.

1.6 Having incorporated the exit interviews for two Council members and one committee member as part of the annual review process for 2024, it had been decided that exit interviews for Council and independent committee members would be conducted separately to annual reviews in future years to reflect the different purpose and scope of each process.

2 Chair's Report

2.1 The Council noted the Chair's report.

Performance reports

3 Chief Executive's Performance Report

3.1 The Chief Executive's performance report highlighted key areas of development in the reporting period since the Council's last meeting in December 2024 and included the key performance indicators, the strategic risk register and an update on progress against the corporate plan for 2024-25.

3.2 The Council noted the report and the following points:

- the return of Claire Amor, Executive Director of Corporate Affairs, from maternity leave;
- a video message that had been shared with all employees at the end of 2024 to acknowledge the HCPC's achievements over the year;
- the Chief Executive's attendance at a meeting on 29 January 2025 as part of the second phase of the Independent Inquiry into the issues raised by the David Fuller case, which was looking at whether current procedures and practices safeguard the security and dignity of the deceased;
- the invitation received from the Department of Health and Social Care to respond to its consultation regarding the regulation of NHS managers, which would be considered during the private session of the meeting;
- the ongoing work to achieve two milestones in the corporate plan for 2024-25 where implementation had been delayed;
- no change to the risk ratings for strategic risks since these were last reviewed by the Council in December 2024, although the risk rating for the strategic risk relating to financial sustainability would be reviewed following the implementation of the recently approved fee rise;
- an update on regulatory functions, including the recent increase in international registration applications, which continued to adversely impact performance against the target time to assess international applications;
- the continuing professional development (CPD) week taking place from 3 to 7 March 2025 to highlight the importance of CPD and to share information about the HCPC's CPD requirements;
- the successful launch of the new English language proficiency requirements for international applicants on 29 January 2025; and
- ongoing discussions regarding the HCPC joining a cross-regulatory data sharing initiative with the General Medical Council, the Nursing and Midwifery Council and the Care Quality Commission, which would

enable early identification of emerging issues, noting memoranda of understanding were already in place to facilitate data sharing with a number of stakeholder organisations in the public interest.

- 3.3 The Council discussed the resourcing requirements to support the partner project and the new partner operating model. In the short term there were plans to fund an additional post and the Executive Director of Corporate Affairs intended to review the longer-term resourcing. The Council acknowledged the efficiency of the HCPC as an organisation and the range and level of activity relative to its size.
- 3.4 The Council challenged the performance trajectory for the key performance indicator (KPI) relating to fitness to practice (FTP) timeliness and reflected on whether there may be alternative measures that would more accurately reflect the significant ongoing improvement work and investment, while recognising the complexity of some cases and operational pressures. A refreshed approach to investigating how performance in this area could be improved was suggested, informed by learning from other regulators and/or industries to review the FTP resourcing model. The discussions could be taken forward through an existing committee or workshop discussion as appropriate.

Action: The Chair and the Chief Executive would consider alternative approaches to evaluating and improving performance around FTP timeliness.

- 3.5 The Council reflected on the positive response to the HCPC's sexual safety hub and requested further insights into stakeholder feedback to better understand the impact of the hub and to inform future developments. The planned refresh of the media dashboard could seek to incorporate feedback on engagement with the sexual safety hub.

Action: feedback on engagement with the sexual safety hub would be incorporated into the refreshed media dashboard in future Chief Executive reports.

4 Finance Report

- 4.1 The Council noted the finance report outlining the HCPC's financial position for the period ended 31 December 2024.

- 4.2 The following areas were highlighted by the Head of Finance and Commercial:

- a forecast surplus of £625,000 for the full year, which was in line with the previous forecast but above the original budget surplus of £186,000;
- an increase of £1.9 million in the forecast income compared to the budget, driven mainly by the upward trend in international application volumes, including a marked increase in December 2024 that may have been due to the new English language proficiency requirements coming into effect at the end of January 2025;

- an increase of £1.4 million in the forecast expenditure compared to the budget, which was attributable to increased FTP legal costs, temporary staffing costs, an increase in direct costs for international applications and additional contingency relating to 2025-26 value for money spend being brought forward into the current financial year;
- the reserves position continued to improve and was in line with the reserves policy, representing one month of operating expenditure; and
- the potential risks and opportunities relating to increased legal costs due to complex cases, increasing reserves, international applications, software licence costs, investment income and rental income being monitored by the ELT.

4.3 It was clarified that the positive overall surplus was not attributable to the increased volume of international applications, which were cost-neutral as the fees covered the direct, indirect and capital costs of processing the applications.

4.4 A number of projects within the investment portfolio were not expected to conclude by the end of the financial year. The project management process was overseen by the Head of Business Change aligned to a prioritisation framework. There was flexibility to roll capital underspend into 2025-26 or to bring expenditure forward to manage the associated risks and ensure value for money in the timing of investment. Resourcing remained a challenge and the ELT was reviewing options for partnering with other organisations and identifying the additional specialist expertise required.

4.5 The negative variance against budgeted staffing levels related mainly to delays in recruiting to vacant posts in the FTP department. The variance was significant and if all vacant posts had been recruited to in line with the forecast, this would have impacted the overall financial position and reduced the surplus.

5 Fitness to Practise Performance Report

5.1 The Council noted the update on the progress of the FTP improvement programme against the targets set to improve the quality and timeliness of case management.

5.2 The Council noted the following points.

- Performance against the three week target for progressing a matter to an interim order hearing once the need for an interim order had been identified was just under five weeks in December 2024 due to two hearings that had adjourned in November being relisted and concluding in December.
- The twelve week target for progressing a matter to interim order hearing from receipt of a concern was not being met and the median time taken was 38 weeks due to four cases that had been subject to a

third party investigation and one case where new information had been provided at a late stage of the investigation, which had increased the risk profile and required an interim order.

- Monitoring of the quality and timeliness of risk assessments continued and these had exceeded the 80% adherence target, with 89% compliance each month since February 2024.
- The 80% target for meeting the best practice standard for the quality and timeliness of case plans had been consistently met between July and October 2024. Following a dip in performance to 73% in November 2024 due to a number of new employees joining the team, the 80% target was met again in December 2024.
- The median age of cases closed at the threshold and Investigating Committee Panel (ICP) stage in December 2024 was 25 weeks, which fell within the KPI of 33 weeks. This was a different to the KPI included in the Chief Executive's performance report, which measured the percentage of cases closed within 33 weeks of receipt.
- The median age of cases concluded at a final hearing in December 2024 was 74 weeks. Although this exceeded the KPI target of 39 weeks, the low age of the youngest case concluded reflected the positive impact of frontloading investigations in progressing cases to a final hearing more quickly.
- The average number of new FTP referrals between April and October 2024 had been 9% higher than the monthly average in 2023-24 and the number of open threshold cases continued to increase.
- The number of cases at the post-ICP stage was 472 in December 2024, 93 of which were listed for a future final hearing. This was the highest number of cases listed for a final hearing since May 2021. Additional resource, which included new posts and the reallocation of resource across the different teams, had been brought into the post-ICP team and the induction programme had been revised.
- The median age of the open pre-ICP caseload was 42 weeks, which was higher than the KPI of 33 weeks for this stage of the process. In November 2024, the oldest pre-ICP case had concluded, which had reduced the age profile of the pre-ICP caseload to the lowest overall age since March 2024.
- The median age of cases at the post-ICP stage was 23 weeks, which was within the KPI target of 39 weeks. Performance was expected to improve from January 2025 following the conclusion of the oldest case in November 2024, once the statutory appeal period had expired.
- The first phase of a project to improve the process for investigating protection of title cases had reduced the median time to close lower risk cases by five weeks. Phase two of the project would focus on

improving the process for protection of title cases that might require regulatory action.

5.3 The Council expressed some concern regarding the significant increase in FTP legal costs in 2024-25 compared to 2023-24. The factors contributing to case complexity included the evidence required in relation to specific professional competencies, arrangements to support and protect vulnerable witnesses and registrant wellbeing, the involvement of other agencies and the number of parties to an investigation, other ongoing investigations and applications for court documents, particularly for cases involving psychologists giving expert evidence in family court proceedings. Forecasting the number and duration of complex cases was difficult, however, there was greater support within the team for strategic case planning involving family court proceedings. Internal capability was being developed with a view to frontloading complex cases in-house to reduce the reliance on external legal providers.

5.4 The Council noted that the KPI relating to the time taken to progress a matter to an interim order hearing from receipt of the concern had consistently not been met, generally due to circumstances beyond the HCPC's control such as third party investigations. The proportion of cases requiring an interim order had increased at a slightly higher rate than the overall increase in FTP cases. The Council questioned the extent to which the third party investigations were impacting on performance against the KPI and whether the KPI was closer to being met when these cases were excluded.

Action: The Executive Director of Fitness to Practise and Tribunal Services would provide an indication of performance against the KPI relating to the time taken to progress a matter to an interim order hearing from receipt of the concern excluding cases subject to third party investigation.

5.5 The Council sought assurance regarding the effectiveness of the actions that had been taken to mitigate risks after the case in 2024 where an interim order was not applied for at the appropriate stage as a result of processes not being followed by an external legal provider. The Executive Director of Fitness to Practise and Tribunal Services reviewed all interim order cases on a monthly basis and there were enhanced reporting processes in place supported by regular meetings with the legal providers were and clear terms of reference. The new arrangements had enabled the ELT to gain assurance and to identify and address barriers in progressing cases.

5.6 The Council was keen to understand the impact of frontloading investigations in-house on performance. It was also felt that the positive work in relation to protection of title should be highlighted to registrants as it protected the professional integrity or their professions as well as protecting the public.

Action: The Executive Director of Fitness to Practise and Tribunal Services would consider how to illustrate the impact of frontloading investigations in future FTP performance reports.

The meeting was briefly adjourned.

Items for discussion/decision

6 Appointment of Council committee members

- 6.1 The Council noted the following changes to the membership and chairs of the Council committees that had been agreed by the Chair:
- Helen Gough had stood down as a member of the Audit and Risk Assurance Committee and had temporarily stood down as Chair of the Education and Training Committee from 17 January 2025, although she remained a member of the Education and Training Committee;
 - Kathryn Thirlaway had been appointed as Chair of the Education and Training Committee from 17 January 2025; and
 - John McEvoy had been appointed as Chair of the People and Resources Committee and the Remuneration Committee from 1 January 2025.
- 6.2 The recruitment process for an independent member of the Education and Training Committee was in progress and it was hoped that an appointment would be made ahead of the next Education and Training Committee meeting in March 2025.
- 6.3 Discussions would take place with new Council members regarding membership of the Council committees following confirmation of their appointment by the Privy Council.

7 Appointment of Secretary to the Council

- 7.1 The Council agreed the appointment by the Registrar of Claire Amor, Executive Director of Corporate Affairs, as the Secretary to Council from 1 January 2025 following her return from maternity leave.

8 The Health and Care Professions Council (Miscellaneous Amendment) Rules Order of Council 2025

- 8.1 The Council:
- approved The Health and Care Professions Council (Miscellaneous Amendment) Rules Order of Council 2025 (the Order) and consented to the affixing of the HCPC's seal to the Order and its signature by the Chair and Chief Executive, in his capacity as Registrar; and
- authorised the Chair and Chief Executive to agree any changes to the Order prior to sealing and signing.
- 8.2 Once the Order had been sealed and signed by the Chair and the Chief Executive it would be submitted to the Privy Council for laying with the Scottish and UK parliaments.

Items for noting

9 Council forward plan 2025

9.1 The Council noted this item.

10 Council reflection

10.1 The Chair acknowledged that Council Apprentices, Geraldine Kinkead-Richards and Jordan McKenna, would be leaving the HCPC imminently and that this would be their final Council meeting. Each departing Council Apprentice shared their reflections on their experiences during their time at the HCPC. The Chair extended her sincere thanks to the Council Apprentices for their contribution during their time with the HCPC.

10.2 Valerie Webster, Council member, provided her reflections on the meeting. The meeting had been well chaired with good engagement from Council members and attendees and a depth and richness to the discussions that went beyond what was conveyed by the meeting agenda as well as a relevance to the outside world. There had been consideration of the HCPC's achievements and successes alongside an appropriate focus on areas of concern. Council members had adhered to the HCPC's values and members of the ELT had supported each other in responding to queries.

11 Resolution

11.1 The Council resolved that the remainder of the meeting would be held in private, because the matters being discussed related 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 office holder 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 or 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
12	H
13	H
14	H
15	H
16	B
17	C
18	H
19	H

The meeting was adjourned at 11.45am.

Chair:

Date: