

Council

**Public minutes of the 132nd meeting of the Health and Care Professions
Council as follows:-**

Date: Thursday 24 September 2020

Time: 9.30am

Venue: Videoconference

Present: Christine Elliott (Chair)
Stephen Cohen
Maureen Drake
Kathryn Foreman (from item 5)
Sue Gallone
Helen Gough
Sonya Lam
Gavin Scott
David Stirling
Kathryn Thirlaway
Stephen Wordsworth

In attendance:

Claire Amor, Secretary to Council
John Barwick, Chief Executive and Registrar
Matthew Clayton, Senior Policy Officer
Grace Costain, Senior Policy Officer
Neil Cuthbertson, Executive Director of Digital Transformation
Gordon Dixon, Director of Business Improvement
Kellie Green, Professionalism and Upstream Regulation Lead (items 7-9)
Nike Gustave, Professional Standards Authority (items 3-4)
Claire Holt, Director of HR & OD
Jacqueline Ladds, Executive Director of Policy and External Relations
Damie Oladebo, Policy Coordinator
James Penry-Davey, Capsticks LLP
Charlotte Rogers, Policy Manager (item 8)
Laura Ryan, Kingsley Napley LLP (from item 3)
Tian Tian, Director of Finance
Katherine Timms, Head of Policy and Standards

Public Agenda

Item 1. 20/103 Chair's welcome and introduction

- 1.1 The Chair welcomed Council members and the Executive to the 132nd meeting of Council.

Item 1.i. 20/104 Apologies for absence

- 1.i.1 Apologies for absence were received from Eileen Mullan. It was noted that Eileen would join the private afternoon session of Council, but was unable to attend the morning public session due to an emergency meeting of another body in relation to Covid-19.
- 1.i.2 The Council noted that Kathryn Foreman would join the meeting later during the public session.

Item 1.ii. 20/105 Approval of Agenda

- 1.ii.1 The Council noted that item 11 'Annual highlights report 2019-20' would be removed from the agenda as it required further development. The Chair would approve this document by correspondence and circulate to members. With this amendment the Council approved the agenda.

Item 1.iii. 20/106 Declaration of Members' interests

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

Item 1.iv. 20/107 Minutes of the Council meeting of 28 July 2020

- 1.iv.1 The Council approved the public minutes of its meeting of 28 July 2020.

Item 1.v. 20/108 Matters arising

- 1.v.1 The Council noted those matters arising from its meeting of 28 July 2020.
- 1.v.2 The Council agreed that paper length continued to be challenging. It was noted that the Head of Governance had produced paper writing guidance and would circulate this to Council for comment before communicating it to paper authors.

Standing reports

Item 2. 20/109 Chair's report

2.1 The Council noted this item.

Item 3. 20/110 Chief Executive's performance report

3.1 The Council received a report from the Chief Executive.

3.2 The Council noted the following highlights from the report:-

- there had been positive progress in developing the HCPC's public affairs approach with the support of consultants Luther Pendragon. A number of meetings with MPs on relevant shared agendas had been arranged;
- the Department of Health and Social Care (DHSC) had confirmed a change in approach to implementing regulatory reform. These reforms would be enacted on a regulator by regulator basis rather than thematically for all regulators at the same time. The HCPC had, and would continue to, make the case for being a priority regulator for reform. The HCPC's priority areas for reform were set out in the report. Those priorities were included in the draft policy instructions seen by the Executive;
- the Executive was working closely with the Scottish civil servants to progress the HCPC's fee increase. Once approval was given, this would progress through the parliamentary process;
- the temporary student register had been due to close at the end of September. This would be extended until November for two groups, Biomedical Scientist and Clinical Scientist students, following stakeholder feedback of ongoing need in these professions;
- the HCPC offices had achieved Covid secure accreditation following an audit. The recent government announcement on restrictions would impact the speed of reoccupying the office in any significant way, however an onsite presence would remain unless guidance changed. Part of the HCPC's work to establish its new normal ways of working would be a review of the estates strategy;
- the Strategic Risk Register had been redeveloped following feedback from the Audit Committee. A review of the strategic risks would accompany the new Corporate Strategy; and
- organisational performance data reflected the impact of Covid and the difficulty in getting information from trusts to progress open FTP cases.

Plans to improve FTP employee recruitment and retention were set out in the report.

- 3.3 The Council asked if the government's current plans for regulatory reform would support the HCPC's wish to reduce the burden of FTP processes on all those involved, with registrant wellbeing being a key concern for the Council. The Chief Executive advised that the policy instructions seen by the Executive would provide the HCPC with the flexibility it needed to modernise its FTP processes, including greater scope for the disposal of suitable cases through less stressful routes, such as undertakings.
- 3.4 The Council noted that cultural change was central to the new normal for the HCPC. The Council asked how the Chief Executive would know that such a change had been achieved, and the timescales for this change. The Chief Executive advised that the Executive was working on any 'blockers' for change, inefficient IT systems being one such blocker. The Covid response had seen a greater focus on joint problem solving which needed to be nurtured to ensure lasting cultural change. The Chief Executive expected that moving the culture to where it needed to be would take 18 months.
- 3.5 The Council discussed strategic risk one, failure of regulatory processes. It was noted that the score of this risk had risen during the immediate response to Covid, as new regulatory approaches which were higher risk were implemented by necessity. The score had reduced to previous levels as these processes had been embedded with no crystallisation of risk. The current score factored in the HCPC's failure of PSA standards, and the target risk level would not be met until the PSA standards were regained. The Chair of the Audit Committee noted that this assessment of strategic risk one had been discussed at the Committee's last meeting. She welcomed the new format of the Strategic Risk Register as significantly improving visibility of influencers of risk and thanked the Head of Governance for her work in developing its reporting.
- 3.6 The Council noted that the turnover of employees in FTP was high and questioned the root causes of this. The Executive noted that there had been a reset of expectations and performance management within FTP. This was approached on a team by team level. Plans for improving recruitment and retention in FTP were included in the report.
- 3.7 The Council noted that development priorities were constantly being assessed and prioritised in response to internal and external factors. However, the overriding aims of improving regulatory performance remained constant.
- 3.8 The Council thanked the Chief Executive for his report which had improved in recent iterations and demonstrated oversight of the HCPC's activity. The Council requested that the Chief Executive's overall assessment of the health of the organisation be added to the introduction of the report. **ACTION**

Item 4. 20/111 Finance report

4.1 The Council received a paper from the Director of Finance

4.2 The Council noted the following highlights from the report:-

- at the end of August 2020, the HCPC's year to date position was a surplus of £325k, which was a favourable variance of £684k when compared to budget;
- the variance was a result of a significant reduction in FTP hearing activity and costs compared to forecast due to Covid restrictions;
- the electronic distribution of FTP hearing papers had also been implemented, which had reduced the cost of printing and postage; and
- the reduction in costs would not wholly convert into permanent savings as some costs would be carried forward into 2021-22. This would be reflected in the quarter two reforecast of the 2020-23 budget.

4.3 The Committee noted that the reduction in hearing activity would have an impact on the external legal costs for case preparation and conclusion. The contract for this work had recently been renewed on a time and materials basis rather than committing the HCPC to purchasing a set number of hours; this would avoid penalty costs being incurred due to the reduction in work.

4.4 The Council discussed the DHSC grant for the costs of the Covid response. It was noted that this had not been received yet but that detailed records were being kept on the costs of Covid both for grant purposes, which was expected to be limited to the costs of running the temporary registers, and for expenditure that would not be covered by the grant.

4.5 The Council noted that the Executive was asking for Council's approval of a change in fee rules application. This was required as part of the Registration Transformation and Improvement project to simplify the process of on-boarding new graduates joining towards end of a professional renewal cycle.

4.6 The Council noted that the Audit Committee had considered this proposal at its September meeting and had agreed to recommend that the Council approve the change.

4.7 The Council noted that the impact analysis accuracy had been improved since the issuing of the paper. The cash flow impact would be £79k rather than the £60k stated in the paper. It was noted that the development of an improved forecasting model, which was in progress, would prevent these issues in future.

4.8 The Council approved the change in application of the fees rules as set out in the paper.

Items for discussion / decision

Item 5. 20/112 Corporate Strategy 2021-2026 consultation

- 5.1 The Council received a paper from the Chief Executive. The paper contained the draft Corporate Strategy 2021-26, and consultation document for approval to consult.
- 5.2 The Council welcomed the visual style of the draft strategy document and the focused engagement work undertaken in developing the draft. The Chair noted the positive feedback she had received from stakeholders on the HCPC's approach to engagement on strategy.
- 5.3 The Council noted that the engagement plan was not set out within the paper as this was in development. The Chief Executive advised that employers would be a key group for engagement, given the HCPC's ambition to develop its prevention and professionalism approach. Some Council members agreed to put the Executive in touch with their contacts for employer groups in the four countries.
- 5.4 The Council noted that the planned engagement workshops would be focused on the strategy solely. The workshops were key for engagement with the patient and service user perspective. Re-engagement with the Unions had been positive with a number of joint webinars held, as well as engaging on the strategy, this had provided the opportunity to dispel 'myths' about the HCPC and regulation.
- 5.5 The Council agreed the following points and amendments to the draft Strategy document:-
- the need for the HCPC to be financially sustainable should be referenced in the strategy;
 - the organisation's other strategies, for example the financial strategy, needed to work together. It was suggested that a common visual style could reinforce their interlinked nature;
 - some points listed under where we want to be by 2026, were already things the HCPC had in place or were doing, the wording of this should be revised to ensure this was clear;
 - the strategy referred to the NHS people plan, advising the Executive that as this plan was for England only care was needed to ensure the strategy messaging was applicable to all four countries; and
 - there should be more emphasis on working with stakeholders in partnership as part of the core activities on page 18 of the draft strategy.

ACTION

5.6 Subject to the amendments set out in paragraph 5.5, the Council approved the draft Corporate Strategy 2021-26 and consultation document for consultation. It was noted that the results of the consultation and the final Corporate Strategy 2021-26 would be presented to the Council at its December 2020 meeting.

Item 6. 20/113 Digital Transformation Strategy

6.1 The Council received a paper from the Executive Director of Digital Transformation.

6.2 The Council noted the following points:-

- the development of the Digital Transformation Strategy was informed by organisation wide engagement. It was created in parallel to the draft Corporate Strategy 2021-26 to ensure alignment;
- the implementation of the strategy would be overseen and challenged by a Digital Transformation Forum formed of external technology leaders. Members of the forum had been identified, and the Forum would first meet in October; and
- implementation progress reports would be received by the Council at its December 2020 and February 2021 meetings.

6.3 The Council welcomed the focus on data within the strategy. The Council asked if the vision set out in the strategy was to be the leading *healthcare* regulator for digital technology, or the leading regulator of all regulators in this aspect. The Executive Director of Digital Transformation advised it was the latter, the vision was to be as ambitious as possible.

6.4 The Council discussed the Digital Transformation Forum. It was noted that the individuals involved would not have a commercial advantage for any future digital technology procurement, and that non-disclosure agreements and intellectual property agreements would be in place.

6.5 The Council requested that the strategic need set out on page 18 of the paper include consideration of the health and wellbeing of employees working from home. **ACTION**

6.6 The Council suggested that the visual style of the Digital Transformation Strategy should follow that of the Corporate Strategy 2021-26. The Executive agreed to implement this format. **ACTION**

6.7 The Council noted the focus on culture change in the strategy and advised that the desired diverse and agile culture would require a change in skills that needed to be recognised.

6.8 In response to a question it was noted that the connectivity issues between the finance and registration systems would be resolved and that easier linking

between systems was a key driver for a standard Microsoft platform, but that the replacement of the FTP system was the priority in the immediate term.

- 6.9 A member of Council expressed concern at the reliance on one supplier as the platform for all systems. They sought assurance that should the HCPC need to move platform this would not be a costly and difficult change. The Executive Director of Digital Transformation agreed that the ability to change platform was important should circumstances change and that the HCPC would regularly review its strategy to ensure its platform was the best fit.
- 6.10 The Council approved the Digital Transformation Strategy subject to the amendments agreed in paragraphs 6.5 and 6.6.

Item 7. 20/114 Equality Diversity and Inclusion Strategy update

- 7.1 The Council received a presentation from the Policy Manager.
- 7.2 The Council noted progress to the development of the Equality Diversity and Inclusion (EDI) Strategy since its last meeting in July 2020. The following points were noted:-
- the HCPC had published internal and external blogs on its EDI development plans;
 - recruitment for an EDI Policy Manager was successful with the candidate due to join the HCPC on 5 October;
 - the EDI forum had been established with over 70 individual registrants and representative organisations members. The first meeting of this forum took place on 14 September. This had been, “a very successful meeting,” with positive feedback from stakeholders; and
 - there had been engagement with the HCPC’s employees on establishing an internal forum and other ideas for internal actions.
- 7.3 The Council discussed the development of the HCPC’s EDI Strategy. It was agreed that EDI expectations should be clear within all HCPC standards. It was noted that the inclusion of EDI considerations was a key theme in the current Standards of Proficiency consultation. Strategic aim 4 within the EDI Strategy was to set out the HCPC’s EDI expectations in the standards.
- 7.4 The Council agreed that the HCPC’s Partners should be explicitly included in the EDI Strategy. **ACTION**
- 7.5 The Council discussed how success would be measured. It was noted these measures were in development and would be included in the final strategy. The Council considered that it was important that the Council and Executive continue to reflect and hold themselves and each other to account.

- 7.6 The Council discussed the draft vision statement. It was noted that term anti-racist had been supported by the EDI Forum as it was felt the HCPC should be bold in actively opposing racism and using its position of influence to acknowledge that there was an issue of institutional racism in society.
- 7.7 The Council discussed the analysis of data held by the HCPC. The Council agreed that the HCPC should be careful in dismissing data sets due to their smaller size, and that the HCPC should be confident in using more qualitative data.
- 7.8 Council members agreed to provide feedback on the questions set out on slide 15 by correspondence outside of the meeting. **ACTION**

Item 8. 20/115 Council Apprentice

- 8.1 The Council received a paper from the Head of Governance and Director of HR and OD.
- 8.2 The Council noted that, following previous Council agreement, the Executive had developed proposals for a Council 'Apprentice' role. This would be a development opportunity for a talented candidate needing a 'first step into the boardroom'.
- 8.3 The role would be for a 12-month period. The Apprentice would take part in Council discussion and debate but would not be a Council member as this was a specific role appointed by the Privy Council.
- 8.4 The Council noted that the Apprentice role would not be open to employees of the HCPC due to the potential for conflict between Executive and Non-Executive decision making.
- 8.5 The Council agreed that the Apprentice role would be remunerated on the same day rate basis as an Independent Committee member, for formal meeting attendance only, with expenses paid.
- 8.6 The Council approved the Council Apprentice proposal as set out in the paper.

Item 9. 20/116 Professionalism and prevention framework

- 9.1 The Council received a paper from the Professionalism and Upstream Regulation Lead. The paper presented a working draft of the HCPC's professionalism and prevention framework, which would be presented to the Council in December 2020 for approval.
- 9.2 The Council welcomed the development of the framework noting its importance in the developing Corporate Strategy 2021-26. The Council discussed the resourcing of this function in future given its importance. The Executive noted that being able to invest in prevention work was a factor in

the HCPC's current fee rise proposal. The resource allocated to this work would be reviewed as part of the 6 + 6 reforecast and as part of future budgets.

- 9.3 The Council discussed how success would be measured for the HCPC's prevention activities. It was agreed that a reduction in FTP concerns was too blunt a measure to use. The Executive noted that success measures were in development as part of the framework. **ACTION**
- 9.4 The Council discussed CPD in relation to the framework. It was agreed that CPD was an important process as part of ongoing professionalism and prevention and should feature more prominently. **ACTION**
- 9.6 The Council agreed to provide detailed feedback on the draft framework to the Professionalism and Prevention Lead by correspondence.

Item 10. 20/117 Annual Report and Accounts 2019-20

- 10.1 The Council received a paper from the Director of Finance.
- 10.2 The Council noted the annual report and accounts had been reviewed by the Audit Committee most recently at its meeting of 17 September. The Committee agreed to recommend the Annual Report and Accounts to the Council for approval. Additionally, the External Auditors and National Audit Office had reviewed the report and their required changes had been implemented.
- 10.3 The Council approved the Annual Report and Accounts 2019-20. The Council agreed that the Chair of Council should sign the letter of representation to the External Auditors.

Item 11. 20/118 Annual highlights report 2019-20

- 11.1 This paper was withdrawn from the meeting. Council noted it would be considered by correspondence following further revision.

Items for noting

The Council noted the following items:

Item 12.i. 20/119 Minutes of the Education and Training Committee of 10 September 2020

Item 12.ii. 20/120 Minutes of the Tribunal Advisory Committee of 9 June 2020

Item 12.iii. 20/121 Minutes of the Audit Committee of 10 June 2020

Item 13. 20/122 Tribunal Advisory Committee annual report 2020

Item 14. 20/123 External Audit annual report

Item 15. 20/124 HR Equality and Diversity data 2020

Item 16. 20/125 Council meeting dates 2021

Item 17. 20/126 Any other business

17.1 There was no further business.

Item 18. 20/127 Date and time of next meeting:

18.1 3 December 2020 – 10am

Item 19. 20/128 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
20	B
21	H
22	C
23	H
24	H
25	B

Chair:

Date: