

Council

**Public minutes of the 138th meeting of the Health and Care Professions
Council as follows:-**

Date: Wednesday 22 September 2021

Time: 10am

Venue: Videoconference

Present: Christine Elliott (Chair)
Stephen Cohen
Maureen Drake
Kathryn Foreman
Sue Gallone
Helen Gough
Nicola Hunt*
Sonya Lam
Eileen Mullan
Pameleta Ricketts*
David Stirling
Kathryn Thirlaway
Stephen Wordsworth

In attendance:

Claire Amor, Secretary to Council
John Barwick, Chief Executive and Registrar
Nesta Caiger, Insights and Intelligence Analyst
Laura Coffey, Head of Fitness to Practice
Gordon Dixon, Finance Consultant
Kellie Green, Head of Professionalism and Upstream Regulation
Colette Higham, Professional Standards Authority
Jamie Hughes, Capsticks LLP
Naomi Nicholson, Executive Director of Professional Practice and Insight
Laura Ryan, Kingsley Napley LLP
Talha Zafar, Department of Health and Social Care

*Council Apprentice

Public Agenda

Item 1. 21/110 Chair's welcome and introduction

- 1.1 The Chair welcomed those present to the 138th meeting of Council. A particular welcome was extended to Talha Zafar, who had recently joined the Regulation Team at the Department of Health and Social Care (DHSC), and was attending his first meeting of the Council.
- 1.2 The Chair noted the absence of a much valued colleague, John Witt, Capsticks, who had recently passed away. The Chair noted the many tributes for John remembering his kindness, humour and generosity. The Council agreed it would remember John with respect and warmth and passed the HCPC's condolences to Capsticks colleagues.

Item 1.i. 21/111 Apologies for absence

- 1.i.1 No apologies for absence were received.

Item 1.ii. 21/112 Approval of Agenda

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

Item 1iii. 21/113 Declaration of Members' interests

- 1.iii.1 No interests were declared.

Item 1iv. 21/114 Minutes of the Council meeting of 1 July 2021

- 1.iv.1 The Council approved the minutes of its meeting of 1 July 2021.

Item 1.v. 21/115 Matters arising

- 1.v.1 The Council noted those matters arising from previous meetings.

Standing reports

Item 2. 21/116 Chair's report

- 2.1 The Council noted the report.

Item 3. 21/117 Chief Executive's performance report

- 3.1 The Council received a paper from the Chief Executive. The report provided narrative and data on organisational performance since the last report in July 2021.

3.2 The Council noted the following points:-

- the Executive's key focus in the report period had been on addressing the responsiveness of the Registration function and stabilisation of the finance function;
- Registration responsiveness was being closely monitored and additional resource had been allocated as well as other interventions to improve service. A more fundamental review of the efficiency of registration processes was taking place;
- the difficulties encountered reinforced the need to greater automation of registration processes through digital transformation;
- stabilisation of the finance function had progressed with all permanent posts recruited including the Head of Finance;
- resolving income reporting issues impacting the 2020-21 audit was a corporate priority as well as establishing a new cycle for budget planning and reporting;
- engagement activities in the period had focused on regulatory reform, including the introduction of Health and Care Bill into Parliament and the Professional Qualifications Bill; and
- work to establish the HCPC's new ways of working for all employees was underway. An all employee survey seeking views on hybrid working was live and taking into account an approach to hybrid working would be formalised.

3.3 The Chair noted that the Council would spend focused time at its seminar in October 2021 exploring the performance challenges highlighted by the Chief Executive.

3.4 The Council discussed the Strategic Risk Register and noted the need to monitor the trajectory of risk scores to ensure that mitigations, in place or planned, contributed to the reduction of the risk. The Council welcomed the mitigations put in place to lessen the impact of the delay of the tone of voice review.

3.5 The Council noted the HCPC's engagement with Health Education England (HEE) on workforce planning and asked if similar reviews would take place in the other countries. The Chief Executive noted that the HCPC was engaging with Wales and Northern Ireland on workforce planning.

3.6 The Council asked how the HCPC's Advanced Practice policy work would be taken forward. It was noted that in the reporting period, regulatory reform had been a priority within the Policy function due to the need to engage in legislative drafting development within short timescales. However, Advanced Practice development continued and the Council's decision on future regulatory direction had been communicated through stakeholder

engagement and more focused engagement was intended once regulatory reform consultation required less intensive focus.

- 3.7 The Council discussed the KPIs provided within the report. It was agreed that the KPIs on IT were not adding value and should be refocused on technology use rather than outages, which was considered a never event. It was agreed this would be reviewed when key post holders for IT were in place. **ACTION**
- 3.8 The Council discussed stakeholder engagement, it was noted that a more consistent and managed HCPC wide approach was being developed and this would include the use of Council members in building relationships with stakeholders, once the infrastructure was in place to manage this effectively.
- 3.9 The Council discussed recent recruitment to senior posts within the Finance and IT Departments and the future approach to the use of consultancy services. It was noted that the Head of IT and Head of Finance posts had been filled and the post holders were expected to join at the end of quarter 3. Additionally, recruitment was underway for the Executive Director of Corporate Services which had responsibility for finance and IT among other areas. The Chief Executive noted that once permanent post holders were in place and handover had taken place, the use of consultancy services in these areas would end.

Item 4. 21/118 Finance Report

- 4.1 The Council received a paper from the Chief Executive. The report presented the HCPC's financial position at the end of quarter 1 of 2021-22. It included revised Investment and Procurement Policies for approval, as well as a high level timetable for setting the HCPC's 2022-23 budget.
- 4.2 The Council noted the following points:-
- following discussion at the People and Resources Committee in September, the Executive had agreed to revert to presenting monthly management account results to Council for the November 2021 meeting;
 - the operating deficit for the period was £690k compared a budgeted deficit of £2,013k. However, due to the size of the timing differences in both income and expenditure, the end of Q1 results did not reflect the true financial position of HCPC;
 - the presented report identified a number of impacts on the 2021-22 budget which included additional costs arising from decant of the tribunal centre and refit of 186 Kennington Park Road to accommodate hearings, pressures on the FtP budget resulting from misalignment between the budget and the FtP operational plan, and a positive impact resulting from an increase in international applications and associated scrutiny fees;

- the Finance team had reviewed the impact of the changes on cashflow due to the capital expenditure increasing, cashflow remained satisfactory; and
 - further detail on the HCPC's financial position and impact of the pressures on the budget would be discussed at the Council's October workshop.
- 4.3 The Chief Executive noted that ensuring an early view of forward cashflow was essential for decisions on further FtP and Registration investment. Additionally, the Finance team was focused on resolving IT system reconciliation issues with income recognition to complete the year end audit.
- 4.4 The Council noted that the HCPC's Investment Policy had been reviewed to remove Government bonds as an acceptable investment, to review bank credit ratings and to reflect organisational changes for approvals. The People and Resources Committee and Audit and Risk Assurance Committee reviewed the Policy at their September meetings and agreed to recommend the Policy to Council for approval subject to minor amendments, that had been made. The Council approved the Investment Policy.
- 4.5 The Council noted that The Procurement Policy had been updated in light of changes to Public Sector regulations after Brexit. The revised Policy had been considered at the September meeting of the Audit and Risk Assurance Committee and was recommended to Council subject to clarified wording on when legal advice should be sought. The Council approved the Procurement Policy.

Item 5. 21/119 Fitness to Practise Improvement Plan – progress update

- 5.1 The Council received a paper from the Head of FtP. The paper provided the Council with an update on the progress of the FtP Improvement Plan.
- 5.2 The Council noted the following points:-
- since the last report in July 2021, 13 of the 16 tranche one projects had completed. All were completed on time with the exception of the new case management system and dependent projects;
 - the projects to provide targeted support to the Threshold caseload and to accelerate serious cases were on track for cases to be returned from external solicitors by the end of September;
 - quality assurance checks for the new risk assurance approach were in place and the findings had been acted on;
 - case load and the forward trajectory modelling had been completed to assist in managing resource allocation in future, to bring caseloads back within steady state;

- the second tranche of projects would take place between September 2021 and March 2022. There were fewer projects in tranche two to enable the executive to continue to focus on benefits realisation from the first tranche of projects. The focus of tranche two projects continued to be improving the quality and timeliness of case management; and
 - the FtP Improvement Programme would be discussed at the Council's November workshop.
- 5.3 The Council welcomed the promising early findings from the frontloading pilot as set out in the paper.
- 5.4 The Council asked how the risk of potential disruption to hearings as a result of the closure of the tribunal centre and refit of hearing space within the Park House office, would be mitigated. The Head of FtP noted that the risk of the building project diverting FtP resource focus was mitigated by the support of a wider project team with limited FtP time required. Additionally, hearings had been successfully held in external venues and the mitigation that the large majority of hearings would continue to be held remotely.
- 5.5 The Council discussed the legally qualified ICP chairs project. The Head of FtP noted that the efficiency workshop held with Partners who were part of the project had been positive with a clear appetite to work together to improve performance. The workshop findings would be rolled out to all panel members.
- 5.6 The Council discussed the FtP capacity and demand model. It was noted that the model assumed full headcount and that this was not realistic. The Head of FtP agreed, noting that further refinement of the model was needed as actual throughput data was inputted.
- 5.7 The Council welcomed the improvement in productivity represented in figures 3 and 4 within the paper. The Head of FtP agreed and noted that while small increments, the trajectory was improving.
- 5.8 The Council discussed the amber status rating for project 16, which related to hearings volume. The Head of FtP noted that fewer hearings than forecast were held in July and August due to Panel member availability attributed to travel restrictions lifting and leave being taken. Additionally, internally there were some resource gaps due to internal promotions. These factors were no longer in place and hearing volumes for September were back to forecast.
- 5.9 The Council thanked the Head of FtP for the report and noted that while much work remained which required the Council's continued keen focus, it was encouraging to see trajectories moving in the right direction.

Items for discussion / decision

Item 6. 21/120 Insight and Intelligence Framework

- 6.1 The Council received a paper from the Head of Professionalism and Upstream Regulation. The paper set out the HCPC's first Insight and Intelligence Framework, Council was asked to approve priorities set out in the Framework.
- 6.2 The Council noted the following points:-
- the ambition within the Corporate Strategy 2021-26 to be a data driven regulator was dependent on the establishment of an Insight and Intelligence function;
 - the Framework set out the priorities for the Insight and Intelligence Function for the next two years; and
 - the Framework focused on establishing a sound base for future development of the HCPC's data capabilities. It was dependent on ongoing Digital Transformation and additional resource.
- 6.3 The Council thanked the Executive for delivering the development of the Framework, in particular the Head of Professionalism and Upstream Regulation who had been leading the function in the absence of a dedicated Head. The Executive Director of PPI noted that a permanent Head of Insight and Analytics had been recruited and would join the HCPC in November 2021.
- 6.4 The Council asked if the Executive was confident that the timescales set out in the paper were achievable. The Executive Director of PPI advised that the delivery plans were dependent on building the Insights and Intelligence team and therefore budgetary allocation and approval. Areas of work that could be progressed within current resource had been identified.
- 6.5 The Chair of the Audit and Risk Committee encouraged the Executive to consider what expenditure could be stopped in lower priority areas to afford the required resources for the Insights and Intelligence Framework delivery.
- 6.6 The Council approved the Insights and Intelligence Framework.

Item 7. 21/121 Council Apprentice 2022

- 7.1 The Council received a paper from the Head of Governance. The paper summarised learning from the HCPC's first year running its Council apprentice initiative and sought Council's approval to appoint two Council Apprentices for 2022.
- 7.2 The Council asked its Apprentices for their reflections on their time with the Council in 2021. The Apprentices noted the unique opportunity the apprenticeship had provided them and the benefit to their career and personal

goals. They noted that support from their employers had been essential to taking part in the initiative.

- 7.3 The Council confirmed its support for the initiative, noting the value the HCPC had received from the participation of the Council Apprentices. The Council agreed that the HCPC should share its learning with other organisations to encourage the creation of more opportunities elsewhere. The Chair agreed, noting her ambition that the HCPC's early adoption be replicated more widely.
- 7.4 The Council agreed that the apprenticeship was a valuable opportunity to showcase the diverse talents of its registrant population and encourage those who traditionally would not consider a Non-Executive role.
- 7.5 The Council approved the launch of a campaign to appoint two Council Apprentices for a period of one year starting from 1 January 2022.
- 7.6 The Council congratulated Council Apprentice Nicola Hunt on her recently awarded degree.

Item 8. 21/122 Education and Training Committee Governance

- 8.1 The Council received a paper from the Head of Governance.
- 8.2 The Council noted that Code of Corporate Governance documents relating to the Education and Training Committee's decision making had been amended to reflect the new Education Quality Assurance model, which the Committee approved for full implementation at its meeting in September.
- 8.3 The Council approved the Education and Training Committee Rules 2021 and the Education and Training Committee Standing Orders.

Items to note

The Council noted the following items:

Item 9. 21/123 Unconfirmed minutes of the Education and Training Committee of 9 September 2021

- 9.1 The Chair of the Education and Training Committee noted that the Committee had had an in depth discussion on registration responsiveness and service levels. Additionally, the Committee approved the full implementation of the new Education Quality Assurance model following three successful pilots.

Item 10. 21/124 Unconfirmed minutes of the People and Resources Committee of 15 September 2021

- 10.1 The Chair of the People and Resources Committee noted that the Committee has discussed the system issues with income recognition as well as areas where investment decisions would be needed by the Council for the 2022-23

budget. Another key focus of the meeting was the HCPC's estates strategy as well as assurance on the HCPC's performance as an employer.

Item 11. 21/125 Unconfirmed minutes of the Audit and Risk Assurance Committee of 16 September 2021

- 11.1 The Chair of the Audit and Risk Assurance Committee noted that the Committee did not consider the HCPC's Annual Report and Accounts for 2021-22 as planned, due to delays to the External Audit completion. The resolution to the issues which had caused the delay had been discussed. A positive discussion on the HCPC's new approach to Operational Risk had taken place and this new approach showed pleasing signs of risk maturity.

Item 12. 21/126 Any other business

- 12.1 There was no further business.

Item 13. 21/127 Date and time of next meeting:

- 13.1 Thursday 25 November 2021

Item 14. 21/128 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
15	H
16	H
17	H
18	H
19	C, H
20	C, H
21	C, H
22	C

Chair:

Date:

Unconfirmed