

**Council**

**Public minutes of the 133<sup>rd</sup> meeting of the Health and Care Professions  
Council as follows:-**

**Date:** Thursday 3 December 2020

**Time:** 9.30am

**Venue:** Videoconference

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

**In attendance:**

Zoe Allan, Governance Coordinator  
Claire Amor, Secretary to Council  
John Barwick, Chief Executive and Registrar  
Olivia Bird, Policy Manager  
Matthew Clayton, Senior Policy Officer  
Neil Cuthbertson, Executive Director of Digital Transformation  
Gordon Dixon, Director of Business Improvement  
Kathryn Flynn, Department of Health and Social Care  
Senyonga Fokum, Health Education England  
Kellie Green, Professionalism and Upstream Regulation Lead (item 6)  
Nike Gustave, Professional Standards Authority  
Claire Holt, Director of HR & OD  
Jacqueline Ladds, Executive Director of Policy and External Relations  
Charlotte Rogers, Policy Manager (item 8)  
Laura Ryan, Kingsley Napley LLP  
Andrew Smith, Executive Director of Regulation  
Kate Steele, Capsticks LLP  
Tian Tian, Director of Finance  
Katherine Timms, Head of Policy and Standards

## Public Agenda

### **Item 1. 20/136 Chair's welcome and introduction**

- 1.1 The Chair welcomed Council members and the Executive to the 133<sup>rd</sup> meeting of Council.
- 1.2 The Chair noted that Council Member Gavin Scott would be finishing his term at the end of 2020, and that this would be his last meeting of Council. The Chair thanked Gavin for his valuable contribution to the work of the Council and wished him every professional and personal success for the future.
- 1.3 The Chair noted that it would be the last meeting of the Council observed by Nike Gustave, PSA, as Nike would be leaving the PSA at the end of the year for a role at the Office for Students. The Council wished Nike well in her onward career.

### **Item 1.i. 20/137 Apologies for absence**

- 1.i.1 There were no apologies for absence. It was noted Sonya Lam would join the meeting at approximately 11am.

### **Item 1.ii. 20/138 Approval of Agenda**

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

### **Item 1.iii. 20/139 Declaration of Members' interests**

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

### **Item 1.iv. 20/140 Minutes of the Council meeting of 24 September 2020**

- 1.iv.1 The Council approved the minutes of its meeting of 24 September 2020

### **Item 1.v. 20/141 Matters arising**

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

## Standing reports

### **Item 2. 20/142 Chair's report**

- 2.1 As set out in her paper, the Chair reinforced the commitment of the HCPC to meeting the PSA standards and improving at an accelerated rate to achieve this.

2.2 The Chair noted that the HCPC's journey ahead to meet the PSA standards was one for the HCPC as a whole and was not a purely FtP endeavour. She noted it was essential that the HCPC carries on its important development work in areas such as advanced practice, registrant wellbeing, prevention and EDI, in tandem with PSA standard improvement.

### **Item 3. 20/143 Chief Executive's performance report**

3.1 The Council received a report from the Chief Executive.

3.2 The Chief Executive provided an overview of his report. The Council noted the following points:-

- the report included an overall organisational assessment from the Chief Executive as requested at the last meeting of Council;
- the Executive was continuing with preparations and planning for the end of the Brexit transition period on 31 January 2021. The significant potential areas of impact related to the mutual recognition of professional qualifications and data transfers with the European Economic Area. As the Government's negotiations had not yet concluded, the outcome remained uncertain, requiring preparation for several possible scenarios;
- the temporary register for students closed at the end of November as planned. The HCPC extended the register for clinical and biomedical scientist students due to the evidenced need of stakeholders;
- the main temporary register continued operation and was expected to remain in place to the end of the financial year. The Executive had undertaken a review of the management of the temporary register, as some time had passed since former registrants were first admitted and a number would have since been out of practice for longer than three years. In such instance the former registrant would be removed from the temporary register. Formal proposals would be brought to Council following stakeholder engagement;
- following the Government's consultation on changes to the Human Medicines Regulations to support the roll out of the Covid-19 vaccine, the HCPC undertook a targeted communication to raise awareness of HCPC registrants' role in prescribing and administering prescription only medicines, including vaccines;
- the HCPC had engaged with the Scottish Government on facilitating healthcare needs across Scotland and workforce demand. The Executive had offered the HCPC's support and would remain engaged on this issue;

- the HCPC had issued statements relating to the regulation of sonographers and in response to the Secretary of State Matthew Hancock's 'busting bureaucracy' speech, the HCPC noted the benefits of regulatory reform in reducing inefficiencies in the regulatory system;
  - during the second period of national Covid-19 restriction the HCPC office had remained open with a minimal onsite presence focused on those tasks not possible remotely. The first hybrid FtP hearing was due to conclude in early December and had operated well;
  - engagement with the Scottish Government on the HCPC's proposed fee increase continued with the Cabinet Secretary being briefed, a request for further information was anticipated which the Executive was ready to provide;
  - the Executive remained focused on FtP performance improvement specifically reducing the backlog of cases exacerbated by the impacts on Covid-19 on the healthcare system. An FtP Work Practice Improvement Operational Manager had joined the HCPC at the end of November, this post would be focused on FtP recruitment, onboarding and retention in the immediate term; and
  - the permanent Senior Management Team (SMT) structure was progressing with Andrew Smith joining the HCPC on 16 November as Executive Director of Regulation. Interviews for the Executive Director of Corporate Services would take place in early December, with the Executive Director of Professional Practice and Insight being progressed before the end of 2020.
- 3.3 At the Chair's invitation, Andrew Smith, Executive Director of Regulation, introduced himself and provided a brief overview of his professional background. He noted the importance of working with the Council and its stakeholders, particularly the PSA, to improve regulatory performance in the months ahead.
- 3.4 The Council noted the pressing need to improve FtP regulatory performance. The Council noted that the Executive would be reviewing KPIs in the new year and requested that there be a focus on outliers as well as median reporting, as those outliers provided insight into system issues.
- 3.5 The Council asked if the HCPC had communicated effectively with its registrants impacted by Brexit. It was noted that communications had been issued in November to provide assurances to those already on the register that any changes to mutual recognition would not impact them. There remained uncertainty on future applicants. Once clarity was received from Government on future arrangements these would be communicated.
- 3.6 The Council discussed organisational culture, noting previously the Chief Executive had estimated a timescale of approximately 18 months to move the HCPC's culture to what was needed. The Council asked how the Chief Executive would know change was happening. The Chief Executive noted that change would be measured in various ways, including internal 'pulse

surveys' and the outputs of the performance appraisal system, but also external indicators, such as complaints and feedback and stakeholder surveys, as an internal change in culture was expected to be reflected in the way the HCPC communicates externally.

- 3.7 The Council noted the rate of long-term sickness was high and questioned if there was an increase in mental health related absence as a result of the move to remote working. The Director of HR noted that this was not the case and that there were some cases of chronic illness which impacted the figures. There had been no increase in absences due to mental health, though employees were understandably more anxious due to the external situation. It was noted that the HCPC had a comprehensive support package in place which was enhanced when remote working began to mitigate the impact on mental wellbeing.
- 3.8 The Council noted that dissatisfaction with working environment was a factor cited in some exit interviews and asked if this was related to remote working. The Director of HR advised this was not the case and agreed to circulate a more detailed breakdown of this data.
- 3.9 The Council asked if flexibility had been provided for those employees with childcare responsibilities impacted by Covid. It was noted that flexibility was provided and many employees were working amended hours to fit around other commitments. Ensuring business needs were met was the priority in agreeing these arrangements.
- 3.10 The Council asked when the Chief Executive expected the fee increase to come into effect. He noted that March 2021 was his current expectation, contingencies had been discussed should this not progress.
- 3.11 The Council welcomed the improvements in the HCPC's engagement and media activity as evidenced in the report.

#### **Item 4. 20/144 Finance report**

- 4.1 The Council received a paper from the Director of Finance
- 4.2 The Director of Finance provided an overview of her report. The Council noted the following points:-
  - HCPC's year to date position at the end of October 2020 was a surplus of £619k, which was a favourable variance of £181k when compared to the 2020-21 quarter two (Q2) forecasted deficit;
  - the variance was due to reduced regulatory costs as a result of Covid impacts on FtP hearings and associated costs such as partner fees and travel. Some of the savings were offset by reduced income from international applications;
  - the Q2 reforecast as presented assumed the fee increase would not take place in 2020-21 resulting in an income reduction of £78k; and

- the outcome of the Q2 reforecast was an overall deficit of £692k for 2020-21, which was £2.2m favourable against the original budget. However this variance would not wholly convert into permanent savings, as some costs were only deferred to 2021-22.
- 4.3 The Director of Finance noted that a timeline for the development of the 2021-22 budget was included in her paper. The Executive would work with the new People and Resources Committee in the development of a final proposal to the Council. The Council would also take part in a workshop at the end of January to support the development.
- 4.4 The Council discussed the savings resulting from new ways of working as a result of Covid restrictions. It was noted that some savings would be retained for example ICP hearings and education visits would remain virtual events, saving on travel costs. It was also important that the HCPC sought to retain savings to its carbon footprint by minimising travel where possible.
- 4.5 The Director of Business Improvement noted that the three year plan was updated at each quarterly reforecast for a longer term financial picture. He noted that the work of the Financial Planning and Analysis team in challenging budget holders on assumptions and getting to the root of cost drivers had assisted in the reforecasting.
- 4.6 The Council approved the Q2 reforecast and noted the timetable for the 2021-22 budget development.

### Items for discussion / decision

#### **Item 5. 20/145 Corporate Strategy 2021-2026 consultation**

- 5.1 The Council received a paper from the Chief Executive providing analysis of the stakeholder consultation undertaken on the proposed Corporate Strategy 2021-26.
- 5.2 The Chief Executive highlighted the following points from the report:-
- the consultation process had been a positive one for the HCPC and a model that would be adopted for future large-scale stakeholder engagement. The process was well received particularly by registrants and partners through the focus groups;
  - 1516 responses were received. In summary, the strategy was welcomed by respondents who noted the importance of stakeholder collaboration and support for registrants in delivery, this support could give the Council assurance as to the legitimacy of the strategy; and
  - respondents have provided valuable feedback on the language used in particular in relation to the vision and purpose. It was proposed that

further development of language be undertaken in response to this feedback and that the Council would be asked to approve the final strategy later in December 2020.

- 5.3 The Council agreed that the positive stakeholder engagement was encouraging. It noted several responses had questioned how the strategy would be delivered and measured and the Council asked the Chief Executive how he would keep stakeholders engaged to build on the good work to date. The Chief Executive advised that focused group engagement would continue during the life of the strategy to check in on deliverables, especially the commitments to collaboration with stakeholders.
- 5.4 The Council noted the PSA consultation response, that the strategy should focus more on the HCPC's need to improve FtP performance. The Council agreed this was an important focus to reflect in the strategy, as the HCPC's core purpose was public protection and FtP was a large part of that. The Council agreed, however, that the strategy was to 2026, issues with FtP performance needed to be resolved long before the end of the strategy period and it was important for the HCPC to focus on future development in tandem with FtP improvement as stakeholders would expect.
- 5.5 The Chief Executive noted that detail on FtP improvement activity would be included in the annual Corporate Plans that would deliver the overarching strategy.
- 5.6 The Council noted a comment on the number of women in the HCPC and agreed that this comment should not be included in the final report as it was not constructive.
- 5.7 The Council welcomed the strategy engagement with employers and encouraged the continuation of this engagement.
- 5.8 The Council noted that an equality impact assessment had not accompanied the paper. It was noted that one was undertaken at the consultation stage. Further assessments would be undertaken for each of the six strategies as implementation plans were developed.
- 5.9 The Council agreed to consider a final strategy by correspondence later in December 2020.

## **Item 6. 20/146 Professionalism and Prevention Framework**

- 6.1 The Council received a paper from the Professionalism and Upstream Regulation Lead. The Council noted that:-
- the Professionalism and Prevention Framework identified how the HCPC would support professionalism and the developments the HCPC planned to achieve in the next two years. It contained clear objectives, deliverables and timescales within the accompanying action plan;

- the Framework supported the proposed Corporate Strategy 2021-26 and linked with the proposed Registrant Health and Wellbeing Strategy as well as the developing EDI strategy;
  - the Council had provided a steer in developing the Framework, most recently taking part in a workshop in October 2020. The Education and Training Committee discussed the Framework at its November 2020 meeting and provided valuable feedback on the objectives.
- 6.2 The Council noted that influencing stakeholders to create cultures and working environments that support registrants' professionalism. The Council noted that influencing at a policy level was important to effect change on a large scale.
- 6.3 The Council welcomed the developed success criteria and its focus on more than FtP. The Council noted that some criteria would be difficult to measure and that there was a need for regular reflection on how areas for investment should be determined.
- 6.4 The Council asked how the Executive would identify employers to engage with. It was noted that the HCPC had met with the NHS employers confederation and independent providers network to form these links. Additionally, the team had been in touch with every ambulance trust in the UK as well as the CQC and Health Inspectorate Wales, who held useful data on employers. The HCPC had also purchased a database of employers for its recently introduced employer newsletter distribution list.
- 6.5 The Council requested that an overall aim be added for each category set out in the framework.
- 6.6 The Council approved the Professionalism and Prevention Framework, noting their support for this important area for development.

## **Item 7. 20/147 Registrant Health and Wellbeing Strategy and Action Plan**

- 7.1 The Council noted that the HCPC's first Registrant Health and Wellbeing Strategy and action plan had been informed in large part by the findings of the University of Surrey's research into registrant experience of fitness to practise. This had previously been the focus of a Council workshop.
- 7.2 The Council welcomed the development of the HCPC's first Registrant Health and Wellbeing Strategy noting it would be a key part of supporting the culture change needed to achieve lasting improvement in FtP performance and registrant experiences of FtP. The Council considered that the work on tone of voice had the potential to quickly provide a noticeable improvement to experiences of FtP.
- 7.3 The Council noted that the HCPC being seen to be fair by its registrants was a key measure of success. The Executive agreed, highlighting that strategic aim two focused on leading with fairness. The Executive agreed to explore



what metrics could be used to assess changes in perceptions of fairness by those who have experienced the FtP process.

- 7.4 The Council discussed strategic aim one 'Taking a person centred approach which accounts for context and demonstrates empathy and understanding'. The Council noted the importance of clearly demarcating improved customer service from any impact on regulatory decision making. The Executive agreed that this was an important distinction to make and agreed to review the language around customer service to ensure there could be no inference this would have an influence on regulatory decision making.
- 7.5 The Council welcomed the actions focused on embedding data on the registrant experience. It was noted that the equality impact assessment stated the HCPC did not have the data to analyse if certain groups were disadvantaged by the HCPC's processes. This was of concern as it was a gap in assurance on the fairness of HCPC's FtP processes. The Council agreed that as more data became available through ongoing efforts in this area, wellbeing priorities should be reassessed taking this new intelligence into account.
- 7.6 The Council noted that strategic aim three focused on learning as an organisation. The Council requested this be clarified to learning and acting on that learning.
- 7.7 The Council discussed the future use of the research film with external stakeholders. It was agreed that the Executive should take advice and agree a communications plan for this, given its impact.
- 7.8 Subject to the amendments outlined in paragraphs 7.4 and 7.6, the Council approved the Registrant Health and Wellbeing Strategy

#### **Item 8. 20/148 Equality Diversity and Inclusion update**

- 8.1 The Council received a paper from the Policy Manager. The paper presented the final progress update on the 2020 EDI action plan and presented a draft of the EDI strategy for Council feedback into the next stage of development.
- 8.2 The Council noted that the draft vision and values had been tested with the EDI forum and the developed EDI Strategy draft would be discussed at the next forum meeting on 9 December. In early 2021 the Executive would undertake targeted consultation, particularly with the professional bodies, before presenting a final draft to Council for approval in March 2021.
- 8.3 The Council discussed the action plan that would accompany the EDI Strategy. It was noted that the EDI steering group had agreed to create a two-year action plan which would require carefully defined and measurable outcomes. This was in development and would accompany the final strategy presentation in March 2021.

- 8.4 The Council welcomed the draft EDI Strategy noting that the ambitions were at the level the Council wished to see. The Council noted that the success measures in the draft Strategy were largely qualitative and subjective and agreed that as the HCPC's data developed the HCPC should use more quantitative measures.
- 8.5 The Council discussed the reference in strategic aim four, to reviewing the HCPC's standards to reinforce EDI practice. The Council agreed that this should also reference a review of the CPD standards, to prompt reflection from registrants on their EDI practice. The Executive would action this.
- 8.6 The Council advised that the HCPC should not lose track of what it was trying to achieve in the EDI strategy, the Council considered that some of the language used tended towards 'jargon'. The Executive agreed to review the language with the EDI forum and steering group to ensure it was clear and meaningfully reflected the HCPC's commitment to improving its EDI practice.
- 8.7 The Council discussed the resourcing of the HCPC's EDI development work. It was noted that the Policy and Standards Team remained committed to progressing the development work. The HR team had appointed an engagement EDI and Engagement Officer to promote the internal development of EDI. The Chief Executive noted that the corporate plan and associated budget for 2021-22 would provide an opportunity to consider whether the resourcing was right.
- 8.8 Council member Kathryn Foreman shared her reflections on a recent HCPC my standards webinar she attended, she felt the webinar provided registrants with an excellent session on EDI reflection. She noted how encouraging it was to see the HCPC's work on prevention, wellbeing and EDI interlink and cascade down to delivery level.
- 8.9 The Council approved the publication of the report on progress of the EDI action plan 2020.

### **Item 9. 20/149 Consultation on amendments to the Guidance on Health and Character**

- 9.1 The Council received a paper from the Senior Policy Officer. The paper proposed the HCPC launch a public consultation on proposed amendments to the HCPC's Guidance on Health and Character.
- 9.2 The Council noted that at its meeting in November 2020, the Education and Training Committee recommended that the Council launch the consultation on the proposed changes to the Guidance.
- 9.3 The Council agreed to publish the consultation on amendments to the Guidance on Health and Character to run from 18 January 2021 to 9 April 2021.

## **Item 10. 20/150 Consultation on the revised threshold level of qualification for entry to the Register (SET 1) for Operating Department Practitioners**

- 10.1 The Council received a paper from the Senior Policy Officer. The paper proposed the HCPC launch a public consultation on the threshold level of qualification for entry to the Register (SET 1) for Operating Department Practitioners (ODP's)
- 10.2 The Council noted that at its meeting in November 2020, the Education and Training Committee recommended that the Council launch the consultation on ODP SET1.
- 10.3 The Chair of the Education and Training Committee thanked Matthew Clayton, Senior Policy officer for his good work in pre engagement which had enabled the HCPC to address some politically sensitive issues before consultation. He also thanked Council and Committee member Sonya Lam for her valuable advice on the Scottish position regarding ODP education.
- 10.4 The Council agreed to publish the consultation on amendments to SET 1 for ODPs, to run from 18 January 2021 to 9 April 2021.

## **Item 11. 20/151 HCPC internal Whistleblowing Policy**

- 11.1 The Council received a paper from the Secretary to Council. The paper presented a new internal Whistleblowing Policy for approval.
- 11.2 The Council noted the following points:-
  - the policy was an internal policy for HCPC employees. A separate policy was in place for external reports to the HCPC as a designated reporting body;
  - the Policy had been developed using best practice guides, as well as the HCPC's employee forum reviewing the draft from an employee perspective;
  - the policy aimed to be welcoming and provide assurance that concerns could be raised safely and that the HCPC welcomed the raising of concerns; and
  - at its meeting in November 2020, the Audit Committee recommended the policy to the Council for approval.
- 12.3 The Secretary to Council noted that the Audit Committee requested a line of clarification be added to the Policy on when concerns would be dealt with under the Anti-Fraud Policy rather than the Whistleblowing Policy.
- 12.4 The Council agreed that the HCPC culture should aim to enable employees to feel safe raising concerns as part of business as usual rather than needing to enact the Whistleblowing Policy.

12.5 The Council approved the Whistleblowing Policy subject to the amendment in paragraph 12.3.

**Item 12. 20/152 HCPC Code of Corporate Governance revisions**

- 12.1 The Council received a paper from the Secretary to Council.
- 12.2 The Council noted that following its agreement of the Senior Council Member's review of Committee Governance, amendments to the Code of Corporate Governance had been drafted to put these recommendations into practice.
- 12.3 The Secretary to Council highlighted the summary of changes document at appendix A of the paper.
- 12.4 The Council noted that following approval of the terms of reference for the People and Resources Committee, the first meeting would take place in January 2021.
- 12.5 The Council approved the Code of Corporate Governance Revisions as set out in appendix B of the paper.

**Items for noting**

The Council noted the following items:

**Item 13.i. 20/153 Unconfirmed minutes of the Audit Committee of 11 November 2020**

**Item 13.ii. 20/154 Unconfirmed minutes of the Education and Training Committee of 12 November 2020**

**Item 14. 20/155 Council resolutions outside of meeting**

**Item 15. 20/156 Any other business**

- 15.1 The Chair invited observer Senyonga Fokum, Health Education England, to share an overview of her work. The Council noted with interest her work on international radiographer recruitment and the opportunities to work together to support new registrants meeting the HCPC standards.

**Item 16. 20/157 Date and time of next meeting:**

- 16.1 25 February 2021 - 10am

**Item 17. 20/158 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
18	B
19	B
20	H
21	H
22	B
23	H

Chair: .....

Date: .....