

Council

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

Date: Thursday 26 September 2024

Time: 10am

Venue: Videoconference (Zoom)

Present: Christine Elliott (Chair)
Rebekah Eglinton
Sue Gallone (until item 10)
Helen Gough
Geraldine Kinkead-Richards*
John McEvoy
Jordan McKenna*
Lianne Patterson
David Stirling
Kathryn Thirlaway (until item 10)
Steven Vaughan
Valerie Webster

Apologies: None

In attendance:

James Afolabi, Financial Planning and Analysis Manager
Zoe Allan, Business Manager, Chair and Chief Executive Office
Francesca Bramley, Governance Manager
Alastair Bridges, Executive Director of Resources
Laura Coffey, Executive Director of Fitness to Practise and Tribunal Services
Madeleine Connor, Policy Manager
Jennifer Evans, Luther Pendragon
David Fell, Operational Manager – UK Registration and Contact Centre
Karen Flaherty, Head of Governance
Kellie Green, Head of Professionalism and Upstream Regulation (for items 1 to 3)
Colette Higham, Professional Standards Authority
Jamie Hunt, Head of Education
Bernie O'Reilly, Chief Executive and Registrar
Matthew Peck, Head of Communications, Engagement and Public Affairs
James Penry-Davey, Capsticks LLP
Nicole Small, Operational Manager – Quality Assurance and Training

* Council Apprentice

Andrew Smith, Executive Director of Education, Registration and Regulatory
Standards and Deputy Chief Executive
Adam Thomas, Luther Pendragon (for item 6)

Public meeting

1 Chair's welcome and introduction

- 1.1 The Chair welcomed those present to the meeting of Council, including a number of observers who were individually welcomed by the Chair.

1(a) Apologies for absence

- 1.2 Sue Gallone had given her apologies for the private session of the meeting. There were no other apologies.

1(b) Approval of agenda

- 1.3 The Council approved the agenda.

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

- 1.4 There were no new interests to declare from Council members. Each of the Council members who was also a registrant had previously declared an interest in items relating to consideration of the fees consultation (item 6).

1(d) Minutes of the Council meeting on 18 July 2024

- 1.5 The Council approved the minutes as an accurate record of its meeting held in public on 18 July 2024.

1(e) Matters arising

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

2 Chair's Report

- 2.1 The Council noted the Chair's report.

Performance reports

3 Chief Executive's Performance Report

- 3.1 The report from the Chief Executive highlighted key areas of development in the reporting period since the Council's last meeting in July 2024.
- 3.2 The Council noted the report and the following points:

- the response that had been submitted to the Professional Standards Authority (PSA) setting out the HCPC's reflections on the independent review of the Nursing and Midwifery Council's culture and the ongoing work to provide cultural assurance, including plans to establish a freedom to speak up guardian role;
- the publication of the PSA's performance review report for 2023-24, with 16 of the 18 standards met and standards 15 (timeliness of fitness to practise (FTP) investigations) and 17 (FTP risk assessment) not met, noting the good practice highlighted in the report and the improvements that had been made, including the achievement of meeting standard 18 (support provided to parties in the FTP process);
- a recent visit to Belfast coordinated by the Chief Allied Health Professions Officer for Northern Ireland, meeting key stakeholders and discussing a range of areas, including international registration, autonomy, culture and advanced practice;
- the Professional Body Forum on 18 September 2024, which had included information sharing on a range of topics, including sexual safety, and was developing a much more collaborative approach;
- a programme of work designed to help improve the sexual safety of service users, those working within health and social care and the students and learners on HCPC approved programmes, including the launch of the HCPC's sexual safety hub;
- the ongoing work to achieve three deliverables in the corporate plan for 2024-25 that were currently rated as amber;
- the review and refresh of the HCPC's strategic risks, which would be progressed through the Audit and Risk Assurance Committee (ARAC) and the Council in due course;
- an update on regulatory functions, including work to reduce regulatory overlap in education and the successful implementation of the new registration operating model; and
- the revised standards of conduct, performance and ethics (SCPEs) and social media guidance that had come into effect from 1 September 2024.

3.3 In response to queries from Council members, the Chief Executive advised that the Executive Leadership Team (ELT) were developing the proposals to define how all employees and partners would access the freedom to speak up guardian and how the role would be promoted to raise awareness.

3.4 The Council emphasised that the timeliness of FTP investigations should be viewed as a quality indicator.

- 3.5 The Council sought assurance that there would be sufficient capacity to progress the review of standards of education and training (SETs) and the ongoing work in areas such as sexual safety and advanced practice.
- 3.6 The Council reflected that a detailed analysis of the data that the HCPC held around sexual safety concerns would improve the Council's understanding of the underlying trends. The Executive Director of Education, Registration and Regulatory Standards advised that although the paramedic profession had been the focus of recent attention in this area, it was likely to be affecting all professions. The sexual safety work that was under way would support and encourage people to raise concerns with the HCPC and, where appropriate, with the police and this could lead to an increase in the number of concerns reported to the HCPC. Further work was being undertaken by the Head of Policy and Standards and the Head of Professionalism and Upstream Regulation to agree what research would be helpful to provide an analysis of the data. The Education and Training Committee (ETC) and other Council members would be engaged to help shape the research proposals.
- 3.7 Assurance was sought about the evaluation of the use of artificial intelligence (AI) in responding to customer service emails within the Registration department and whether customer feedback would be sought as part of this evaluation. The Executive Director of Education, Registration and Regulatory Standards confirmed that as the project was still at proof of concept stage, all AI-generated email responses were checked by Registration team members. The pilot would be evaluated against a range of measures that had been agreed by the ELT, including the quality of the information and advice provided. There was not currently a mechanism to obtain feedback from those receiving an email response other than through feedback sent to the Feedback and Complaints team, however engagement and feedback routes were under consideration by the Head of Registration and the recently appointed Operational Manager - UK Registration & Contact Centre.

4 Finance Report

- 4.1 The Council noted the finance report outlining the HCPC's financial position for the period ended 31 August 2024.
- 4.2 The following areas were highlighted by the Executive Director of Resources:
- a surplus of £1.6 million compared to a forecast surplus of £1.3 million;
 - an increase to the forecast international income to reflect the ongoing rise in international applications, with 8,000 applications forecast for the full year compared to the previous budget assumption of 6,000 applications;
 - expenditure was broadly in line with budget projections and the ELT continued to closely monitor expenditure and would seek to bring forward value for money investments, in particular through the technology road map;

- the additional investment to manage pressures due to the increased caseload within the FTP department, including additional temporary resource to cover permanent vacancies pending recruitment and maternity leave, with a continued focus on delivering the FTP improvement plan;
- the potential risks and opportunities relating to international applications, partner costs and reserves being monitored by the ELT: and
- the reserves position was in line with the reserves policy, reflecting three weeks of operating expenditure.

4.3 The Council discussed the challenge of balancing the ambition to increase the HCPC's reserves to three months of operating expenditure with investment in other areas. The ELT continued to prioritise investment to address operational pressures and where there would be benefits in terms of improvements. The HCPC's reserves had increased over the previous 18 months and the ELT would continue to balance building the HCPC's reserves alongside addressing operational pressures and longer-term risks.

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.

- The three week target for progressing a matter to interim order hearing once the need for an interim order has been identified had remained within the three week target.
- 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 21 weeks due to a number of cases that had been subject to a third party investigation. The time taken for the remaining cases was on target at 12 weeks.
- Monitoring of the quality and timeliness of risk assessments continued and these had exceeded the 80% adherence target at 89% each month since February 2024.
- Following a dip in performance previously reported in June 2024, the 80% target for meeting the best practice standard for the quality and timeliness of case plans had been met in July 2024 and 90% compliance had been achieved in August 2024.
- The number of FTP referrals received from April to August 2024 had been 9% higher than during the same period in 2023 and the number of open threshold cases continued to increase. Additional resource had

been allocated and the team had adapted ways of working to manage the additional demand. The proportion of referrals from different sources was broadly unchanged.

- The investigations caseload remained significantly higher than expected, with an action plan in place to drive performance. The actions included upskilling, streamlining processes, additional case manager and team manager resource and an enhanced operational excellence programme due to launch in October 2024 to empower and drive improvements and performance.
- The number of cases at the post-Investigating Committee Panel (ICP) stage remained at just under 500, with a number of cases awaiting a final hearing date.
- The monitoring of the age profile of cases continued. The median age of live cases post-ICP had remained consistent and had remained within the target of 39 weeks since April 2024. There was a continued focus on progressing both older and new cases despite the increase in FTP referrals.
- Since its launch in April 2023, the registrant support service had seen a steady increase in usage, with 15% of registrants with an open FTP case accessing the service in August 2024 compared to 5% in the service's first six months of operation. The use of the service had improved as a result of its increased promotion through the 'tone of voice' work. A review of the service was in progress and the outcome would be reported to the Council in due course.
- Improvement activity continued and practice notes on professional boundaries and mixed allegations had been published to provide guidance and support fair, transparent and consistent decision-making. A new practice note on freedom of expression was in development and was due to be published by January 2025.

5.3 The Council queried the timeframe for completing the phased implementation of frontloaded investigations. The Executive Director of Fitness to Practise and Tribunal Services clarified that in-house frontloading had commenced, with around 11 cases currently managed by dedicated case managers and supported by the newly appointed lawyers in the team. Work was under way to develop and streamline operational processes and further implementation would be phased in line with recruitment into the team.

5.4 The Council commended the work to develop the registrant support service and were encouraged by the increase in its usage by registrants and looked forward to receiving an update on the outcome of the review of the service in due course.

Action: The review of the registrant support service would include an evaluation of the impact of the service. This would include any available feedback from the provider of the Registrant Support Service, recognising that

this was an independent and confidential service for registrants, as well as from other stakeholders including representatives.

- 5.5 The Council discussed whether the correct balance had been achieved between in-house and external legal expertise, noting that the HCPC was unusual in not having its own general counsel. Due to the small size of the internal legal team, the HCPC remained reliant on an external legal support, although there was a focus on knowledge sharing and internal upskilling. A new senior lawyer had commenced in post in April 2024 and had added value by engaging with the FTP team and providing proactive advice on complex issues. Recruitment to some of the internal legal posts had been challenging due to the employment market and the HCPC's relatively recent establishment of an internal legal team. As the HCPC's legal profile developed over time and the new roles embedded, it was anticipated that the internal legal function would grow and evolve.

Action: The ELT would discuss the legal resource requirements of the organisation to determine whether additional senior resource was required.

The meeting was adjourned briefly to allow for a short break.

Items for discussion/decision

6 Fees consultation response

- 6.1 The Executive Director of Resources provided a recap of the consultation on fees that had taken place earlier in 2024, proposing an increase of £6.98 to the registration fee and equivalent increases to other HCPC fees. 1,040 responses to the consultation had been received, most of which were from HCPC registrants, with proportionate responses received from all four nations of the UK. The majority of respondents were not in favour of the proposals and highlighted concerns around increases in the cost of living and inflation, ensuring value for money and understanding how fee income was spent. The consultation had been accompanied by extensive engagement and communications, however, the overall level of interest had been lower than for previous consultations relating to fees and there appeared to be a better understanding of the rationale.
- 6.2 The consultation was based on the premise that the HCPC should review its fees regularly, with the expectation that it would require relatively modest, incremental increases to remain financially sustainable and continue to meet its statutory responsibility to protect the public. While there was greater stability and assurance regarding financial sustainability, this needed to be maintained, as with limited reserves the HCPC was subject to more significant financial risks. The recommendation from the ELT was for the Council to approve the minimum increase in fees that would allow the HCPC to continue to deliver its regulatory responsibilities and functions effectively and invest in necessary improvements. By way of mitigation, the HCPC would continue to promote the availability of tax relief on fees and increase the frequency of direct debits to spread the cost of the fee.

- 6.3 Subject to the Council's approval, the Chair and Chief Executive would write to the Department of Health and Social Care and the Scottish Government asking them to progress legislation to bring the fee rise into effect. The formal consultation response (analysis and outcomes document) and the updated equality impact assessment (EIA) included with the paper would be published on the HCPC's website and the decision would be communicated to stakeholders in line with the communications and engagement plan for the consultation. The legislative timetable would not be wholly within the control of the HCPC, however, the aim was for the fee increase to apply from 1 April 2025. Due to the nature of the HCPC's registration renewal cycle, the increase would not take effect for the majority of registrants until 2026.
- 6.4 The Council recognised that the recommendation clearly set out the rationale for the increase and was supported by the financial information presented to the Council and the People and Resources Committee. The response to the consultation also reflected that due consideration had been given to registrants' views. It was difficult to find an appropriate balance when the consultation showed that there was opposition to the proposals from respondents, albeit that the individual responses represented less than 1% of registrants. The number of registrants represented by the organisations that responded to the consultation was not included in the paper. However, the increase proposed was the minimum necessary and it would be important to continue to explain why the increase was needed, how it would be used for the benefit of registrants and the public and how the HCPC was managing its costs.
- 6.5 The Council discussed:
- whether all registrants would be directly affected by the increase as in some cases their employer would pay or reimburse the fees, which could explain why a greater proportion of registrants had not responded to the consultation, although it was thought that this would be the exception rather than usual practice; and
 - the need to continue to identify other sources of income and opportunities to increase the revenue from the HCPC's estate, acknowledging that fee income would continue to be the core source of funding for the HCPC and needed to increase.

Actions:

- a. The available information in relation to whether employers or registrants paid the fees would be circulated to Council members following the meeting.
- b. The number of registrants represented by the organisations that had responded to consultation would be identified and consideration given to including this information in the response to the consultation should this prove helpful.

6.6 The Council approved the recommendation to increase the fees as proposed in the consultation and the publication of the formal consultation response and the EIA.

7 Council and committee members annual review process

7.1 The proposed changes to the annual review process for Council and committee members sought to incorporate the current behavioural framework and follow the same process for Council members each year, which would include all elements stipulated by the PSA ahead of reappointment. This would provide greater assurance on performance and effectiveness, support succession planning and improve consistency in the level of feedback provided to Council and independent committee members throughout their tenure.

7.2 Subject to the Council's approval, arrangements would be made to implement the new process ahead of the annual review discussions that would be scheduled in November 2024.

7.3 The Council considered how a review of its collective effectiveness could be included within the process and noted that an external review of the Council's effectiveness was planned in 2024-25. The plans for the external review would be the subject of the Council seminar on 24 October 2024.

7.4 The Council welcomed the proposed changes to the process and gave suggestions on how to further improve the annual review process.

Action: The Head of Governance and the Chair would:

- a. incorporate the chairing of registration appeal panels in the annual review where applicable; and
- b. agree an approach to exit interviews for Council and independent committee members in future years, noting this would be incorporated into the annual review process for 2024.

7.5 Subject to the amendments outlined above, the Council approved the changes to the Council and independent committee member annual review process.

7.6 It was highlighted that Council members who chaired registration appeal panels had not received feedback on their performance to date, although it was understood that participants were asked to give feedback after each appeal.

Action: The mechanism for collecting and routinely sharing feedback on registration appeal panels with panel chairs would be reviewed.

8 Council and independent committee member appointments

- 8.1 The Head of Governance summarised the proposed appointment process for Council and independent committee members.
- 8.2 Approval was sought to appoint up to four Council members from or shortly after 1 January 2025. There were two Council vacancies carried forward from the end of 2023 and two Council members would be leaving the HCPC in December 2024 and January 2025.
- 8.3 The Council had reviewed the Council member competencies and the skills and experience identified for the planned recruitment at its meeting in July 2024. To maintain the required range of skills:
- one of the lay members would be required to have an accountancy qualification and recent and relevant financial experience, and legal regulatory knowledge and experience;
 - other skills identified for the lay member roles included technology and business change and the use of data and intelligence; and
 - for the registrant member, there would be a focus on patient and public experience and engagement.
- 8.4 The PSA and the Privy Council had been notified of the planned recruitment in 2024 and further engagement would be undertaken subject to the Council's approval of the process. The aim was to complete shortlisting and interviews by the end of 2024 and an additional two to five weeks would be required for the PSA to provide advice and for the Privy Council to make the appointments. A new independent panel member would be appointed to support this recruitment process.
- 8.5 Approval was also sought to appoint an independent committee member of the ETC as the current member's term of office would end in December 2024.
- 8.6 The Council discussed the importance of diversity, particularly in relation to protected characteristics, marginalised identities and representation of the professions that the HCPC regulated. The Chair of the Council confirmed the intention was to recruit as diversely as possible. Historically this had proven challenging due to the PSA's requirements for the redaction of personal information from all applications and the Chair of the Council would continue to raise this issue with the PSA. Learning from previous campaigns such as partner and Council Apprentice recruitment would be applied to seek to attract a broad range of applicants, recognising the importance of the diversity of Council members in enhancing the strength of the Council.
- 8.7 The Council:
- confirmed the Council member competencies;
 - approved the revised appointment process for Council members and other associated processes; and

- approved the appointment process for the Council members and the independent committee member for the Education and Training Committee expected to take office in January 2025, including the composition of the respective selection panels.

9 Council Apprentice 2025

- 9.1 The Head of Governance introduced a paper setting out proposals for running the fifth cycle of the Council Apprentice initiative. No significant changes were proposed to the process that had been followed during the previous recruitment cycle.
- 9.2 The Council noted the ongoing work to review the learnings from the initiative and evaluate its impact on the careers of the previous Council Apprentices, as set out in the corporate plan for 2024-25. This would involve sharing learning and insight with other regulators and organisations to widen the impact of the scheme. Whilst this work would be reflected in the process for the latest cycle where possible, it was unlikely to be fully completed in advance of the 2025 appointments.
- 9.3 The recruitment timeline was expected to be slightly later than in previous years, with interviews planned to take place in January 2025 due to the Council and committee member recruitment taking place until December 2024. As the current term of office ran until the end of January 2025, this would still allow sufficient time for a handover and a comprehensive induction programme would be put in place.
- 9.4 Council members approved the continuation of the Council Apprentice scheme, with the appointment of two new Council Apprentices for a one year term beginning in January 2025 and highlighted the valuable contribution that had been made by the previous and current Council Apprentices.

10 Update on environmental sustainability statement commitment and actions

- 10.1 The Council received the report setting out the progress made against the HCPC's sustainability plans and sustainability statement that had been approved by the Council and published in 2023.
- 10.2 Good progress had been made with zero emissions achieved for electricity usage for buildings and on-site operations (scope 2) and the HCPC had recently transitioned to a renewable tariff. A number of initiatives had been introduced to reduce energy emissions, including the installation of LED lighting in the HCPC offices. A feasibility study had been commissioned to identify options for reducing gas emissions (scope 1), which related mainly to office heating. A target of 2027-28 had been set to achieve net zero gas emissions.

- 10.3 The most challenging area to address was emissions for purchased goods and services (scope 3), which accounted for the majority of the HCPC's greenhouse gas emissions. Although there had been a year-on-year reduction, work continued to embed sustainability criteria more fully into procurement processes and engaging with the HCPC's suppliers as they sought to fulfil their own net zero commitments.
- 10.4 Engagement with the Employee Forum had continued and a working group had been established to define a set of employee-led priority actions, including sustainable ways of working from home.
- 10.5 Embedding sustainability into the HCPC's wider regulatory role had been a key area of focus. Sustainability had been considered within the SCPEs review and would also be incorporated in the SETs review. Resources for sustainable practice had been published on the HCPC website to provide additional guidance to registrants.
- 10.6 The Council was pleased to note the plans to better understand and reduce homeworking emissions and discussed the complexity of embedding sustainability into hybrid working. The benefits of hybrid working were well documented and recent Ipsos research had identified flexible working (including home working) as the top driver for employee wellbeing.

Items for noting

11 Chair's report and draft minutes of the meeting of the Education and Training Committee held in public on 11 September 2024

- 11.1 The Council noted this item and the Chair of the ETC expressed her thanks to Katie Thirlaway for chairing the September meeting. The ETC regularly reviewed the timeliness of registration appeal panels and the Chair of the ETC had met with the Head of Registration to discuss possible options to reduce delays and this would continue to be monitored by the ETC.

12 Chair's report and draft minutes of the meeting of the People and Resources Committee held in public on 12 September 2024

- 12.1 The Council noted this item.

13 Chair's report of the meeting of the Audit and Risk Assurance Committee held in public on 18 September 2024

- 13.1 The Council received a verbal update from the Chair of the ARAC. The ARAC had reviewed the annual report and accounts for 2023-24 and the external audit process, which had been completed successfully and thanked all those involved. The reports from the external auditor and the National Audit office had included only very minor findings.

13.2 The ARAC had also discussed a number of other topics including the unified assurance framework and the extension of current arrangements for internal audit services.

14 Council reflection

14.1 Steven Vaughan, Council member, provided his reflections on the meeting. During his time as a Council member, the tone of the meetings had changed in a positive way. Discussions were respectful and cooperative and facilitated a strong working relationship between the ELT and Council members. The quality of the reports had improved significantly over time. When additional work was needed, colleagues had approached this with a sense of purpose and this had led the HCPC to take great strides in implementing improvements.

15 Resolution

15.1 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
16	H
17	H
18	H
19	H
20	C
21	G and H
22	H
23	H
24	H
25	H
26	H

The meeting was adjourned at 12.15pm.

Chair:

Date: