

**Agenda Item 10**

**Enclosure 6**

**Health and Care Professions Council  
20 September 2017**

**Review of the Code of Corporate Governance**

**For discussion and approval**

**From Louise Lake, Director of Council and  
Committee Services**

Council, 20 September 2017

## Review of the Code of Corporate Governance

### Executive summary and recommendations

#### **Introduction**

The Health and Care Professions Council's Code of Corporate Governance ('The Code') incorporates a series of regulatory documents and policies which govern how we operate, take decisions and the procedures followed to ensure that our actions are fair, efficient, transparent and accountable to our stakeholders.

The Code is divided into five sections covering the following: Council and Committees (including standing orders and schemes of delegation), Education and Training Committee Rules, Roles and responsibilities of Members (including Code of Conduct, Members' interests), Financial regulations and Professional liaison groups.

The Code was created in May 2009 and adopted by Council at that time. Subsequent reviews have taken place since then. During the course of the Strategic Away day held in Scotland in October 2016 and the Governance workshop held in February 2017, there was some discussion about the role and remit of both Council and Committees, their composition and the relationship between Council and Committees. It was decided that a full review of the Code should be carried out.

In order to inform the review, all Committees (Remuneration, Audit and the Education and Training Committees) had an opportunity to reflect on the way the Committee conducts its business and its relationship with the wider governance structure in the context of the discussion at the Strategic Away Day and at the Governance Workshop held earlier this year. They were asked to consider the effectiveness of the current arrangements and look at ways of addressing the issues raised.

This paper sets out a full review of the Code including the proposals that have arisen from those workshop discussions.

#### **Decision**

This paper is for discussion and approval. Council is asked to approve the following:-

- (i) That the ETC should be made up of six members, up to two of which should not be members of Council;
- (ii) The ETC should be made up of at least one registrant member and at least one lay member;
- (iii) That the ETC should continue to meet four times per year (as already determined within the Committee standing orders);

- (iv) In accordance with best practise, the quoracy to continue to be half of the total number of Committee members plus one, i.e. 4;
- (v) That the job specification for the two independent members of ETC be drawn up to attract candidates with (a) specific input from an individual with education quality assurance experience and (b) a recently-qualified registrant i.e. someone that had qualified in the last five years;
- (vi) That the ETP continue to be made up of the six members of the ETC (i.e. the ETC sitting as the ETP) with the quorum remaining at three;
- (viii) That ETP to continue to hold ten meetings per annum although these will be more evenly spaced across the year and held at a specified, published time (i.e. not tagged onto the beginning or end of a Council or Committee meeting);
- (ix) That the approach to training requests as set out in the pro forma at contained within the appendix;
- (x) The Health and Care Professions Council (Education and Training Committee) (Constitution) Rules 2018 be approved and the Common Seal affixed;
- (xi) Chair of Council and Chief Executive should not attend every meeting of Committees, instead attending when invited which would occur at least once a year; and
- (xii) That the changes made to the suite of documents named 'The Code of Corporate Governance' as set out in the appendix be approved.

### **Background information**

The Code of Corporate Governance  
 The Health and Social Work Professions Order 2001  
 Constitution Order 2009

### **Resource implications**

The recruitment of external members to Committees can be absorbed within existing secretariat resource.

### **Financial implications**

There will be some costs associated with recruiting some independent members to the ETC and to the Remuneration Committee together with increased attendance and travel and subsistence costs. In addition, some Committees are requiring additional meetings. No provision has been made within the 2017/2018 budget to cover these changes. However, the majority of the increased costs should be absorbed within the existing budget.

### **Appendices**

See paper

### **Date of paper**

8 August 2017

## **Review of the Review of the Code of Corporate Governance**

### **1. Introduction**

- 1.1 During the course of the Strategic Away day held in Scotland in October 2016 and the Governance workshop held in February 2017, there was some discussion about the role and remit of both Council and Committees, their composition and the relationship between Council and Committees.
- 1.2 The feedback received during the workshop held in February this year included the following: -
  - Committees could be used more effectively, taking on more work/operational data to enable the Council to focus on strategy;
  - The purpose of Committees must be clear;
  - The mechanism of engagement between Council and Committees could be strengthened;
  - The Chairs of Committees should be reporting into Council, rather than the Executive reporting on the Committee's behalf;
  - The Education and Training Committee (ETC) should include some independent members;
  - The membership and effectiveness of ETC needs to be reviewed;
  - Current arrangements for Education and Training Committee panels (ETP) appear inefficient and should be reviewed; and
  - Refreshing the role of Committees may resolve issues around the volume and detailed nature of the information presented at Council.
- 1.3 It was therefore decided that a full review of the Code should be carried out.
- 1.4 Over recent months, a number of workshops have been held by the individual Committees. The aim of these workshops was to consider the effectiveness of the current arrangements and look at ways to address those issues raised at both the Strategic Away day held in Scotland in October 2016 and the Governance workshop held in February 2017.
- 1.5 This paper sets out a full review of the Code of Corporate governance and includes a number of proposals with regard to the composition of Committees, the Terms of reference of Committees and the Committee practises and the manner in which they interact with Council.
- 1.6 Council will be aware that at their May meeting, approval was given to a number of changes to the Remuneration Committee. These included the revised composition of the Committee and amendments to the standing orders including the terms of reference. For completeness, the changes made to the Code of Corporate Governance at that time are included within this paper.
- 1.7 The Council is invited to discuss the proposals outlined in this paper and (subject to any revisions agreed at this meeting) agree the changes to the

Code of Corporate Governance. The breakdown of decisions is set out under paragraph 12.

## **Part A: Council and Committees**

### **2. Education and Training Committee (ETC)**

- 2.1 The Education and Training Committee considered a paper at their meeting in June and then held a subsequent workshop in July. The focus of their discussions was the composition of the Committee and the Education and Training Committee Panels (ETP).
- 2.2 The suggestion had been made at one of the Council workshops that the Committee should include some independent membership and that the current arrangements for the ETP appeared to be inefficient and should be reviewed. The Committee considered a number of options in relation to the composition of ETC and agreed to recommend to Council the following:-
- (i) That the ETC should be made up of six members, up to two of which should not be members of Council;
  - (ii) The ETC should be made up of at least one registrant member and at least one lay member;
  - (iii) That the ETC should continue to meet four times per year (as already determined within the Committee standing orders);
  - (iv) In accordance with best practise, the quoracy to continue to be half of the total number of Committee members plus one, i.e. 4.
- 2.3 There was some discussion about the specific skills that should be sought when appointing the independent members to the Committee and members were in agreement that it would be valuable to have (a) specific input from an individual with education quality assurance experience and (b) a recently-qualified registrant i.e. someone that had qualified in the last five years. Given the specific nature of the input being sought from a newly-qualified registrant, it was agreed that the individual should only be appointed for up to three years in order that their input remained relevant.
- 2.4 Subject to Council approval of the revised composition of the ETC, it was agreed that approval also be sought for the Chair of the Committee to remain in post, for the recruitment of the two independent members to be initiated immediately with a view to them starting in their new role from 1 January 2018 and that expressions of interest be sought from Council for the four ETC member positions, with a view to Council agreeing the appointments at the next meeting in December.

- 2.5 After a detailed discussion in relation to the ETP, the ETC agreed to recommend to Council the following:-
- (i) That the ETP continue to be made up of the six members of the ETC (i.e. the ETC sitting as the ETP) with the quorum remaining at three;
  - (ii) That ETP will continue to hold ten meetings per annum although these will be more evenly spaced across the year and held at a specified, published time (i.e. not tagged onto the beginning or end of a Council or Committee meeting).

### **3. Audit Committee**

- 3.1 The Audit Committee held two workshop sessions in June and July which focussed on reviewing the Committee's effectiveness and remit. The National Audit Office (NAO) and the HCPC's internal auditors Grant Thornton provided presentations to the Committee on best practice and their experiences of Audit Committees.
- 3.2 Committee members completed the NAO's self-assessment checklist, which condenses the core good practice principles of HM Treasury's Audit and Risk Assurance Committee Handbook. The results of this exercise formed the basis of discussion on effectiveness.
- 3.3 The key areas discussed included:
- Terms of Reference and composition;
  - Meeting frequency and attendees;
  - Interaction with the internal and external auditors;
  - Risk register approach;
  - Committee involvement in budgeting process;
  - Annual report; and
  - How the Committee provides assurance to Council and reporting lines.
- 3.4 It was agreed that the current terms of reference for the Committee are appropriate, follow best practice and do not require any changes at present. The Committee also discussed its composition and agreed that the current size of the Committee is appropriate and that the addition of an independent member in 2014 has worked well in practice.
- 3.5 The Committee agreed that it would meet five times a year, rather than four to enable more focused agendas. There was consensus that a meeting scheduled to consider budget principles would be beneficial. This does not require a change to the standing orders for committees as the current meeting frequency is a minimum requirement.

- 3.6 An important theme during the workshops was the independence of the Committee. The Committee considered that it is free from undue influence, however it was agreed that the Chair of Council and Chief Executive should not attend every meeting of the Committee, instead attending when invited which would occur at least once a year.

#### **4. Remuneration Committee**

- 4.1 The terms of reference for the Remuneration Committee were reviewed and amended by the Council at its meeting in May 2017.
- 4.2 An appointments exercise is currently underway for the role of independent member of the Remuneration Committee.

#### **5. Tribunal Advisory Committee**

- 5.1 The remit and constitution of the Tribunal Advisory Committee has not been included in the governance review as the Committee was established early in 2017 and is still embedding. The Committee will undertake a review of its performance and effectiveness following its first year of business. The results of this review will be presented to Council.

#### **6. Committee practises**

- 6.1 Whilst no changes to the Code are required, some proposals to 'practise' were suggested as part of the workshops as follows:-
- (a) Length of office: Each year, the membership of Committees is reconfirmed by Council. This will ensure a balance can be struck between continuity of membership but also ensuring equal Committee responsibilities across the Council members;
  - (b) That, following two years as a Chair of a Committee, a review is carried out and, dependent upon the needs of the Committee, either another term is confirmed or a new Chair sought;
  - (c) Each Committee to submit an annual update to Council setting out the Committee's activities over the last year. For the Tribunal Advisory Committee, this will also mean that the Chair will need to attend the Council;
  - (d) Chairs to give an overview of the business of the Committee and present any relevant papers;
  - (e) The Secretariat to produce a 'summary' document for all Committee minutes submitted to Council.

## **7. Training**

- 7.1 In order to provide appropriate support to members of the Council and Committees and ensure the ongoing effectiveness of the Council and Committees, it is important to ensure that adequate training is made available. A training programme has now been developed and this sets out the opportunities available as part of the induction to the HCPC and its various committees and also the ongoing training opportunities.
- 7.2 As members are aware, training and development is also a key part of the annual performance review discussions and this is an opportunity to discuss and document individual training needs. Under the current system, Council members are permitted six training opportunities per annum and they are budgeted for accordingly in the Council budget. These are in addition to the more general training provided to all Council members.
- 7.3 When an opportunity arises to address those training needs discussed at the appraisal, or indeed, should a new training need arise during the course of the year, Members are requested to complete the 'training request form'. This will ensure relevance and appropriateness of the training in terms of the members' role and responsibilities and ensure that all requests for training are dealt with in a fair and transparent way. A pro forma was put together and agreed in December 2012. This is attached within the appendix (after the Code of Governance) and members are asked to confirm that we continue to approach training requests in this manner.
- 7.4 It should be noted that when Council members are approached by members of the Communications team and asked to be on the panel for a 'Meet the HCPC event' then this is not deemed to be a training opportunity. However, if you are attending an event and not part of the panel, this is classified as a training opportunity.

## **Part B: Committee Terms of Reference and rules**

- 8.1 As a result of proposed changes to the Education and Training Committee and panel as discussed above, a 'tracked' changes version of the Education and Training Committee Rules is attached within the appendix. Subject to their approval, in accordance with Standing Order No 23, the Common Seal will be required to be affixed to these Rules.

## **Part C: Roles and Responsibilities of Members**

- 9.1 This area of the Code currently covers the following documents:-
- Code of conduct
  - Members' interests
  - Anti-bribery and Inducements Policy
  - Member / Employee relations protocol



- 9.2 The Code of Conduct has been reviewed so as to incorporate the most salient provisions of the Member/Employee relations Protocol and thus remove the need for it to exist as a separate document.
- 9.3 No changes have been made to the Members' interests part of the Code.

#### **Part D: Financial Regulations**

- 10.1. These will be reviewed by the Audit Committee and considered by Council in due course..

#### **Part E: Professional Liaison Groups**

- 11.1 This policy was reviewed relatively recently and it is considered that no changes are required at this time.

### **12. Decisions**

- 12.1 The Council is invited to discuss this paper and agree the following:-
- (i) That the ETC should be made up of six members, up to two of which should not be members of Council;
  - (ii) The ETC should be made up of at least one registrant member and at least one lay member;
  - (iii) That the ETC should continue to meet four times per year (as already determined within the Committee standing orders);
  - (iv) In accordance with best practise, the quoracy to continue to be half of the total number of Committee members plus one, i.e. 4;
  - (v) That the job specification for the two independent members of ETC be drawn up to attract candidates with (a) specific input from an individual with education quality assurance experience and (b) a recently-qualified registrant i.e. someone that had qualified in the last five years;
  - (vi) That the ETP continue to be made up of the six members of the ETC (i.e. the ETC sitting as the ETP) with the quorum remaining at three;
  - (viii) That ETP to continue to hold ten meetings per annum although these will be more evenly spaced across the year and held at a specified, published time (i.e. not tagged onto the beginning or end of a Council or Committee meeting);

- (ix) That the approach to training requests as set out in the pro forma at contained within the appendix;
- (x) The Health and Care Professions Council (Education and Training Committee) (Constitution) Rules 2018 be approved and the Common Seal affixed;
- (xi) Chair of Council and Chief Executive should not attend every meeting of Committees, instead attending when invited which would occur at least once a year; and
- (xii) That the changes made to the suite of documents named 'The Code of Corporate Governance' as set out in the appendix be approved.

## STANDING ORDERS OF THE HEALTH AND CARE PROFESSIONS COUNCIL

### 1 Application and Interpretation

1.1 These Standing Orders, ~~together with the provisions of the Health and Social Work Professions Order 2001 and the Health and Care Professions Council (Constitution) Order 2009 (together, the Orders)~~, establish the basic rules about how the Council conducts its proceedings.

1.2 They supplement and must be read with the Health and Social Work Professions Order 2001 and the Health and Care Professions Council (Constitution) Order 2009 (together, the Orders).

~~1.2 Unless the context otherwise requires, terms used in the Standing Orders have the same meaning as in the Orders.~~

1.3 If a procedural point arises during a Council meeting ~~of the Council~~ which is not covered by these Standing Orders (or the Orders), the common law rules concerning the conduct of meetings ~~will~~ apply.

1.4 The Chair is the final authority ~~as to~~ the interpretation of these Standing Orders.

1.5 Unless the context otherwise requires, terms used in the Standing Orders have the same meaning as in the Orders.

### 2 Suspension of Standing Orders

The Council may, by resolution, suspend any Standing Order (other than one prescribed by or under the Orders) ~~by resolution of the Members present and voting~~.

### 3 Frequency of Meetings

3.1 The Council ~~shall~~ must meet in ordinary session (**Ordinary Meeting**) ~~not less than~~ at least six times ~~in each year, and~~ at such ~~other~~ times as the Council ~~shall~~ may decide.

3.2 In addition to Ordinary Meetings, a special session of the Council (**Special Meeting**) may be convened by the Secretary ~~upon~~ at the written request of the Chair or any four Council Members ~~of the Council~~.

3.3 A ~~written~~ request for a Special Meeting to be held ~~shall~~ must include details of the business to be transacted at that meeting.

3.4 A Special Meeting ~~shall~~ must take place within 14 days of the Secretary receiving the request for the meeting to be held.

#### **4 Adjournment of Meeting**

- 4.1 The Chair may, with the consent of the ~~Council~~meeting, adjourn a meeting, but no business ~~shall is to~~ be transacted at an adjourned meeting other than the business which had not been disposed of when the adjournment took place.
- 4.2 If a meeting is adjourned for more than seven days (but not otherwise), notice of the meeting ~~shall~~must be given as if it was an Ordinary Meeting.

#### **5 Access to meetings**

- 5.1 All ~~meetings of the~~Council ~~meetings shall~~must be open to the public unless the business under consideration concerns:
  - 5.1.1 information relating to a registrant, former registrant or applicant for registration;
  - 5.1.2 information relating to an employee or office holder, former employee ~~or office holder~~ or ~~an~~ applicant for any post or office;
  - 5.1.3 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;
  - 5.1.4 negotiations or consultation concerning labour relations between the Council and its employees;
  - 5.1.5 any issue relating to legal proceedings which are being contemplated or instituted by or against the Council;
  - 5.1.6 action being taken to prevent or detect crime or to prosecute offenders;
  - 5.1.7 the source of information given to the Council in confidence; or
  - 5.1.8 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.

#### **6 Notice of Meetings**

- 6.1 The Secretary ~~shall~~must give Members ~~not less than~~at least seven days' notice of the time and place of a meeting.
- 6.2 If for any reason a meeting is convened at shorter notice, then the Secretary ~~shall~~must give Members notice of the time and place of the meeting at the time that the meeting is convened.
- 6.3 Failure to send notice of a meeting to a Member ~~shall~~does not invalidate the proceedings of that meeting.

#### **7 Agenda**

- 7.1 The Secretary ~~shall~~must issue an agenda for each meeting.
- 7.2 Except in cases of urgency or where circumstances make it impracticable to do so, the agenda for a meeting and any

accompanying papers ~~will~~must be sent to Members at least seven days before the meeting.

## 8 Chair

- 8.1 The Chair ~~shall is to~~ preside at any ~~meeting of the Council~~ meeting.
- 8.2 If the Chair is absent from, or ~~otherwise~~ unable to preside at, a meeting, the Members present ~~shall~~must nominate ~~one of their number~~another Member to serve as chair at that meeting.
- 8.3 In these Standing Orders, references to the **Chair** include a Member presiding at a meeting ~~of the Council~~ in place of the Chair.

## 9 Quorum

- 9.1 The quorum at any ~~meeting of the Council~~ ~~shall be~~meeting is seven Members.
- 9.2 If a quorum is not present within 15 minutes of the time appointed for a meeting to commence, all business which should have been transacted at that meeting ~~shall~~is to be held over until the next Ordinary Meeting, unless a Special Meeting is called in the meantime for the transaction of that business.
- 9.3 If, during a Council ~~meeting of the Council~~, it appears to the Chair that a quorum has ceased to exist, business ~~will~~must be suspended and the number of Members present counted and, if:
  - 9.3.1 a quorum exists, the business ~~will~~may proceed;
  - 9.3.2 a quorum does not exist, the meeting ~~will~~must be dissolved and all remaining business ~~will be~~ adjourned to the next Ordinary Meeting.

## 10 Conduct of Meetings

- 10.1 The order of business at a meeting ~~shall~~must follow that set out in the agenda unless it is varied by the Chair with the consent of the meeting.
- 10.2 A Member may only initiate a debate or move a motion on a matter which is not on the agenda with the consent of the meeting.
- 10.3 All motions must relate to matters that are within or related to the functions of the Council.
- 10.4 Members ~~shall~~must not use offensive or improper language or make derogatory personal references ~~or use offensive expressions or improper language~~ to any other Member or ~~any employee of the Council~~ employee.
- 10.5 A Member must speak to the subject under discussion. The Chair may call attention to any irrelevance, repetition, ~~unbecoming language~~ or other improper conduct on the part of a Member and, where the Member persists in that conduct, may direct that Member to cease speaking.

10.6 A ruling by the Chair on any question of order, whether or not provided for by the Standing Orders, ~~shall be~~ final and ~~shall not be~~ open to debate.

## 11 Voting

11.1 Except where the Orders specify a different requirement, any question at a meeting ~~shall be~~ decided by a majority of the Members present voting by a show of hands.

11.2 In the event of an equality of votes, the Chair ~~shall be~~ entitled to an additional casting vote.

## 12 Minutes of Council meetings

12.1 The Secretary ~~shall~~ keep minutes of each meeting which shall include a record of the Members present at that meeting.

12.2 At each meeting, the minutes of the preceding meeting ~~shall~~ be confirmed (or confirmed as amended) and ~~be~~ signed by the Chair as a true record of that meeting.

12.3 The signed minutes of a meeting ~~shall~~, unless the contrary is proved, ~~be~~ conclusive proof of the proceedings of that meeting.

## 13 Duration

Subject to Standing Order 9.2, a meeting ~~shall~~ start at the time set out in the notice of meeting and ~~shall normally~~ continue until all of the business on the agenda has been disposed of, but the duration of a meeting may only exceed three hours with the consent of the ~~Members present~~.

## 14 Disorder

14.1 If, in ~~the opinion of~~ the Chair's ~~opinion~~, a Member has persistently disregarded the ruling of the Chair or behaved in a manner which is obstructing the business of the meeting, the Chair may order that Member to withdraw from the whole or part of the remainder of the meeting.

14.2 In the event of a disturbance which, in ~~the opinion of~~ the Chair's ~~opinion~~, prevents the orderly conduct of business, the Chair may adjourn the meeting for such period as the Chair considers appropriate.

14.3 If a person other than a Member interrupts the proceedings at any meeting, the Chair may order that person to be removed from the meeting or may order the part of the room which is open to the public to be cleared.

## 15 Members' interests

15.1 Members ~~shall~~ make a declaration of their personal interests in the form required by the Council (which ~~shall~~ be published in the Council's Register of Members' Interests) and ~~shall~~ ensure that their interests as set out in that Register are accurate and up to date.

15.2 The agenda for every meeting ~~shall~~must include as an item of business the declaration of interests. A member who has a personal interest in any matter under consideration at that meeting, whether or not declared in the Register of Members' Interests, ~~shall~~must promptly disclose that interest to the meeting. If the interest is a prejudicial interest, the member ~~shall~~must withdraw from the meeting during the Council's consideration of that matter.

## **16 Code of conduct**

Members ~~shall~~must comply with the Code of Conduct adopted by the Council.

## **17 Members' education, training and performance**

17.1 The Council ~~shall~~must establish standards of education and training for Members and, as part of those standards, ~~shall~~must arrange for Members to undergo training to assist them in their performance of their duties.

17.2 The Council ~~shall~~must establish standards of attendance and performance for members, including a system of annual performance appraisal.

17.3 Members ~~shall~~must comply with the standards established by the Council under this Standing Order and ~~shall~~must not, without reasonable excuse, refuse to participate in the training or appraisal processes.

## **18 Provisional suspension of Members**

18.1 If circumstances arise which may result in a Member being suspended or removed from office by the Privy Council under the Orders, the Council may resolve that the Member ~~shall is to~~ be provisionally suspended from office until ~~such time as~~ the Privy Council has reached a decision on whether to suspend or remove the Member.

18.2 A Member who is provisionally suspended ~~shall is not be~~ entitled to participate in ~~meetings of the Council~~ meetings or to exercise any other functions of a Member.

## **19 Approval of resolutions without meeting**

A resolution which, with ~~the consent of~~ the Chair's consent, is circulated to, and approved in writing or electronic form by ~~not less than~~at least three quarters of the Members entitled to receive notice of and attend a ~~meeting of the Council~~ meeting is ~~shall be~~ as valid as if it had been passed at such a meeting.

## **20 Emergency Action**

20.1 In an emergency, where a decision must be made by the Council before its next meeting, the powers and duties of the Council may be exercised by the Chair (**Emergency Action**).

- 20.2 For this purpose an **emergency** means circumstances in which:
- 20.2.1 the HCPC will be unable to discharge its statutory functions or be exposed to a significant level of risk if urgent action is not taken; or
  - 20.2.2 urgent action must be taken to prevent loss, damage or significant disadvantage to the HCPC.
- 20.3 Before taking any Emergency Action, the Chair must consult the Registrar.
- 20.4 The Registrar ~~shall~~ must make reasonable efforts to inform Members of the proposed Emergency Action or, where it is impracticable to do so, ~~shall~~ must inform ~~Members~~ them as soon as possible after Emergency Action has been taken, but failure to do either ~~shall~~ does not invalidate any Emergency Action.
- 20.5 The Emergency Action functions of the Chair and Registrar may be exercised by ~~such~~ any other persons ~~as~~ that the Chair and Registrar may respectively nominate in writing.

## 21 The Secretary

- 21.1 The Registrar ~~shall~~ is to be the secretary to the Council.
- 21.2 The Registrar, with the Council's consent ~~of the Council~~, may appoint another person to act as secretary to the Council.
- 21.3 In these Standing Orders, references to the **Secretary** mean the Registrar or, ~~where a~~ any person ~~has been appointed in accordance with~~ under Standing Order 21.2, ~~that person~~.

## 22 The Registrar, Secretary and advisers

- 21.1 The Registrar ~~shall be~~ is entitled to attend and speak at Council meetings ~~of the Council~~.
- 21.2 The Secretary or any other person advising on the business before a ~~meeting of the~~ Council meeting (including advising the Chair on issues of order) may attend and, with ~~the consent of~~ the Chair's consent, speak at that meeting.

## 23 Common Seal

- 23.1 The Common Seal of the Council ~~shall~~ must be kept in safe custody by the Registrar or a person appointed by the Registrar.
- 23.2 The Common Seal ~~shall~~ may only be affixed to a document with the consent of the Council or of a Committee to which that power has been delegated and where the seal is affixed to a document, it ~~shall~~ must also be signed by a Council Member and the Registrar, ~~and by a Member of the Council~~.

## 24 Adoption



These Standing Orders were adopted by the Council on ~~17<sup>th</sup> September 2013~~ 20<sup>th</sup> September 2017 and supersede all previous versions. They apply to any Council meeting held on or after ~~1<sup>st</sup> January 2014~~ [date].

## Standing Orders for Committees of the Health and Care Professions Council

### 1 Application and Interpretation

- 1.1 These Standing Orders, ~~together with the Health and Social Work Professions Order 2001 (the Order)~~, establish the basic rules about how HCPC committees conduct their proceedings.
- 1.2 They supplement and must be read together with the Health and Social Work Professions Order 2001 (the Order) and, in the case of the Education and Training Committee, the statutory rules made under paragraph 17(1) of Schedule 1 to the Order (the ETC Rules).
- ~~1.2 In these Standing Orders, **Committee** means any committee (or sub-committee) to which they apply, and other terms used in these Standing Orders have the same meaning as in the Order.~~
- 1.3 If a procedural point arises during a meeting that is not covered by these Standing Orders (or the Order or ETC Rules), the common law rules concerning the conduct of meetings ~~will~~ apply.
- 1.4 The Chair is the final authority on the interpretation of these Standing Orders.
- 1.5 In these Standing Orders, **Committee** means any committee (or sub-committee) to which they apply, and other terms used in these Standing Orders have the same meaning as in the Order.
- 1.56 These Standing Orders do not apply to ~~the fitness to practise~~ proceedings of conducted under Part V of the Order by the HCPC Practice Committees, known collectively as the “Health and Care Professions Tribunal” (the **Tribunal**), as those the proceedings ~~of which~~ are governed by statutory rules made under the Order.

### 2 Composition of committees

- 2.1 The composition of the **Education and Training Committee** is ~~to be~~ determined by the Council in ~~accordance with rules made by it under paragraph 17 of Schedule 1 to the Order~~ the ETC Rules.
- 2.2 The **Tribunal Advisory Committee**, which performs the functions set out in Annex 1, comprises six members, none of whom is a Council member, appointed by the Council (on ~~the~~ terms it determines), of which:
- 2.2.1 three members must be Tribunal Chairs; and
- 2.2.2 three members must not be Tribunal Chairs or Tribunal Panellists.

- 2.3 The **Audit Committee**, which performs the functions set out in Annex 2, comprises four members, appointed by the Council (on ~~the~~ terms it determines), of which:
  - 2.3.1 at least one member must have recent, significant and relevant financial experience;
  - 2.3.2 at least two members must be members of Council; and
  - 2.3.3 at least one member must not be a member of Council.
- 2.4 The **Remuneration Committee**, which performs the functions set out in Annex 3, comprises four members, appointed by the Council (on ~~the~~ terms it determines), of which:
  - 2.4.1 three members must be ~~members of Council~~ members, none of whom is the Chair of the Council or a member of the Audit Committee; and
  - 2.3.3 one member must not be a ~~member of the Council~~ member.
- 2.5 The membership, terms of office and terms of reference of any other Committee are as determined by the Council.

### 3 Frequency of Meetings

- 3.1 Subject to Standing Order 3.2, the Committee is to meet at the times it determines.
- 3.2 As a minimum:
  - 3.2.1 the **Education and Training Committee** must meet four times each year, on dates correlated with the Council's cycle of meetings;
  - 3.2.2 the **Tribunal Advisory Committee** must meet twice each year;
  - 3.2.3 the **Audit Committee** must meet three times in each year, on dates which coincide with key dates within the financial reporting and audit cycle; and
  - 3.2.4 the **Remuneration Committee** must meet twice each year.

### 4 Adjournment of Meeting

- 4.1 The Chair may, with the consent of the ~~Committee~~ meeting, adjourn a meeting, but no business may be transacted at an adjourned meeting other than the business which had not been disposed of when the adjournment took place.
- 4.2 If a meeting is adjourned for more than seven days (but not otherwise), notice of the meeting must be given in accordance with Standing Order 6.

### 5 Access to meetings

- 5.1 All ~~meetings of the~~ Committee meetings must be open to the public unless the business under consideration concerns:

- 5.1.1 information relating to a registrant, former registrant or applicant for registration;
- 5.1.2 information relating to an employee or office holder, former employee office holder or an applicant for any post or office;
- 5.1.3 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;
- 5.1.4 negotiations or consultation concerning labour relations between the Council and its employees;
- 5.1.5 any issue relating to legal proceedings which are being contemplated or instituted by or against the Council;
- 5.1.6 action being taken to prevent or detect crime or to prosecute offenders;
- 5.1.7 the source of information given to the Committee in confidence; or
- 5.1.8 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 Committee's or Council's functions.

## 6 Notice of Meetings

- 6.1 The Secretary must give members ~~not less than~~ at least seven days' notice of the time and place of a meeting.
- 6.2 If for any reason a meeting is convened at shorter notice, then the Secretary must give members notice of the time and place of the meeting at the time that the meeting is convened.
- 6.3 Failure to send notice of a meeting to a member does not invalidate the proceedings of that meeting.

## 7 Agenda

- 7.1 The Secretary must issue an agenda for each meeting.
- 7.2 Except in cases of urgency or where circumstances make it impracticable to do so, the agenda for a meeting and any accompanying papers must be sent to members at least seven days before the meeting.

## 8 Chair

- 8.1 The Chair of the Committee, who is appointed by the Council (on ~~the~~ terms it determines), is to preside at any ~~meeting of the~~ Committee meeting.
- 8.2 If the Chair is absent from, or ~~otherwise~~ unable to preside at, a meeting, the members present must nominate ~~one of their number~~ another member to serve as chair at that meeting.

8.3 In these Standing Orders (other than in Standing Order 8.4), references to the **Chair** include a member presiding at a meeting of the Committee in place of the Chair.

8.4 The Chair must provide a report on the work of the Committee to the Council at least once each year, as the Council may direct.

## 9 Quorum

9.1 The quorum at a meeting of the Committee is:

9.1.1 in the case of the **Education and Training Committee**, as provided for in ~~rules made by the Council under paragraph 17 of Schedule 1 to the Order~~ the ETC Rules;

9.1.2 in the case of the **Tribunal Advisory Committee**, any four members;

9.1.3 in the case of the **Audit Committee**, any three members;

9.1.4 in the case of the **Remuneration Committee**, any three members; and

9.1.5 in any other case, half of the members of the Committee plus one.

9.2 If a quorum is not present within 15 minutes of the time appointed for a meeting to commence, all business which should have been transacted at that meeting is to be held over until the next meeting.

9.3 If, during a meeting of the Committee, a quorum ceases to exist, the meeting must be dissolved and all remaining business adjourned to the next meeting of the Committee.

## 10 Conduct of Meetings

10.1 The order of business at a meeting must follow that set out in the agenda unless it is varied by the Chair with the consent of the meeting.

10.2 A member may only initiate a debate or move a motion on a matter which is not on the agenda with the consent of the meeting.

10.3 All motions must relate to matters that are within or related to the functions of the Committee.

10.4 Members must not ~~make derogatory personal references or~~ use offensive ~~expressions~~ or improper language or make derogatory personal references to any other member or ~~any employee of the Council~~ employee.

10.5 A member must speak to the subject under discussion. The Chair may call attention to any irrelevance, repetition, ~~unbecoming language~~ or other improper conduct on the part of a member and, where the member persists in that conduct, may direct that member to cease speaking.

10.6 A ruling by the Chair on any question of order, whether or not provided for by the Standing Orders, is final and not open to debate.

## 11 Voting

- 11.1 Except where the Order specifies otherwise, any question at a meeting is to be decided by a majority of the members present voting by a show of hands.
- 11.2 In the event of an equality of votes, the Chair is entitled to an additional casting vote.

## 12 Minutes of meetings

- 12.1 The Secretary must keep minutes of each meeting, which must include a record of the members present at that meeting.
- 12.2 At each meeting, the minutes of the preceding meeting must be confirmed (or confirmed as amended) and be signed by the Chair as a true record of that meeting.
- 12.3 The signed minutes of a meeting, unless the contrary is proved, are conclusive proof of the proceedings of that meeting.

## 13 Duration

Subject to Standing Order 9.2, a meeting must start at the time set out in the notice of meeting and may continue until all of the business on the agenda has been disposed of, but the duration of a meeting may only exceed three hours with the consent of the members present.

## 14 Disorder

- 14.1 If, in the ~~opinion of the~~ Chair's opinion, a member has persistently disregarded the ruling of the Chair or behaved in a manner which is obstructing the business of the meeting, the Chair may order that member to withdraw from the whole or part of the remainder of the meeting.
- 14.2 In the event of a disturbance which, in ~~the opinion of the~~ Chair's opinion, prevents the orderly conduct of business, the Chair may adjourn the meeting for a period that the Chair considers appropriate.
- 14.3 If a person other than a member interrupts the proceedings at any meeting, the Chair may order that person to be removed from the meeting or may order the part of the room which is open to the public to be cleared.

## 15 Members' interests

- 15.1 Members must make a declaration of their personal interests in the form required by the Council (which must be published in the Council's Register of Members' Interests) and must ensure that their interests as set out in that Register are accurate and up to date.
- 15.2 The agenda for every meeting must include as an item of business the declaration of interests. A member who has a personal interest in any

matter under consideration at that meeting, whether or not declared in the Register of Members' Interests, must promptly disclose that interest to the meeting. If the interest is a prejudicial interest, the member must withdraw from the meeting during the Committee's consideration of that matter.

## **16 Code of conduct**

Members must comply with the Code of Conduct adopted by the Council.

## **17 Members' education, training and performance**

- 17.1 The Council may establish standards of education and training for members and, as part of those standards, arrange for members to undergo training to assist them in their performance of their duties.
- 17.2 The Council may establish standards of attendance and performance for members, including a system of annual performance appraisal.
- 17.3 Members must comply with any applicable standards established by the Council under this Standing Order and must not, without reasonable excuse, refuse to participate in any training or appraisal processes.

## **18 Approval of resolutions without meeting**

A resolution which, with the ~~consent of the~~ Chair's consent, is circulated to, and approved in writing or electronic form by ~~not less than~~ at least three quarters of the members entitled to receive notice of and attend a ~~meeting of the~~ Committee meeting shall be as valid as if it had been passed at such a meeting.

## **19 The Secretary**

The Secretary to the Council, or any other person that the Secretary to the Council may appoint, is to be the Secretary to the Committee (the **Secretary**).

## **20 Adoption**

These Standing Orders were adopted by the Council on ~~24<sup>th</sup> May 20th~~ September 2017 and supersede all previous versions. They apply to any Committee meeting held after that date.

## Annex 1

### Tribunal Advisory Committee: Terms of Reference

The ***Tribunal Advisory Committee*** is to:

1. advise the Council on the qualities, abilities and competences required of:
  - 1.1 Panel Members of the Tribunal (**Tribunal Panellists**)
  - 1.2 Panel Chairs of the Tribunal (**Tribunal Chairs**); and
  - 1.3 Legal Assessors;
2. advise the Council on arrangements for the merit-based selection, by fair and open competition, of:
  - 2.1 Tribunal Panellists;
  - 2.2 Tribunal Chairs; and
  - 2.3 Legal Assessors;
3. advise the Council on arrangements for the training and assessment of:
  - 3.1 Tribunal Panellists;
  - 3.2 Tribunal Chairs; and
  - 3.3 Legal Assessors;
4. subject to any policy established by the Council, provide guidance to the Tribunal on matters of practice and procedure, in order to assist the Tribunal to conduct proceedings fairly, proportionately, efficiently and effectively.



## Annex 2

### Audit Committee: Terms of Reference

The **Audit Committee** is to:

1. advise the Council and the Registrar (as Accounting Officer) on the appointment of internal and external auditors;
2. approve internal and external audit programmes and fees;
3. review the external auditors' management letters and any other relevant reports and report on these to the Council as appropriate;
4. receive reports on the internal audit work plan and consider appropriate action arising from them;
5. review the Council's annual report and accounts and make recommendations to the Council and the Registrar (as Accounting Officer) as appropriate;
6. consider whether risk management processes are adequate for all risks to which the Council is exposed and approve or, where the Committee considers that significant policy issues are involved, recommend that the Council approve measures to eliminate or mitigate against them;
7. at the ~~request of the~~ Council's request, advise it on matters of corporate governance (but without limiting the Committee's power to make recommendations to the Council on corporate governance issues arising from the work of the auditors);
8. consider and make recommendations to the Council and the Registrar (as Accounting Officer) as appropriate on the Council's:
  - 8.1 accounting policies;
  - 8.2 anti-fraud policies; and
  - 8.3 'whistle-blowing' processes.

## Annex 3

### Remuneration Committee: Terms of Reference

The **Remuneration Committee** is to:

1. Approve the remuneration of the Chief Executive, the Executive Management Team (EMT) and HCPC salary bands annually, in line with the remuneration policy set by the Council.
2. Review the Remuneration policy and principles annually and make recommendations to Council as appropriate.
3. Review reports from the Chair of Council regarding the setting of objectives for, and performance appraisal of the Chief Executive.
4. Review reports from the Chief Executive regarding the setting of objectives for and performance appraisal of the EMT.
5. Approve the terms of any special severance arrangements applying in the event of any required and unplanned early termination of employment of the Chief Executive or any member of the EMT, having regard to relevant guidance and codes of practice and contracts of employment
6. Review, as necessary, any significant changes to policies impacting on remuneration, the employee pay and grading structure, or the pension scheme.
7. Approve the expenses policies for Council members, employees, partners, and Tribunal witnesses ~~and employees~~.
8. Recommend to the Council any changes to the remuneration of the Chair, Council members and Partners.
9. The Chair of the Committee will present a report to the Council on its activities annually

## Scheme of Delegation

### 1 Introduction

- 1.1 ~~This scheme of delegation (the **Scheme**) is intended to facilitate the efficient and effective functioning of the~~ The Health and Care Professions Council (the **Council**) is responsible for setting the organisation's-
- ~~1.2 The Scheme is designed to ensure that, so far as possible, the Council and its Committees set policy and strategy and the Executive is responsible for implements the operational implementation of that policy and strategy and is responsible for all operational matters.~~
- 1.2 This scheme of delegation (the **Scheme**) is intended to facilitate the efficient and effective discharge of the Council's functions in a manner which reflects that division of responsibilities.
- 1.3 The Scheme sets out the decisions which the Council has:
- 1.3.1 reserved to itself;
  - 1.3.2 delegated to its Education and Training Committee;
  - 1.3.3 delegated to the Chief Executive and Registrar (the **Chief Executive**), some of which may also be exercised by nominated ~~officers of the~~ Executive officers or by persons nominated by the Chief Executive;
  - 1.3.4 delegated to other nominated officers of the Executive.
- ~~1.4 The Executive, under the direction of the Chief Executive, remains responsible for day to day administration of the HCPC's affairs and nothing in the Scheme applies to any decision which is administrative in nature.~~
- 1.54 The Scheme does not ~~affect~~ affect:
- 1.4.1 decisions of an administrative nature, which form part of the Executive's responsibilities for the day to day administration of the HCPC's affairs under the direction of the Chief Executive;  
or
  - 1.4.2 any these statutory functions ~~which are~~ conferred upon the Registrar by or under the Order, the discharge or delegation of which ~~are~~ is a matter for the Chief Executive (as Registrar).

### 2 Withdrawal of delegated power

- 2.1 The Scheme remains in force ~~unless and~~ until it is amended or revoked by the Council.
- 2.2 The ~~requirement to amend or revoke the~~ Scheme does not apply to any matter ~~where in respect of which~~ the Council ~~is of the opinion that delegated authority should not be exercised. In that event, the Council may has~~ resolved that delegated authority is not to be exercised ~~in relation to that matter.~~

### **3 Exercise of delegated power**

- 3.1 ~~Where Any~~ power ~~is~~ delegated under the Scheme, ~~it~~ must be exercised in a manner which is consistent with the Council's obligations under ~~the general law and~~ the Health and Social Work Professions Order 2001 (the **Order**) and the general law.
- 3.2 In particular, the decision maker must have regard to Article 3(4) of the Order, which provides that the main over-arching objective of the Council in exercising its functions is ~~to safeguard the health and well-being of persons using or needing the services of registrants~~ the protection of the public.
- 3.3 The decision maker must also recognise that lawful exercise of a statutory power requires not only formal compliance with the conditions laid down for its performance, but also compliance with the principle that all statutory powers must be exercised in good faith and for their proper purpose.
- 3.4 Delegation does not impliedly authorise sub-delegation. Consequently, a Committee or person to whom the Council has delegated any power may not permit another Committee or person to exercise that power unless the Council has expressly authorised them to do so.

### **4 Matters reserved to the Council**

- 4.1 The Council retains ultimate responsibility for all policy matters including agreeing the overall strategy for the performance of its functions.
- 4.2 The power to make Rules is specifically reserved to the Council by Article 3(12) of the Order and cannot be delegated.
- 4.3 The Council retains responsibility for the following decisions which, to the extent that it is lawful to do so, may only be delegated by means of a specific resolution of the Council:
  - 4.3.1 establishing the Standards of Proficiency, Standards of Conduct, Performance and Ethics, Standards of Education and Training and Standards of Continuing Professional Development;
  - 4.3.2 prescribing good conduct and good character requirements for safe and effective practice;
  - 4.3.3 establishing criteria for the purposes of Article 13 (grandparenting criteria), Article 15 (approvals criteria) and

Article 15B (criteria for approved mental health professionals courses) of the Order;

- 4.3.4 making recommendations to the Secretary of State and the Scottish Ministers concerning the regulation of any profession or social care workers in England and giving guidance on the criteria that it will take into account in so doing;
  - 4.3.5 making any proposal to the Privy Council concerning the structure of the register;
  - 4.3.6 approving any report, plans or accounts to be submitted to the Privy Council, the Secretary of State or the Scottish Ministers;
  - 4.3.7 setting the fees to be charged for or associated with registration (including renewal, readmission, restoration and scrutiny fees);
  - 4.3.8 establishing any committee or sub-committee and making the Standing Orders for any committee or sub-committee;
  - 4.3.9 appointing members to any committee or sub-committee;
  - 4.3.10 appointing or removing the Chief Executive;
  - 4.3.11 appointing members to represent the Council on outside bodies;
  - 4.3.12 entering into any arrangements with a body created or designated by the National Assembly for Wales under Article 20 of the Order;
  - 4.3.13 acquiring or disposing of any freehold or leasehold interest in land and property or other interest in land;
  - 4.3.14 re-structuring the Council's staff where the changes involve 20 or more employees.
- 4.4 The Council is also responsible for making decisions in relation to any matter for which it has granted delegated authority but where:
- 4.4.1 ~~in which a~~the person who would otherwise have delegated authority to act has an actual or potential interest; or
  - 4.4.2 ~~which,~~ in the opinion of the Chief Executive, it would for any reason be more appropriately ~~dealt with by~~ for the Council to make the decision.

## **5 Matters delegated to the Education and Training Committee**

Approving, for the purpose of Article 12 of the Order, qualifications awarded in the United Kingdom which attest to the Standards of Proficiency required for admission.

## **6 Matters delegated to the Chief Executive**

- 6.1 Maintaining the register and establishing arrangements for its publication and inspection.

- 6.2 Issuing certificates of good standing to registrants who wish to practise in another relevant European State.
- 6.3 Referring any allegation received by the Council under Part V of the Order to a Practice Committee or to Screeners. This power may also be exercised by the Director of Fitness to Practise.
- 6.4 Exercising the power under Article 22(6) of the Order to refer a matter for investigation as if it was the subject of an allegation.
- 6.5 Subject to any appointments procedure established by the Council, appointing:
  - 6.5.1 Visitors under Article 16 of the Order;
  - 6.5.2 Members and Panel Chairs of the Practice Committees (collectively, the Health and Care Profession Tribunal (the **Tribunal**)) under rules 3 and 4 of the Health and Care Professions Council (Practice Committees and Miscellaneous Amendments) Rules 2009; and
  - 6.5.3 Legal Assessors, Registrant Assessors, and Medical Assessors under Articles 34 to 36 of the Order.

This power may also be exercised by the Director of Human Resources.

- 6.6 Prosecuting offences under Articles 39 and 39A of the Order (but subject to any prosecution policy established by the Council). This power may also be exercised by the Director of Fitness to Practise.
- 6.7 Conducting and defending all proceedings brought by or against the Council in any court, tribunal or arbitration, other than proceedings relating to fitness to practise cases or proceedings under section 29 of the NHS Reform and Health Care Professions Act 2002.
- 6.8 Entering into arrangements for the provision of administrative, technical or advisory services under Article 44A of the Order.
- 6.9 Advising the Privy Council that a person has ceased to be a member of the Council. This power may also be exercised by the Secretary to the Council.
- 6.10 Maintaining and publishing the Register of Members' Interests. This power may also be exercised by the Secretary to the Council.

## **7 Matters delegated to the Chief Executive and any officer nominated by the Chief Executive**

- 7.1 Determining applications for registration (but subject to any policies or procedures established by the Council or the Education and Training Committee).
- 7.2 Determining and administering the Council's employment procedures and processes.
- 7.3 Arranging any insurance on behalf of the Council where either the value of the premium payable does not exceed £50,000 or the renewal

premium payable does not exceed the previous premium by more than 10%.

- 7.4 Tendering, awarding and varying contracts where the estimated total value does not exceed £100,000. The Chief Executive, with the approval of the Chair of the Council, may enter into contracts which exceed that limit (except in any case where the Council has resolved otherwise).
- 7.5 Approving the terms of any other agreement or transaction of a minor or urgent nature which, in the opinion of the Chief Executive, is in the best interests of the Council.
- 7.6 Managing any property owned by the Council or in which the Council has an interest including the submission of planning and building consent applications.
- 7.7 Appointing-Inviting (but not selecting):
  - 7.7.1 the members of any Panel which is to determine a registration appeal; and
  - 7.7.2 the Legal Assessor who is to be present at a registration appeal hearing.
- 7.8 Publishing the particulars of decisions (and the reasons for them) made by the Council's Registration Appeals Panel.
- 7.9 Conducting and defending all proceedings brought by or against the Council in relation to registration appeals.
- 7.10 Appointing authorised persons for the purpose of Articles 37(7) of the Order.

## **8 Matters delegated to the Director of Fitness to Practise**

- 8.1 Conducting and defending all proceedings brought by or against the Council in relation to fitness to practise cases and proceedings under section 29 of the NHS Reform and Health Care Professions Act 2002.
- 8.2 Appointing authorised persons for the purpose of Article 25(1) of the Order.
- 8.3 Requiring a person to comply with Article 25(2) of Order (certain information to be provided by a registrant who is the subject of an allegation). This power may be exercised by any person nominated by the Director of Fitness to Practise.
- 8.4 Seeking an extension by a court, under Article 31(8) of the Order, of an interim order made by a Practice Committee.

## **9 Matters delegated to the Head of Tribunal Services**

- 9.1 Appointing-Inviting (but not selecting) the Legal Assessor who is to be present at a Tribunal hearing.
- 9.2 Publishing the particulars of orders and decisions made by the Tribunal (and the reasons for them).

*(The Head of Tribunal Services is also authorised by the Registrar under rules 3(2) and 4(3) of the Health and Care Professions Council (Practice Committees and Miscellaneous Amendments) Rules 2009, to invite Panel Members and Panel Chairs of the Tribunal to participate in fitness to practise proceedings.)*

## **10 Matters delegated to the Director of Education**

- 10.1 ~~Appointing-Inviting~~ (but not selecting) the Visitors who are to conduct a visit or perform other functions under Part IV of the Order.
- 10.2 Publishing Visitors' reports and any responses to such reports (where the respondent has asked for it to be published).
- 10.3 Maintaining and publishing the Council's list of approved courses of education and training, qualifications and institutions.

## **11 Matters delegated to the Director of Finance**

- 11.1 In conjunction with the Chief Executive, who is the Council's Accounting Officer:
  - 11.1.1 keeping the accounts and preparing the annual accounts of the Council in accordance with Article 46 of the Order;
  - 11.1.2 administering the Council's finances including, but not limited to, the day to day control and regulation of those finances.

~~7th July 2016~~ 20th September 2017



## Education and Training Committee Scheme Of Delegation

### 1 Introduction

- 1.1 The Education and Training Committee (the **Committee**) is responsible for discharging the statutory functions conferred upon it by the Health and Social Work Professions Order 2001 (the **Order**) and the Executive is responsible for the operational implementation of the Committee's decisions.
- 1.2 This scheme of delegation (the **Scheme**) is intended to facilitate the efficient and effective functioning discharge of the Education and Training Committee's functions in a manner which reflects that division of responsibilities. ~~(the **Committee**).~~
- ~~1.2 The Scheme is designed to ensure that, so far as possible, the Committee sets policy and strategy and the Executive implements that policy and strategy and is responsible for all operational matters.~~
- 1.3 The Scheme sets out the decisions which the Committee:
- 1.3.1 ~~those decisions which the Committee~~ has reserved or must reserve to itself;
  - 1.3.2 ~~those decisions which it~~ has delegated to the Chief Executive and Registrar (the **Chief Executive**) or persons nominated by the Chief Executive;
  - 1.3.3 ~~those decisions which it~~ has delegated to nominated Directors and persons nominated by them.
- 1.4 The Scheme does not affect:
- 1.4.1 decisions of an administrative nature, which form part of the Executive's responsibilities for the day to day administration of the HCPC's affairs under the direction of the Chief Executive; or
  - 1.4.2 any statutory function conferred upon the Registrar by or under the Order, the discharge or delegation of which is a matter for the Chief Executive (as Registrar).

~~The Executive, under the direction of the Chief Executive, remains responsible for day to day administration of the HCPC's affairs and nothing in the Scheme applies to any decision which is administrative in nature.~~

### 2 Withdrawal of delegated power

- 2.1 The Scheme remains in force ~~unless and~~ until it is amended or revoked by the Committee.

- 2.2 The ~~requirement to amend or revoke the~~ Scheme does not apply to any matter ~~in respect of which~~ where the Committee ~~is of the opinion~~ has resolved that delegated authority ~~should is~~ not to be exercised. ~~In that event, the Committee may resolve that delegated authority shall not be exercised in relation to that matter.~~

### 3 Exercise of delegated power

- 3.1 ~~Where Any~~ power ~~is~~ delegated under the Scheme, ~~it~~ must be exercised in a manner which is consistent with the requirements of the ~~Health and Social Work Professions Order 2001 (the 2001 Order)~~, and any rules made under it, any policies or procedures established by the Committee and the Committee's obligations under the general law.
- 3.2 In particular, the decision maker must have regard to Article 3(4) of ~~that~~ the Order, which provides that the ~~over-arching main~~ objective of the HCPC in exercising its functions is the protection of the public. ~~to safeguard the health and well-being of persons using or needing the services of registrants.~~
- 3.3 The decision maker must also recognise that lawful exercise of a statutory power requires not only formal compliance with the conditions laid down for its performance but also compliance with the principle that all statutory powers must be exercised in good faith and for their proper purpose.
- 3.4 Delegation does not impliedly authorise sub-delegation. Consequently, a person to whom the Committee has delegated any power may not permit another person to exercise that power unless the Committee has expressly authorised them to do so.

### 4 Matters reserved to the Committee

- 4.1 The Committee retains ultimate responsibility for all policy matters, including agreeing the overall strategy for the performance of its functions.
- 4.2 The Committee retains responsibility for the following decisions which, to the extent that it is lawful to do so, may only be delegated by means of a specific resolution of the Committee:
- 4.2.1 responding to any consultation by the Council under Article 7 of the ~~2001~~ Order on the making of rules or the determining or varying of fees;
  - 4.2.2 approving, for the purpose of Article 12(1) of the ~~2001~~ Order, qualifications awarded in the United Kingdom which attest to the standard of proficiency required for admission. (This is a function which has been delegated to the Committee by the Council without authority to sub-delegate);
  - 4.2.3 establishing procedures under Article 12(2) of the ~~2001~~ Order for the assessment of qualifications obtained, and training and experience acquired, outside of the United Kingdom;
  - 4.2.4 giving advice to the Council under Article 14 of the ~~2001~~ Order in relation to the establishment of Standards of Proficiency,

Standards of Education and Training and Standards of Continuing Professional Development;

- 4.2.5 responding to any consultation by the Council under Article 15 of the ~~2001~~ Order on the establishment of Standards of Education and Training and requirements for admission to and participation in education and training;
  - 4.2.6 approving courses of education and training, qualifications, institutions and tests of competence under Article 15(5) of the ~~2001~~ Order;
  - 4.2.7 ensuring that universities and other relevant bodies in the United Kingdom are notified of the Standards of Education and Training and the Council's requirements for admission to and participation in such education and training and taking appropriate steps to satisfy the Committee that these standards and requirements are being met;
  - 4.2.8 approving education and training provided outside of the United Kingdom under Article 15(6) of the ~~2001~~ Order;
  - 4.2.9 receiving any report submitted to the Committee by a Visitor under Article 16(7) of the ~~2001~~ Order;
  - 4.2.10 imposing reporting requirements on Visitors under Article 16(7)(b) of the ~~2001~~ Order;
  - 4.2.11 withdrawing or refusing approval of an institution for failure to provide information and assistance under Article 17(3) of the ~~2001~~ Order;
  - 4.2.12 withdrawing or refusing approval of a course of education and training, qualification or institution under Article 18 of the ~~2001~~ Order;
  - 4.2.13 responding to any consultation by the Council under Article 21(3) of the ~~2001~~ Order on the giving of guidance in relation to the Standards of Conduct, Performance and Ethics or the standards of education and training, supervision and performance of persons who provide services in connection with those provided by registrants.
- 4.3. The Committee is also responsible for making decisions in relation to any matter for which it has granted delegated authority but where:
- 4.3.1 ~~in which a~~the person who would otherwise have delegated authority to act has an actual or potential interest; or
  - 4.3.2 ~~which,~~ in the opinion of the Chief Executive, it would for any reason be more appropriately dealt with byfor the Committee to make the decision.

## **5 Matters delegated to the Chief Executive and any officer nominated by the Chief Executive**

- 5.1. determining applications for admission to the register, including determining whether the applicant holds an approved qualification, ~~and~~ and meets the health and character requirements for safe and effective practice;
- 5.2. determining applications for renewal of registration and readmission to the register, including determining whether the applicant needs to meet or has met any additional requirements required by Article 10 of the ~~2001~~ Order;
- 5.3. determining applications for admission to the register made under Article 13 of the ~~2001~~ Order;
- 5.4. requiring a person to submit further evidence, documents or information in respect of any application for admission or readmission to the register or renewal of registration;
- 5.5. requiring a person to submit evidence of the continuing professional development (CPD) activity they have undertaken in compliance with standards made under Article 19(1) of the ~~2001~~ Order;
- 5.6. removing a person from the register under Article 19(3) of the ~~2001~~ Order for failing to comply with CPD standards.

**6. Matters delegated to the Director of Education and any officer nominated by the Director of Education**

- 6.1. ~~Appointing~~ Inviting (but not selecting) the Visitors who are to visit any place or institution for any purpose ~~of~~ under Part IV of the ~~2001~~ Order;
- 6.2. Sending a copy of any report received by the Committee from a Visitor under Article 16(7) of the ~~2001~~ Order to the institution concerned and notifying that institution of its right to make observations in accordance with Article 16(9) of the ~~2001~~ Order;
- 6.3. Requiring a relevant institution to provide information and assistance under Article 17(3) of the ~~2001~~ Order (information and assistance reasonably required in connection with the discharge of the Committee's functions);
- 6.4. Giving notice to the institution concerned and notifying that institution of its right to make observations in relation to any proposal by the Committee to refuse or withdraw approval in accordance with Article 18 of the ~~2001~~ Order.

~~3 March 2016~~ 20th September 2017

# The Health and Care Professions Council (Education and Training Committee) (Constitution) Rules ~~2013~~2018

Made ~~17~~20th September ~~2013~~2017.

Coming into force 1st January ~~2014~~2018.

These Rules are made by the Health and Care Professions Council in exercise of the powers conferred upon it by paragraph 17(1) of Schedule 1 to the Health and Social Work Professions Order 2001.

## Citation and commencement

**1.** ~~(1)~~ These Rules may be cited as the Health and Care Professions Council (Education and Training Committee) (Constitution) Rules ~~2013~~2018.

~~(2)~~ These Rules ~~and~~ come into force on 1st January ~~2014~~2018.

## Interpretation

**2.** In these Rules—

“the Committee” means the Education and Training Committee;

“the Chair” ~~means the Chair of the Committee appointed under~~ has the meaning given in rule 5(1) and includes a person nominated under rule 5(4) or 6(2) to ~~act~~ serve as Chair at a meeting;

“the Constitution Order” means the Health and Care Professions Council (Constitution) Order 2009;

“member”, ~~except in the phrase “Council member” unless the context otherwise requires,~~ means a member of the Committee and includes the Chair;

“the Order” means the Health and Social Work Professions Order 2001.

## Revocation

**3.** The Health ~~and Care~~ Professions Council (Education and Training Committee) (Constitution) Rules ~~2012~~2013 are revoked.

## The Committee

**4.** (1) The Education and Training Committee comprises six members, ~~appointed from among the members of the Council,~~ of whom—

(a) ~~three~~four must be Council members; ~~registrant members; and~~

(b) ~~three~~one must be ~~lay members~~ a person who has experience in relation to the provision or assessment of professional education and training which the Council considers will assist the Committee in performing its functions; and

(c) one must be a registrant who, on appointment, has been admitted to the register for less than five years.

(2) The Committee must include at least—

(a) one lay member; and

(b) one registrant member (in addition to any member appointed under paragraph (1)(c)).

(3) The Council must determine the ~~duration of the~~ term of office of each member on ~~their~~ appointment.

(4) Subject to paragraphs (5) and (6), a member may be appointed for a term of not more than four years and is eligible for re-appointment, but no person may be a member for more than an aggregate of 8 years during any period of 20 years.

(5) A Council member may not be appointed as a member of the Committee for a term which ~~may not exceed~~s that person's term of office as a Council member ~~of the Council~~.

(6) A member may only be appointed under paragraph (1)(c) for one term of not more than three years and is not eligible for re-appointment under that paragraph.

~~(2)~~(7) A person ceases to be a member of the Committee—

(a) if the member resigns, which the member may do at any time by notice in writing to the Council;

(b) in the case of a member who is a Council member—

(i) on ceasing for any reason to be a Council member ~~of the Council~~; or

(ii) if the member's ~~membership of the Council~~ membership is suspended by the Privy Council under Article 7 of the Constitution Order; ~~or~~

(c) in the case of any other member, if the member becomes a person who, in the opinion of the Council, would be liable to removal or suspension from the Council under Article 6 or 7 of the Constitution Order if that person was a Council member; or

(d) if the Council, by majority vote, terminates the person's appointment as a member of the Committee.

### **Committee Chair**

5.(1) The Council must appoint a member ~~of the Committee~~ as the chair of the Committee (“the Chair”).

(2) The Council must determine ~~the duration of~~ the term of office of the Chair on appointment, which may not exceed that person's term of office as a member of the Committee.

(3) A person serving as Chair ceases to do so—

(a) if the member resigns as Chair, which the member may do at any time by notice in writing to the Council;

(b) on ceasing for any reason to be a member of the Committee or (where applicable) the a Council member;

(c) if the Council, by majority vote, terminates the person's appointment as Chair.

(4) If, for any reason, the Chair is absent from or unable to act as Chair at a meeting ~~of the Committee~~ or the office of Chair is vacant, the members who are present at a meeting of the Committee must nominate one of their number to serve as Chair at that meeting.

### **Quorum**

6.(1) Subject to paragraph (2), the quorum of the Committee is half of the total number of members of the Committee, plus one.

(2) At a panel meeting of the Committee the quorum is any three members ~~of the Committee~~ (who must nominate one of their number to act as Chair at that meeting).

(3) A “panel meeting” means a meeting of the Committee which has been convened only ~~for the purpose of conducting~~ to conduct one or more of the following items of business (and at which no other business is conducted)—

(a) considering Visitors' reports which are submitted to the Committee in accordance with Article 16(7) of the Order and any observations upon those reports received by the Committee under Article 16(9) of that Order and, if thought fit, approving the course of education or training, qualification or institution to which a report and observations (if any) relate;

- (b) considering and, if thought fit, approving any proposed change to ~~any relevant course, qualification or institution which is approved by the Committee under Part IV of the Order~~ an approved programme;
- (c) considering and, if thought fit, approving any matter arising from the monitoring of ~~such courses, qualifications or institutions~~ an approved programme; or
- (d) considering and, if thought fit, withdrawing approval from ~~any such course, qualification or institution~~ an approved programme which the Committee is satisfied no longer admits or recruits students.

(4) In paragraph (3) an “approved programme” means a course, qualification or institution which is approved by the Committee under Part IV of the Order.

Sealed with the common seal of the Health and Care Professions Council on ~~17~~20th September ~~2013~~2017.



*Elaine Buckley*  
Chair

*Marc Seale*  
Registrar

#### Explanatory Note

These Rules prescribe the composition of the Health and Care Professions Council’s Education and Training Committee, provide for the chairing of that Committee and specify its quorum for transacting business.

The Rules revoke and replace the Health and Care Professions Council (Education and Training Committee) (Constitution) Rules 2013, the previous rules relating to the composition, etc. of the Committee.

## CODE OF CONDUCT

### 1 Introduction

Council members must comply with this Code of Conduct (the Code) particularly applies to Council members whenever they take part in Council business or represent the Council, whenever they act in their capacity as a member of the Council.

The Code will also apply to Council members whose conduct, when acting for another organisation or in a private capacity, may undermine their role as a Council member or public confidence in the Council,

~~Council members should also be mindful that due to the high-profile nature of their role, even when they consider themselves to be acting in a private capacity or for another organisation, they may still be viewed as a representative of, or an ambassador for, the HCPC.~~

~~A Council member whose actions in another capacity may undermine their role as a member or public confidence in the Council, may have those actions judged against this Code and action taken accordingly.~~

### 2 General guidelines obligations

Council members must take personal responsibility for ensuring that they keep to the Code.

Council members ~~should at all times~~ must:

- act in good faith;
- act in accordance with the Council's HCPC's over-arching objective in exercising its functions, of protecting the public;
- ~~• act in accordance with the seven principles of public life as set out by the Committee on Standards in Public Life (see Appendix A);~~
- ~~• take personal responsibility for ensuring that they keep to the Code of Conduct; and~~
- treat others equally, fairly, and with dignity and respect; and
- act in accordance with the principles of public life (set out more fully in Appendix A):
  - selflessness;
  - integrity
  - objectivity



- o accountability
- o openness
- o honesty; and
- o leadership.

Council members ~~should~~must not:

- ~~• act in a way that might bring the Health and Care Professions Council into disrepute; or~~
- use their position for personal gain or to promote their private interests;
- discriminate or treat anyone less favourably on grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex or sexual orientation; or
- act in a way that may undermine public confidence in the HCPC or bring it into disrepute.

### 3 Confidentiality

~~As the Council conducts much of its business in public, M~~most information to which Council members have access ~~as part of their role~~ will be in the public domain. However, some information must be kept confidential. ~~will be times when they may have access to information that is confidential. This may include papers from private sections of Council or committee meetings or information relating to HCPC employees.~~

Council members ~~should~~must not disclose ~~any~~ confidential information which they have ~~been given/received because of their role as a Council member in that capacity~~, other than for a proper purpose or ~~if they are~~where required to do so by law.

Council members ~~should~~must take appropriate steps to ensure that confidential ~~papers/information are is~~ stored securely. ~~Members and~~ should contact the Chief Executive if the status of any information is unclear. ~~If a~~A Council member who becomes aware of a breach ~~in of~~ confidentiality, ~~they~~ must immediately notify the Chief Executive or the Chair.

### 4 Attending meetings

Council members ~~should~~must endeavour to attend all Council meetings and all meetings of the Council, and of any committee of which they are a member unless they are unable, with good reason, to do so and contribute in accordance with their role (~~as set out in~~see Appendix B).

Council members who are unable, with good reason, to attend a meeting must inform the ~~There may be circumstances in which Council members are unable to attend a meeting, in which case they should send their apologies as~~

~~soon as possible to the~~ Secretary of the Council or Secretary of the relevant committee as soon as possible ahead of the meeting.

Where a Council ~~member's absence from meetings~~ member is unable to fulfil their role over a prolonged period may affect the Council's ability to perform its statutory functions, that member will be asked to work with the Chair of Council to consider any action needed, ~~they will be asked to discuss their~~ to address the position ~~on the Council with the Chair.~~

Council members' attendance records will form part of ~~the Council members'~~ their annual performance review and particular consideration will be given to ~~meetings where a Council member has not attended and has not given notice of their absences~~ without notice.

Article 6(1)(g) of the Health and Care Profession Council (Constitution) Order 2009 provides that the Privy Council may remove a Council member whose level of attendance at meetings falls below a minimum level of attendance acceptable to the Privy Council.

## **5 Use of HCPC resources**

The HCPC may only provide resources to Council members in order to assist them in the discharge of their duties. Council members must not use HCPC resources for any other purpose or place HCPC employees in the embarrassing situation of having to refuse to provide them with resources.

## **6 HCPC employees**

In dealing with HCPC employees, Council members must recognise that their actions may be treated in law as those of the HCPC as employer.

Council members must not give direct instructions to employees, who are subject to the HCPC's established employment procedures and act on the instructions of their line managers, Directors and the Chief Executive.

Members are entitled to question the manner in which the HCPC operates or the advice or opinions provided by employees, but must not raise matters relating to the conduct or capability of employees at meetings held in public, nor seek to undermine employees by means of rudeness or ridicule. In particular, Members must recognise that employees are constrained in the response they may make to such public comment.

If a Member has any concerns about the conduct or capability of an employee, they should be discussed with the appropriate Director. Concerns about a Director should be discussed with the Chief Executive and concerns about the Chief Executive should be referred to the Chair of the Council.

## **57 Council members' annual performance review**

All Council members must participate in the annual performance review process, system, and follow the agreed procedure.

## **68 Breach of the Code**

Any minor breach of this Code ~~should, where possible, will~~ be dealt with ~~in the first instance~~ informally in the first instance; for example, by the Chair ~~of a committee~~ or another ~~Council~~ member drawing the breach to the Council member's attention during ~~a the~~ meeting at which it occurs ~~or similar~~.

~~If a~~ Council member ~~is concerned~~ who considers that another Council member may be in breach of this Code, ~~they should~~ may also raise ~~their concerns~~ the matter with the Chair.

~~However, w~~Where there is evidence of a deliberate, serious or continued breach of this Code or a formal complaint is received about the conduct of a Council member, ~~this the matter~~ will be referred to the Chair, who will act in accordance with the complaints procedure set out in Appendix C ~~and, if appropriate, will convene a special meeting of the Council~~.

## **79 Suspension or removal from office of a Council Member**

A Council member may be suspended or removed from office in accordance with the provisions of the Health and Care Professions Council (Constitution) Order 2009.

~~17<sup>th</sup>~~ 20<sup>th</sup> September ~~2013~~ 2017

## Appendix A

### The Seven Principles of Public Life\*

**Selflessness**

Holders of public office should act solely in terms of the public interest.

**Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

**Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias..

**Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

**Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

**Honesty**

Holders of public office should be truthful.

**Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

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\* as set out by the Committee on Standards in Public Life ([www.public-standards.gov.uk](http://www.public-standards.gov.uk))

## Appendix B

### The role of Council Members and Chairs

#### Council Member

The role of a Council Member is to:

- contribute their knowledge and expertise to Council meetings, to aid effective decision-making;
- support the Council's objectives;
- ensure that they have a good working knowledge of HCPC's functions, processes and other information that may help their role;
- act in accordance with the Code; and
- act as an ambassador for the HCPC, representing the Council to stakeholders.

#### Council Chair

In addition to the role of Council member, the Chair will also:

- provide strong non-executive leadership, and encourage open and pro-active accountability to the public and the professions;
- act as an ambassador for the Council, inspiring confidence in the organisation and representing the interests of statutory regulation to outside bodies;
- develop and maintain constructive collaboration, networking and consultation with key stakeholders, and others when required;
- uphold public interest in all that the HCPC undertakes;
- chair meetings of Council;
- approve draft agendas and approve draft minutes for the committee;
- monitor and develop Council members' performance, providing support as necessary;
- manage the Council's Chief Executive so as to secure effective oversight of the development and achievement of the Council's strategic, policy and operational objectives and compliance with its statutory responsibilities.
- set the Chief Executive's objectives and monitor the Chief Executive's performance against those objectives;
- to nominate a suitable person or persons to carry out the duties of the Chair if the Chair is absent or unavailable.

## Committee Chairs

The role of the Chair is to:

- approve draft agendas and approve draft minutes for the committee;
- consult the Committee Secretary for advice as needed;
- manage the efficient and effective running of meetings by grasping the detail of a wide range of business, and contribute to objective decision making by exercising sound judgement;
- facilitate open discussion, and good decision-making;
- give an overview of the business of the Committee and present any relevant papers to Council;
- Report annually to Council on the Committee's activities over the last year;
- ensure that the meeting is conducted in accordance with the standing orders, and that all members keep to the Code of Conduct; and
- act as spokesperson for the committee if required.

## Appendix C

### Complaints against Council Members

#### Introduction

1. This procedure deals with the investigation of complaints made against Council members which arise in that capacity, including complaints made against Council members by HCPC staff.
2. Complaints against members by HCPC staff should be made to the Chief Executive. All other complaints against members should be made to the Secretary of the Council.
3. All complaints must be made in writing and ~~will be~~ referred to the Chair. If, in the opinion of the Chair, more detail is needed in order for the complaint to be considered, the Chair ~~will~~ may ask the complainant to provide further details.
4. The Chair ~~will~~ must determine conclusively whether a complaint is within the scope of this procedure. If the Chair determines that a complaint is not within its scope or is trivial or vexatious, the Chair ~~will~~ must inform the complainant of that decision in writing, and the reasons for it, and no further action will be taken in respect of that complaint. If it appears to the Chair that the complaint is one which should be dealt with by the Privy Council then the Chair ~~will~~ must refer the matter to the Privy Council.
5. Where the Chair is unable to act or is the subject of a complaint, any reference in this procedure to the Chair ~~shall is to~~ be ~~taken to be read as~~ a reference to the Chair of the Education and Training Committee.

#### Conciliation

6. If the Chair determines that a complaint is within the scope of this procedure, the Chair may suggest that the complainant and the member seek to resolve the matter by conciliation and, if they agree, the Chair, with the consent of the parties, ~~will~~ may appoint a conciliator.
7. If the complaint is resolved by conciliation, no further action ~~shall is to~~ be taken by the Chair in respect of the complaint.
8. If conciliation fails to reach a satisfactory outcome, any admissions or statements made during the course of the process ~~will are~~ not ~~be~~ admissible in any subsequent investigation or consideration of the complaint.

9. The Chair ~~will~~must nominate an Independent Reviewer to investigate any complaint where:
  - 9.1 the Chair considers that the complaint is unsuitable for resolution by conciliation;
  - 9.2 a party does not agree to take part in conciliation; or
  - 9.3 conciliation fails to resolve the complaint;

### Investigation

10. The Chair ~~will~~must nominate a person (the **Independent Reviewer**) to investigate the complaint and report on the matter to the Council as to whether:
  - 10.1 on the balance of probabilities, the allegations contained in the complaint are factually correct; and
  - 10.2 on the basis of those facts, the member has breached the Code of Conduct for Council Members (the **Code**).
11. Where the Independent Reviewer concludes that a breach of the Code has occurred, he or she may also recommend to the Council the action which it should take against the member concerned in respect of that breach.
12. Subject to paragraph 13, the Independent Reviewer ~~will~~may determine the procedure to be followed in conducting the investigation, including the lines of inquiry to be pursued, the persons from whom evidence is to be sought and the form in which that evidence is to be given.
13. The Independent Reviewer ~~shall~~must:
  - 13.1 send a copy of the complaint to the member concerned and invite him or her to submit a written response within a reasonable time (which ~~shall~~must in any event be not less than 14 days);
  - 13.2 send a copy of any response from the member concerned to the complainant, and provide him or her with a reasonable time (which ~~shall~~must in any event be not less than 14 days) in which to comment on it.
14. The Independent Reviewer may be provided with administrative support by the HCPC and may obtain legal advice from the Solicitor to the Council but, if the Independent Reviewer wishes to obtain independent administrative support or legal advice, the Council ~~shall~~must meet the reasonable costs incurred by the Independent Reviewer in doing so.



## Report

15. Once the investigation has concluded, the Independent Reviewer ~~shall~~ must prepare a report (the **Report**) setting out the findings of the investigation, the conclusions reached, any recommendation made in accordance with paragraph 18 and the reasons for them.
16. The Report ~~shall~~ must also include all of the documents considered by the Independent Reviewer (other than any legal advice given to the Independent Reviewer or any other privileged communication).
17. The Report ~~shall~~ must be submitted to the Chair and, at the same time, a copy ~~shall~~ must be sent to the complainant and the member concerned.
18. If the Independent Reviewer concludes that there has been a breach of the Code, the Report may include one or more of the following recommendations:
  - 18.1 that no action be taken;
  - 18.2 that the member be admonished by the Council;
  - 18.3 that a report be submitted to the police, another regulatory or law enforcement agency or to a prosecuting authority;
  - 18.4 that the Council recommend to the Privy Council that the member be removed from the Council.

## Council Procedure

19. The Chair ~~shall~~ must convene a meeting of the Council, to consider the report.
  20. The Report ~~shall~~ must be considered as public business ~~but~~ unless, at the discretion of the Chair, ~~it is the Report may be~~ taken as private business where:
    - 20.1 the Independent Reviewer has dismissed the complaint;
    - 20.2 the complaint concerns the health of any person;
    - 20.3 the complaint concerns confidential information; or
    - 20.4 the Independent Reviewer has recommended that the police or a regulatory, law enforcement or prosecuting body be informed of the matter;
- and, in the latter case, the Chair may determine that the Council ~~shall~~ must not make public any information relating to the matter until the conclusion of any action by the police or other body concerned.

## **ANTI-BRIBERY, ~~INDUCEMENTS AND HOSPITALITY~~ POLICY**

### **Introduction**

The Health and Care Professions Council ~~and similar organisations must observe high standards of corporate governance and be able to demonstrate objectivity and integrity. is committed to acting with objectivity and integrity and conducting all of its activities in an honest and ethical manner.~~

This includes preventing bribery and fostering a culture in which bribery will not be tolerated in any form.

Council members, committee members, employees, partners and all others who act on the HCPC's behalf must uphold the highest standards of integrity when doing so.

~~This policy seeks to support that aim and to provide assurance that the HCPC's decisions are not influenced or seen to be influenced by bribery, inducements or inappropriate gifts or hospitality.~~

~~The policy must be read in conjunction with the provisions of the Code of Conduct relating to Members' Interests, as failure to comply with the policy is likely to lead to a Member being in breach of the Code.~~

### **The Policy**

- ~~1. Members must not offer or give a bribe to, or seek or accept a bribe from, any individual or organisation.~~
- ~~2. Members must not seek or accept, in respect of any service provided by or on behalf of the HCPC, any gift, hospitality, discount, rebate, commission or other inducement or payment (whether in cash or in kind).~~
- ~~3. Members must not accept or offer to others excessive amounts of entertainment.~~
- ~~4. Members must not accept, without the prior permission of the Chair of the Council, any gift, hospitality, discount, rebate, commission or favour in relation to the HCPC's business from any person or business with whom members come into contact.~~
- ~~5. Members must declare all gifts, other than those of a token nature, in the Register of Members' Interests.~~

### **Bribery**

In essence, bribery is the giving or receiving of a financial or other inducement or advantage in connection with some improper performance of functions.

~~The HCPC is committed to the prevention of bribery and to fostering a culture in which bribery is not acceptable.~~ The Bribery Act 2010 creates two bribery offences:

- offering, promising or giving a financial or other advantage (~~in essence,~~ the offence of bribing another person); and
- requesting, agreeing to receive or accepting a financial or other advantage (~~in essence,~~ the offence of being bribed).

In either case the bribe must be intended to induce improper conduct by the recipient, that is the improper exercise of a function of a public nature or an activity connected with a business, trade or profession.

The Act also creates a separate offence of bribing a foreign public official. That offence is committed if a bribe is offered, promised or given to such an official with the intention of influencing the recipient in the performance of his or her public functions and with the intention of obtaining or retaining business or a business advantage.

## **Policy**

All forms of bribery are strictly prohibited. A person who is subject to this policy (you) must not:

- offer or give a bribe to, or seek or accept a bribe from, any individual or organisation; or
- seek or accept, any payment (in cash or kind) or other inducement in respect of any service provided by or on behalf of the HCPC.

If you are unsure about whether a particular act contravenes this policy, you should seek advice from the [HCPC Secretariat].

## **Hospitality, gifts etc.**

This policy does not prohibit the acceptance, for legitimate purposes, of gifts or hospitality which are reasonable and appropriate.

A gift or hospitality will not be reasonable and appropriate if it is lavish or extravagant, or may be seen as an inducement or reward for any preferential treatment.

A gift will be reasonable and appropriate if it is of modest value or a token nature, such as flowers or pens, t-shirts, diaries and similar promotional items. Such gifts do not include expensive items, cash or its equivalent (such as vouchers) or any gift given in secret.

Hospitality will be reasonable and appropriate if it is of modest value and related to HCPC's activities, such as meals or refreshments provided at meetings or

conferences. Such hospitality does not include offers of entertainment, such as attendance at sporting or other events unconnected to the HCPC's activities.

You must not:

- accept a gift or hospitality which is not reasonable and appropriate;
- accept a gift under any circumstances from a supplier or potential supplier when a contract is being awarded or business is being transacted; or
- accept a discount which is not generally available or any similar inducement in respect of products or services purchased for private purposes from an HCPC supplier.

If you are unsure about whether any gift or hospitality contravenes this policy, you should seek advice from the [HCPC Secretariat].

~~Excessive amounts of entertainment may include (but are not limited to) offers of days out at events, offers of gifts such as baskets of goods and/or attending functions which involve non-HCPC related events.~~

~~Gifts of a token nature may include items such as flowers, pens, tee-shirts, diaries, calendars, bottles of wine, or attendance at functions that are related to HCPC activities.~~

~~No gifts should be accepted under any circumstances at the time of business transactions or contract awards.~~

~~Members should not accept private discounts if they buy products for their personal use from an HCPC supplier.~~

~~Members may be asked to attend or speak at conferences on behalf of the HCPC. The HCPC will not usually charge a speaker fee however it is acceptable for the organiser to reimburse the members' direct travel costs.~~

**Record keeping**

You must declare any gifts or hospitality which you receive or give.

You must prepare all records relating to dealings with suppliers and other relevant third parties completely and accurately.

**Raising a concern**

If you are offered a bribe or are asked to make one, or if you suspect that any bribery or other breach of this policy has occurred or may occur, you must report it as soon as possible to the [HCPC Secretariat] or

**17<sup>th</sup>-20th September 20132017**

## STANDING ORDERS OF THE HEALTH AND CARE PROFESSIONS COUNCIL

### 1 Application and Interpretation

- 1.1 These Standing Orders establish the basic rules about how the Council conducts its proceedings.
- 1.2 They supplement and must be read with the Health and Social Work Professions Order 2001 and the Health and Care Professions Council (Constitution) Order 2009 (together, **the Orders**).
- 1.3 If a procedural point arises during a Council meeting which is not covered by these Standing Orders (or the Orders), the common law rules concerning the conduct of meetings apply.
- 1.4 The Chair is the final authority on the interpretation of these Standing Orders.
- 1.5 Unless the context otherwise requires, terms used in the Standing Orders have the same meaning as in the Orders.

### 2 Suspension of Standing Orders

The Council, by resolution, may suspend any Standing Order (other than one prescribed by or under the Orders).

### 3 Frequency of Meetings

- 3.1 The Council must meet in ordinary session (**Ordinary Meeting**) at least six times each year, at times decided by the Council.
- 3.2 In addition to Ordinary Meetings, a special session of the Council (**Special Meeting**) may be convened by the Secretary at the written request of the Chair or any four Council Members.
- 3.3 A request for a Special Meeting to be held must include details of the business to be transacted at that meeting.
- 3.4 A Special Meeting must take place within 14 days of the Secretary receiving the request for the meeting to be held.

### 4 Adjournment of Meeting

- 4.1 The Chair may, with the consent of the meeting, adjourn a meeting, but no business is to be transacted at an adjourned meeting other than the business which had not been disposed of when the adjournment took place.

- 4.2 If a meeting is adjourned for more than seven days (but not otherwise), notice of the meeting must be given as if it was an Ordinary Meeting.

## **5 Access to meetings**

- 5.1 All Council meetings must be open to the public unless the business under consideration concerns:
- 5.1.1 information relating to a registrant, former registrant or applicant for registration;
  - 5.1.2 information relating to an employee or office holder, former employee or office holder or an applicant for any post or office;
  - 5.1.3 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;
  - 5.1.4 negotiations or consultation concerning labour relations between the Council and its employees;
  - 5.1.5 any issue relating to legal proceedings which are being contemplated or instituted by or against the Council;
  - 5.1.6 action being taken to prevent or detect crime or to prosecute offenders;
  - 5.1.7 the source of information given to the Council in confidence; or
  - 5.1.8 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.

## **6 Notice of Meetings**

- 6.1 The Secretary must give Members at least seven days' notice of the time and place of a meeting.
- 6.2 If for any reason a meeting is convened at shorter notice, then the Secretary must give Members notice of the time and place of the meeting at the time that the meeting is convened.
- 6.3 Failure to send notice of a meeting to a Member does not invalidate the proceedings of that meeting.

## **7 Agenda**

- 7.1 The Secretary must issue an agenda for each meeting.
- 7.2 Except in cases of urgency or where circumstances make it impracticable to do so, the agenda for a meeting and any accompanying papers must be sent to Members at least seven days before the meeting.

## **8 Chair**

- 8.1 The Chair is to preside at any Council meeting.

- 8.2 If the Chair is absent from or unable to preside at a meeting, the Members present must nominate another Member to serve as chair at that meeting.
- 8.3 In these Standing Orders, references to the **Chair** include a Member presiding at a meeting in place of the Chair.

## **9 Quorum**

- 9.1 The quorum at any Council meeting is seven Members.
- 9.2 If a quorum is not present within 15 minutes of the time appointed for a meeting to commence, all business which should have been transacted at that meeting is to be held over until the next Ordinary Meeting, unless a Special Meeting is called in the meantime for the transaction of that business.
- 9.3 If, during a Council meeting, it appears to the Chair that a quorum has ceased to exist, business must be suspended and the number of Members present counted and, if:
  - 9.3.1 a quorum exists, the business may proceed;
  - 9.3.2 a quorum does not exist, the meeting must be dissolved and all remaining business adjourned to the next Ordinary Meeting.

## **10 Conduct of Meetings**

- 10.1 The order of business at a meeting must follow that set out in the agenda unless it is varied by the Chair with the consent of the meeting.
- 10.2 A Member may only initiate a debate or move a motion on a matter which is not on the agenda with the consent of the meeting.
- 10.3 All motions must relate to matters that are within or related to the functions of the Council.
- 10.4 Members must not use offensive or improper language or make derogatory personal references to any other Member or Council employee.
- 10.5 A Member must speak to the subject under discussion. The Chair may call attention to any irrelevance, repetition or other improper conduct on the part of a Member and, where the Member persists in that conduct, may direct that Member to cease speaking.
- 10.6 A ruling by the Chair on any question of order, whether or not provided for by the Standing Orders, is final and not open to debate.

## **11 Voting**

- 11.1 Except where the Orders specify a different requirement, any question at a meeting is to be decided by a majority of the Members present voting by a show of hands.
- 11.2 In the event of an equality of votes, the Chair is entitled to an additional casting vote.

## **12 Minutes of Council meetings**

- 12.1 The Secretary must keep minutes of each meeting which shall include a record of the Members present at that meeting.
- 12.2 At each meeting, the minutes of the preceding meeting must be confirmed (or confirmed as amended) and signed by the Chair as a true record of that meeting.
- 12.3 The signed minutes of a meeting, unless the contrary is proved, are conclusive proof of the proceedings of that meeting.

## **13 Duration**

Subject to Standing Order 9.2, a meeting must start at the time set out in the notice of meeting and may continue until all of the business on the agenda has been disposed of, but the duration of a meeting may only exceed three hours with the consent of the meeting.

## **14 Disorder**

- 14.1 If, in the Chair's opinion, a Member has persistently disregarded the ruling of the Chair or behaved in a manner which is obstructing the business of the meeting, the Chair may order that Member to withdraw from the whole or part of the remainder of the meeting.
- 14.2 In the event of a disturbance which, in the Chair's opinion, prevents the orderly conduct of business, the Chair may adjourn the meeting for such period as the Chair considers appropriate.
- 14.3 If a person other than a Member interrupts the proceedings at any meeting, the Chair may order that person to be removed from the meeting or may order the part of the room which is open to the public to be cleared.

## **15 Members' interests**

- 15.1 Members must make a declaration of their personal interests in the form required by the Council (which must be published in the Council's Register of Members' Interests) and must ensure that their interests as set out in that Register are accurate and up to date.
- 15.2 The agenda for every meeting must include as an item of business the declaration of interests. A member who has a personal interest in any matter under consideration at that meeting, whether or not declared in the Register of Members' Interests, must promptly disclose that interest to the meeting. If the interest is a prejudicial interest, the member must withdraw from the meeting during the Council's consideration of that matter.

## **16 Code of conduct**

Members must comply with the Code of Conduct adopted by the Council.

## **17 Members' education, training and performance**



- 17.1 The Council must establish standards of education and training for Members and, as part of those standards, must arrange for Members to undergo training to assist them in their performance of their duties.
- 17.2 The Council must establish standards of attendance and performance for members, including a system of annual performance appraisal.
- 17.3 Members must comply with the standards established by the Council under this Standing Order and must not, without reasonable excuse, refuse to participate in the training or appraisal processes.

## **18 Provisional suspension of Members**

- 18.1 If circumstances arise which may result in a Member being suspended or removed from office by the Privy Council under the Orders, the Council may resolve that the Member is to be provisionally suspended from office until the Privy Council has reached a decision on whether to suspend or remove the Member.
- 18.2 A Member who is provisionally suspended is not entitled to participate in Council meetings or to exercise any other functions of a Member.

## **19 Approval of resolutions without meeting**

A resolution which, with the Chair's consent, is circulated to, and approved in writing or electronic form by at least three quarters of the Members entitled to receive notice of and attend a Council meeting is as valid as if it had been passed at such a meeting.

## **20 Emergency Action**

- 20.1 In an emergency, where a decision must be made by the Council before its next meeting, the powers and duties of the Council may be exercised by the Chair (**Emergency Action**).
- 20.2 For this purpose an **emergency** means circumstances in which:
  - 20.2.1 the HCPC will be unable to discharge its statutory functions or be exposed to a significant level of risk if urgent action is not taken; or
  - 20.2.2 urgent action must be taken to prevent loss, damage or significant disadvantage to the HCPC.
- 20.3 Before taking any Emergency Action, the Chair must consult the Registrar.
- 20.4 The Registrar must make reasonable efforts to inform Members of the proposed Emergency Action or, where it is impracticable to do so, must inform them as soon as possible after Emergency Action has been taken, but failure to do either does not invalidate any Emergency Action.
- 20.5 The Emergency Action functions of the Chair and Registrar may be exercised by any other persons that the Chair and Registrar may respectively nominate in writing.

## **21 The Secretary**

- 21.1 The Registrar is to be the secretary to the Council.
- 21.2 The Registrar, with the Council's consent, may appoint another person to act as secretary to the Council.
- 21.3 In these Standing Orders, references to the **Secretary** mean the Registrar or any person appointed under Standing Order 21.2.

## **22 The Registrar, Secretary and advisers**

- 21.1 The Registrar is entitled to attend and speak at Council meetings.
- 21.2 The Secretary or any other person advising on the business before a Council meeting (including advising the Chair on issues of order) may attend and, with the Chair's consent, speak at that meeting.

## **23 Common Seal**

- 23.1 The Common Seal of the Council must be kept in safe custody by the Registrar or a person appointed by the Registrar.
- 23.2 The Common Seal may only be affixed to a document with the consent of the Council or of a Committee to which that power has been delegated and where the seal is affixed to a document, it must also be signed by a Council Member and the Registrar.

## **24 Adoption**

These Standing Orders were adopted by the Council on 20th September 2017 and supersede all previous versions. They apply to any Council meeting held on or after [date].

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## Standing Orders for Committees of the Health and Care Professions Council

### 1 Application and Interpretation

- 1.1 These Standing Orders establish the basic rules about how HCPC committees conduct their proceedings.
- 1.2 They supplement and must be read with the Health and Social Work Professions Order 2001 (**the Order**) and, in the case of the Education and Training Committee, the statutory rules made under paragraph 17(1) of Schedule 1 to the Order (**the ETC Rules**).
- 1.3 If a procedural point arises during a meeting that is not covered by these Standing Orders (or the Order or ETC Rules), the common law rules concerning the conduct of meetings apply.
- 1.4 The Chair is the final authority on the interpretation of these Standing Orders.
- 1.5 In these Standing Orders, **Committee** means any committee (or sub-committee) to which they apply and other terms used in these Standing Orders have the same meaning as in the Order.
- 1.6 These Standing Orders do not apply to fitness to practise proceedings conducted under Part V of the Order by the HCPC Practice Committees, known collectively as the “Health and Care Professions Tribunal” (**the Tribunal**), as those proceedings are governed by statutory rules made under the Order.

### 2 Composition of committees

- 2.1 The composition of the **Education and Training Committee** is determined by the Council in the ETC Rules.
- 2.2 The **Tribunal Advisory Committee**, which performs the functions set out in Annex 1, comprises six members, none of whom is a Council member, appointed by the Council (on terms it determines), of which:
  - 2.2.1 three members must be Tribunal Chairs; and
  - 2.2.2 three members must not be Tribunal Chairs or Tribunal Panellists.
- 2.3 The **Audit Committee**, which performs the functions set out in Annex 2, comprises four members, appointed by the Council (on terms it determines), of which:
  - 2.3.1 at least one member must have recent, significant and relevant financial experience;

- 2.3.2 at least two members must be members of Council; and
- 2.3.3 at least one member must not be a member of Council.
- 2.4 The **Remuneration Committee**, which performs the functions set out in Annex 3, comprises four members, appointed by the Council (on terms it determines), of which:
  - 2.4.1 three members must be Council members, none of whom is the Chair of the Council or a member of the Audit Committee; and
  - 2.3.3 one member must not be a Council member.
- 2.5 The membership, terms of office and terms of reference of any other Committee are as determined by the Council.

### 3 Frequency of Meetings

- 3.1 Subject to Standing Order 3.2, the Committee is to meet at the times it determines.
- 3.2 As a minimum:
  - 3.2.1 the **Education and Training Committee** must meet four times each year, on dates correlated with the Council's cycle of meetings;
  - 3.2.2 the **Tribunal Advisory Committee** must meet twice each year;
  - 3.2.3 the **Audit Committee** must meet three times in each year, on dates which coincide with key dates within the financial reporting and audit cycle; and
  - 3.2.4 the **Remuneration Committee** must meet twice each year.

### 4 Adjournment of Meeting

- 4.1 The Chair may, with the consent of the meeting, adjourn a meeting, but no business may be transacted at an adjourned meeting other than the business which had not been disposed of when the adjournment took place.
- 4.2 If a meeting is adjourned for more than seven days (but not otherwise), notice of the meeting must be given in accordance with Standing Order 6.

### 5 Access to meetings

- 5.1 All Committee meetings must be open to the public unless the business under consideration concerns:
  - 5.1.1 information relating to a registrant, former registrant or applicant for registration;
  - 5.1.2 information relating to an employee or office holder, former employee office holder or an applicant for any post or office;

- 5.1.3 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;
- 5.1.4 negotiations or consultation concerning labour relations between the Council and its employees;
- 5.1.5 any issue relating to legal proceedings which are being contemplated or instituted by or against the Council;
- 5.1.6 action being taken to prevent or detect crime or to prosecute offenders;
- 5.1.7 the source of information given to the Committee in confidence; or
- 5.1.8 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 Committee's or Council's functions.

## **6 Notice of Meetings**

- 6.1 The Secretary must give members at least seven days' notice of the time and place of a meeting.
- 6.2 If for any reason a meeting is convened at shorter notice, then the Secretary must give members notice of the time and place of the meeting at the time that the meeting is convened.
- 6.3 Failure to send notice of a meeting to a member does not invalidate the proceedings of that meeting.

## **7 Agenda**

- 7.1 The Secretary must issue an agenda for each meeting.
- 7.2 Except in cases of urgency or where circumstances make it impracticable to do so, the agenda for a meeting and any accompanying papers must be sent to members at least seven days before the meeting.

## **8 Chair**

- 8.1 The Chair of the Committee, who is appointed by the Council (on terms it determines), is to preside at any Committee meeting.
- 8.2 If the Chair is absent from or unable to preside at a meeting, the members present must nominate another member to serve as chair at that meeting.
- 8.3 In these Standing Orders (other than in Standing Order 8.4), references to the **Chair** include a member presiding at a meeting of the Committee in place of the Chair.
- 8.4 The Chair must provide a report on the work of the Committee to the Council at least once each year, as the Council may direct.

## 9 Quorum

- 9.1 The quorum at a meeting of the Committee is:
  - 9.1.1 in the case of the ***Education and Training Committee***, as provided for in the ETC Rules;
  - 9.1.2 in the case of the ***Tribunal Advisory Committee***, any four members;
  - 9.1.3 in the case of the ***Audit Committee***, any three members;
  - 9.1.4 in the case of the ***Remuneration Committee***, any three members; and
  - 9.1.5 in any other case, half of the members of the Committee plus one.
- 9.2 If a quorum is not present within 15 minutes of the time appointed for a meeting to commence, all business which should have been transacted at that meeting is to be held over until the next meeting.
- 9.3 If, during a meeting of the Committee, a quorum ceases to exist, the meeting must be dissolved and all remaining business adjourned to the next meeting of the Committee.

## 10 Conduct of Meetings

- 10.1 The order of business at a meeting must follow that set out in the agenda unless it is varied by the Chair with the consent of the meeting.
- 10.2 A member may only initiate a debate or move a motion on a matter which is not on the agenda with the consent of the meeting.
- 10.3 All motions must relate to matters that are within or related to the functions of the Committee.
- 10.4 Members must not use offensive or improper language or make derogatory personal references to any other member or Council employee.
- 10.5 A member must speak to the subject under discussion. The Chair may call attention to any irrelevance, repetition or other improper conduct on the part of a member and, where the member persists in that conduct, may direct that member to cease speaking.
- 10.6 A ruling by the Chair on any question of order, whether or not provided for by the Standing Orders, is final and not open to debate.

## 11 Voting

- 11.1 Except where the Order specifies otherwise, any question at a meeting is to be decided by a majority of the members present voting by a show of hands.
- 11.2 In the event of an equality of votes, the Chair is entitled to an additional casting vote.

## **12 Minutes of meetings**

- 12.1 The Secretary must keep minutes of each meeting, which must include a record of the members present at that meeting.
- 12.2 At each meeting, the minutes of the preceding meeting must be confirmed (or confirmed as amended) and be signed by the Chair as a true record of that meeting.
- 12.3 The signed minutes of a meeting, unless the contrary is proved, are conclusive proof of the proceedings of that meeting.

## **13 Duration**

Subject to Standing Order 9.2, a meeting must start at the time set out in the notice of meeting and may continue until all of the business on the agenda has been disposed of, but the duration of a meeting may only exceed three hours with the consent of the members present.

## **14 Disorder**

- 14.1 If, in the Chair's opinion, a member has persistently disregarded the ruling of the Chair or behaved in a manner which is obstructing the business of the meeting, the Chair may order that member to withdraw from the whole or part of the remainder of the meeting.
- 14.2 In the event of a disturbance which, in the Chair's opinion, prevents the orderly conduct of business, the Chair may adjourn the meeting for a period that the Chair considers appropriate.
- 14.3 If a person other than a member interrupts the proceedings at any meeting, the Chair may order that person to be removed from the meeting or may order the part of the room which is open to the public to be cleared.

## **15 Members' interests**

- 15.1 Members must make a declaration of their personal interests in the form required by the Council (which must be published in the Council's Register of Members' Interests) and must ensure that their interests as set out in that Register are accurate and up to date.
- 15.2 The agenda for every meeting must include as an item of business the declaration of interests. A member who has a personal interest in any matter under consideration at that meeting, whether or not declared in the Register of Members' Interests, must promptly disclose that interest to the meeting. If the interest is a prejudicial interest, the member must withdraw from the meeting during the Committee's consideration of that matter.

## **16 Code of conduct**

Members must comply with the Code of Conduct adopted by the Council.

## **17 Members' education, training and performance**

- 17.1 The Council may establish standards of education and training for members and, as part of those standards, arrange for members to undergo training to assist them in their performance of their duties.
- 17.2 The Council may establish standards of attendance and performance for members, including a system of annual performance appraisal.
- 17.3 Members must comply with any applicable standards established by the Council under this Standing Order and must not, without reasonable excuse, refuse to participate in any training or appraisal processes.

## **18 Approval of resolutions without meeting**

A resolution which, with the Chair's consent, is circulated to, and approved in writing or electronic form by at least three quarters of the members entitled to receive notice of and attend a Committee meeting is as valid as if it had been passed at such a meeting.

## **19 The Secretary**

The Secretary to the Council, or any other person that the Secretary to the Council may appoint, is to be the Secretary to the Committee (the **Secretary**).

## **20 Adoption**

These Standing Orders were adopted by the Council on **20th September 2017** and supersede all previous versions. They apply to any Committee meeting held after that date.



## Annex 1

### Tribunal Advisory Committee: Terms of Reference

The ***Tribunal Advisory Committee*** is to:

1. advise the Council on the qualities, abilities and competences required of:
  - 1.1 Panel Members of the Tribunal (**Tribunal Panellists**)
  - 1.2 Panel Chairs of the Tribunal (**Tribunal Chairs**); and
  - 1.3 Legal Assessors;
2. advise the Council on arrangements for the merit-based selection, by fair and open competition, of:
  - 2.1 Tribunal Panellists;
  - 2.2 Tribunal Chairs; and
  - 2.3 Legal Assessors;
3. advise the Council on arrangements for the training and assessment of:
  - 3.1 Tribunal Panellists;
  - 3.2 Tribunal Chairs; and
  - 3.3 Legal Assessors;
4. subject to any policy established by the Council, provide guidance to the Tribunal on matters of practice and procedure, in order to assist the Tribunal to conduct proceedings fairly, proportionately, efficiently and effectively.

## Annex 2

### Audit Committee: Terms of Reference

The **Audit Committee** is to:

1. advise the Council and the Registrar (as Accounting Officer) on the appointment of internal and external auditors;
2. approve internal and external audit programmes and fees;
3. review the external auditors' management letters and any other relevant reports and report on these to the Council as appropriate;
4. receive reports on the internal audit work plan and consider appropriate action arising from them;
5. review the Council's annual report and accounts and make recommendations to the Council and the Registrar (as Accounting Officer) as appropriate;
6. consider whether risk management processes are adequate for all risks to which the Council is exposed and approve or, where the Committee considers that significant policy issues are involved, recommend that the Council approve measures to eliminate or mitigate against them;
7. at the Council's request, advise it on matters of corporate governance (but without limiting the Committee's power to make recommendations to the Council on corporate governance issues arising from the work of the auditors);
8. consider and make recommendations to the Council and the Registrar (as Accounting Officer) as appropriate on the Council's:
  - 8.1 accounting policies;
  - 8.2 anti-fraud policies; and
  - 8.3 'whistle-blowing' processes.

## Annex 3

### Remuneration Committee: Terms of Reference

The **Remuneration Committee** is to:

1. Approve the remuneration of the Chief Executive, the Executive Management Team (**EMT**) and HCPC salary bands annually, in line with the remuneration policy set by the Council.
2. Review the Remuneration policy and principles annually and make recommendations to Council as appropriate.
3. Review reports from the Chair of Council regarding the setting of objectives for, and performance appraisal of the Chief Executive.
4. Review reports from the Chief Executive regarding the setting of objectives for and performance appraisal of the EMT.
5. Approve the terms of any special severance arrangements applying in the event of any required and unplanned early termination of employment of the Chief Executive or any member of the EMT, having regard to relevant guidance and codes of practice and contracts of employment
6. Review, as necessary, any significant changes to policies impacting on remuneration, the employee pay and grading structure, or the pension scheme.
7. Approve the expenses policies for Council members, employees, partners and Tribunal witnesses.
8. Recommend to the Council any changes to the remuneration of the Chair, Council members and Partners.
9. The Chair of the Committee will present a report to the Council on its activities annually

## Scheme of Delegation

### 1 Introduction

- 1.1 The Health and Care Professions Council (the **Council**) is responsible for setting the organisation's policy and strategy and the Executive is responsible for the operational implementation of that policy and strategy.
- 1.2 This scheme of delegation (the **Scheme**) is intended to facilitate the efficient and effective discharge of the Council's functions in a manner which reflects that division of responsibilities.
- 1.3 The Scheme sets out the decisions which the Council has:
  - 1.3.1 reserved to itself;
  - 1.3.2 delegated to its Education and Training Committee;
  - 1.3.3 delegated to the Chief Executive and Registrar (the Chief Executive), some of which may also be exercised by nominated Executive officers or by persons nominated by the Chief Executive;
  - 1.3.4 delegated to other nominated officers of the Executive.
- 1.4 The Scheme does not affect:
  - 1.4.1 decisions of an administrative nature, which form part of the Executive's responsibilities for the day to day administration of the HCPC's affairs under the direction of the Chief Executive; or
  - 1.4.2 any statutory function conferred upon the Registrar by or under the Order, the discharge or delegation of which is a matter for the Chief Executive (as Registrar).

### 2 Withdrawal of delegated power

- 2.1 The Scheme remains in force until it is amended or revoked by the Council.
- 2.2 The Scheme does not apply to any matter in respect of which the Council has resolved that delegated authority is not to be exercised.

### 3 Exercise of delegated power

- 3.1 Any power delegated under the Scheme must be exercised in a manner which is consistent with the Council's obligations under the Health and Social Work Professions Order 2001 (the **Order**) and the general law.

- 3.2 In particular, the decision maker must have regard to Article 3(4) of the Order, which provides that the over-arching objective of the Council in exercising its functions is the protection of the public.
- 3.3 The decision maker must also recognise that lawful exercise of a statutory power requires not only formal compliance with the conditions laid down for its performance, but also compliance with the principle that all statutory powers must be exercised in good faith and for their proper purpose.
- 3.4 Delegation does not impliedly authorise sub-delegation. Consequently, a Committee or person to whom the Council has delegated any power may not permit another Committee or person to exercise that power unless the Council has expressly authorised them to do so.

#### **4 Matters reserved to the Council**

- 4.1 The Council retains ultimate responsibility for all policy matters including agreeing the overall strategy for the performance of its functions.
- 4.2 The power to make Rules is specifically reserved to the Council by Article 3(12) of the Order and cannot be delegated.
- 4.3 The Council retains responsibility for the following decisions which, to the extent that it is lawful to do so, may only be delegated by means of a specific resolution of the Council:
  - 4.3.1 establishing the Standards of Proficiency, Standards of Conduct, Performance and Ethics, Standards of Education and Training and Standards of Continuing Professional Development;
  - 4.3.2 prescribing good conduct and good character requirements for safe and effective practice;
  - 4.3.3 establishing criteria for the purposes of Article 13 (grandparenting criteria), Article 15 (approvals criteria) and Article 15B (criteria for approved mental health professionals courses) of the Order;
  - 4.3.4 making recommendations to the Secretary of State and the Scottish Ministers concerning the regulation of any profession or social care workers in England and giving guidance on the criteria that it will take into account in so doing;
  - 4.3.5 making any proposal to the Privy Council concerning the structure of the register;
  - 4.3.6 approving any report, plans or accounts to be submitted to the Privy Council, the Secretary of State or the Scottish Ministers;
  - 4.3.7 setting the fees to be charged for or associated with registration (including renewal, readmission, restoration and scrutiny fees);
  - 4.3.8 establishing any committee or sub-committee and making the Standing Orders for any committee or sub-committee;
  - 4.3.9 appointing members to any committee or sub-committee;
  - 4.3.10 appointing or removing the Chief Executive;
  - 4.3.11 appointing members to represent the Council on outside bodies;

- 4.3.12 entering into any arrangements with a body created or designated by the National Assembly for Wales under Article 20 of the Order;
  - 4.3.13 acquiring or disposing of any freehold or leasehold interest in land and property or other interest in land;
  - 4.3.14 re-structuring the Council's staff where the changes involve 20 or more employees.
- 4.4 The Council is also responsible for making decisions in relation to any matter for which it has granted delegated authority but where:
- 4.4.1 the person who would otherwise have delegated authority to act has an actual or potential interest; or
  - 4.4.2 in the opinion of the Chief Executive, it would be more appropriate for the Council to make the decision.

## **5 Matters delegated to the Education and Training Committee**

Approving, for the purpose of Article 12 of the Order, qualifications awarded in the United Kingdom which attest to the Standards of Proficiency required for admission.

## **6 Matters delegated to the Chief Executive**

- 6.1 Maintaining the register and establishing arrangements for its publication and inspection.
- 6.2 Issuing certificates of good standing to registrants who wish to practise in another relevant European State.
- 6.3 Referring any allegation received by the Council under Part V of the Order to a Practice Committee or to Screeners. This power may also be exercised by the Director of Fitness to Practise.
- 6.4 Exercising the power under Article 22(6) of the Order to refer a matter for investigation as if it was the subject of an allegation.
- 6.5 Subject to any appointments procedure established by the Council, appointing:
  - 6.5.1 Visitors under Article 16 of the Order;
  - 6.5.2 Members and Panel Chairs of the Practice Committees (collectively, the Health and Care Profession Tribunal (the **Tribunal**)) under rules 3 and 4 of the Health and Care Professions Council (Practice Committees and Miscellaneous Amendments) Rules 2009; and
  - 6.5.3 Legal Assessors, Registrant Assessors, and Medical Assessors under Articles 34 to 36 of the Order.

This power may also be exercised by the Director of Human Resources.

- 6.6 Prosecuting offences under Articles 39 and 39A of the Order (but subject to any prosecution policy established by the Council). This power may also be exercised by the Director of Fitness to Practise.

- 6.7 Conducting and defending all proceedings brought by or against the Council in any court, tribunal or arbitration, other than proceedings relating to fitness to practise cases or proceedings under section 29 of the NHS Reform and Health Care Professions Act 2002.
- 6.8 Entering into arrangements for the provision of administrative, technical or advisory services under Article 44A of the Order.
- 6.9 Advising the Privy Council that a person has ceased to be a member of the Council. This power may also be exercised by the Secretary to the Council.
- 6.10 Maintaining and publishing the Register of Members' Interests. This power may also be exercised by the Secretary to the Council.

**7 Matters delegated to the Chief Executive and any officer nominated by the Chief Executive**

- 7.1 Determining applications for registration (but subject to any policies or procedures established by the Council or the Education and Training Committee).
- 7.2 Determining and administering the Council's employment procedures and processes.
- 7.3 Arranging any insurance on behalf of the Council where either the value of the premium payable does not exceed £50,000 or the renewal premium payable does not exceed the previous premium by more than 10%.
- 7.4 Tendering, awarding and varying contracts where the estimated total value does not exceed £100,000. The Chief Executive, with the approval of the Chair of the Council, may enter into contracts which exceed that limit (except in any case where the Council has resolved otherwise).
- 7.5 Approving the terms of any other agreement or transaction of a minor or urgent nature which, in the opinion of the Chief Executive, is in the best interests of the Council.
- 7.6 Managing any property owned by the Council or in which the Council has an interest including the submission of planning and building consent applications.
- 7.7 Inviting (but not selecting):
  - 7.7.1 the members of any Panel which is to determine a registration appeal; and
  - 7.7.2 the Legal Assessor who is to be present at a registration appeal hearing.
- 7.8 Publishing the particulars of decisions (and the reasons for them) made by the Council's Registration Appeals Panel.
- 7.9 Conducting and defending all proceedings brought by or against the Council in relation to registration appeals.
- 7.10 Appointing authorised persons for the purpose of Articles 37(7) of the Order.

## **8 Matters delegated to the Director of Fitness to Practise**

- 8.1 Conducting and defending all proceedings brought by or against the Council in relation to fitness to practise cases and proceedings under section 29 of the NHS Reform and Health Care Professions Act 2002.
- 8.2 Appointing authorised persons for the purpose of Article 25(1) of the Order.
- 8.3 Requiring a person to comply with Article 25(2) of Order (certain information to be provided by a registrant who is the subject of an allegation). This power may be exercised by any person nominated by the Director of Fitness to Practise.
- 8.4 Seeking an extension by a court, under Article 31(8) of the Order, of an interim order made by a Practice Committee.

## **9 Matters delegated to the Head of Tribunal Services**

- 9.1 Inviting (but not selecting) the Legal Assessor who is to be present at a Tribunal hearing.
- 9.2 Publishing the particulars of orders and decisions made by the Tribunal (and the reasons for them).

*(The Head of Tribunal Services is also authorised by the Registrar under rules 3(2) and 4(3) of the Health and Care Professions Council (Practice Committees and Miscellaneous Amendments) Rules 2009, to invite Panel Chairs and Panel Members to participate in Tribunal proceedings.)*

## **10 Matters delegated to the Director of Education**

- 10.1 Inviting (but not selecting) the Visitors who are to conduct a visit or perform other functions under Part IV of the Order.
- 10.2 Publishing Visitors' reports and any responses to such reports (where the respondent has asked for it to be published).
- 10.3 Maintaining and publishing the Council's list of approved courses of education and training, qualifications and institutions.

## **11 Matters delegated to the Director of Finance**

- 11.1 In conjunction with the Chief Executive, who is the Council's Accounting Officer:
  - 11.1.1 keeping the accounts and preparing the annual accounts of the Council in accordance with Article 46 of the Order;
  - 11.1.2 administering the Council's finances including, but not limited to, the day to day control and regulation of those finances.

**20th September 2017**



## Education and Training Committee Scheme Of Delegation

### 1 Introduction

- 1.1 The Education and Training Committee (the **Committee**) is responsible for discharging the statutory functions conferred upon it by the Health and Social Work Professions Order 2001 (the **Order**) and the Executive is responsible for the operational implementation of the Committee's decisions.
- 1.2 This scheme of delegation (the **Scheme**) is intended to facilitate the efficient and effective discharge of the Committee's functions in a manner which reflects that division of responsibilities..
- 1.3 The Scheme sets out the decisions which the Committee:
  - 1.3.1 has reserved or must reserve to itself;
  - 1.3.2 has delegated to the Chief Executive and Registrar (the **Chief Executive**) or persons nominated by the Chief Executive;
  - 1.3.3 has delegated to nominated Directors and persons nominated by them.
- 1.4 The Scheme does not affect:
  - 1.4.1 decisions of an administrative nature, which form part of the Executive's responsibilities for the day to day administration of the HCPC's affairs under the direction of the Chief Executive; or
  - 1.4.2 any statutory function conferred upon the Registrar by or under the Order, the discharge or delegation of which is a matter for the Chief Executive (as Registrar).

### 2 Withdrawal of delegated power

- 2.1 The Scheme remains in force until it is amended or revoked by the Committee.
- 2.2 The Scheme does not apply to any matter in respect of which the Committee has resolved that delegated authority is not to be exercised.

### 3 Exercise of delegated power

- 3.1 Any power delegated under the Scheme must be exercised in a manner which is consistent with the requirements of the Order, any rules made under it, any policies or procedures established by the Committee and the Committee's obligations under the general law.

- 3.2 In particular, the decision maker must have regard to Article 3(4) of the Order, which provides that the over-arching objective of the HCPC in exercising its functions is the protection of the public.
- 3.3 The decision maker must also recognise that lawful exercise of a statutory power requires not only formal compliance with the conditions laid down for its performance but also compliance with the principle that all statutory powers must be exercised in good faith and for their proper purpose.
- 3.4 Delegation does not impliedly authorise sub-delegation. Consequently, a person to whom the Committee has delegated any power may not permit another person to exercise that power unless the Committee has expressly authorised them to do so.

#### **4 Matters reserved to the Committee**

- 4.1 The Committee retains ultimate responsibility for all policy matters, including agreeing the overall strategy for the performance of its functions.
- 4.2 The Committee retains responsibility for the following decisions which, to the extent that it is lawful to do so, may only be delegated by means of a specific resolution of the Committee:
  - 4.2.1 responding to any consultation by the Council under Article 7 of the Order on the making of rules or the determining or varying of fees;
  - 4.2.2 approving, for the purpose of Article 12(1) of the Order, qualifications awarded in the United Kingdom which attest to the standard of proficiency required for admission. (This is a function which has been delegated to the Committee by the Council without authority to sub-delegate);
  - 4.2.3 establishing procedures under Article 12(2) of the Order for the assessment of qualifications obtained, and training and experience acquired, outside of the United Kingdom;
  - 4.2.4 giving advice to the Council under Article 14 of the Order in relation to the establishment of Standards of Proficiency, Standards of Education and Training and Standards of Continuing Professional Development;
  - 4.2.5 responding to any consultation by the Council under Article 15 of the Order on the establishment of Standards of Education and Training and requirements for admission to and participation in education and training;
  - 4.2.6 approving courses of education and training, qualifications, institutions and tests of competence under Article 15(5) of the Order;
  - 4.2.7 ensuring that universities and other relevant bodies in the United Kingdom are notified of the Standards of Education and Training and the Council's requirements for admission to and participation in such education and training and taking appropriate steps to satisfy the Committee that these standards and requirements are

- being met;
  - 4.2.8 approving education and training provided outside of the United Kingdom under Article 15(6) of the Order;
  - 4.2.9 receiving any report submitted to the Committee by a Visitor under Article 16(7) of the Order;
  - 4.2.10 imposing reporting requirements on Visitors under Article 16(7)(b) of the Order;
  - 4.2.11 withdrawing or refusing approval of an institution for failure to provide information and assistance under Article 17(3) of the Order;
  - 4.2.12 withdrawing or refusing approval of a course of education and training, qualification or institution under Article 18 of the Order;
  - 4.2.13 responding to any consultation by the Council under Article 21(3) of the Order on the giving of guidance in relation to the Standards of Conduct, Performance and Ethics or the standards of education and training, supervision and performance of persons who provide services in connection with those provided by registrants.
- 4.3. The Committee is also responsible for making decisions in relation to any matter for which it has granted delegated authority but where:
- 4.3.1 the person who would otherwise have delegated authority to act has an actual or potential interest; or
  - 4.3.2 in the opinion of the Chief Executive, it would be more appropriate for the Committee to make the decision.

## **5 Matters delegated to the Chief Executive and any officer nominated by the Chief Executive**

- 5.1. determining applications for admission to the register, including determining whether the applicant holds an approved qualification and meets the health and character requirements for safe and effective practice;
- 5.2. determining applications for renewal of registration and readmission to the register, including determining whether the applicant needs to meet or has met any additional requirements required by Article 10 of the Order;
- 5.3. determining applications for admission to the register made under Article 13 of the Order;
- 5.4. requiring a person to submit further evidence, documents or information in respect of any application for admission or readmission to the register or renewal of registration;
- 5.5. requiring a person to submit evidence of the continuing professional development (CPD) activity they have undertaken in compliance with standards made under Article 19(1) of the Order;

- 5.6. removing a person from the register under Article 19(3) of the Order for failing to comply with CPD standards.

**6. Matters delegated to the Director of Education and any officer nominated by the Director of Education**

- 6.1. Inviting (but not selecting) the Visitors who are to visit any place or institution for any purpose under Part IV of the Order;
- 6.2. Sending a copy of any report received by the Committee from a Visitor under Article 16(7) of the Order to the institution concerned and notifying that institution of its right to make observations in accordance with Article 16(9) of the Order;
- 6.3. Requiring a relevant institution to provide information and assistance under Article 17(3) of the Order (information and assistance reasonably required in connection with the discharge of the Committee's functions);
- 6.4. Giving notice to the institution concerned and notifying that institution of its right to make observations in relation to any proposal by the Committee to refuse or withdraw approval in accordance with Article 18 of the Order.

**20th September 2017**

# The Health and Care Professions Council (Education and Training Committee) (Constitution) Rules 2018

Made

20th September 2017.

Coming into force

1st January 2018.

These Rules are made by the Health and Care Professions Council in exercise of the powers conferred upon it by paragraph 17(1) of Schedule 1 to the Health and Social Work Professions Order 2001.

## Citation and commencement

1. (1) These Rules may be cited as the Health and Care Professions Council (Education and Training Committee) (Constitution) Rules 2018.

(2) These Rules come into force on 1st January 2018.

## Interpretation

2. In these Rules—

“the Committee” means the Education and Training Committee;

“the Chair” has the meaning given in rule 5(1) and includes a person nominated under rule 5(4) or 6(2) to serve as Chair at a meeting;

“the Constitution Order” means the Health and Care Professions Council (Constitution) Order 2009;

“member”, except in the phrase “Council member”, means a member of the Committee and includes the Chair;

“the Order” means the Health and Social Work Professions Order 2001.

## Revocation

3. The Health and Care Professions Council (Education and Training Committee) (Constitution) Rules 2013 are revoked.

## The Committee

4. (1) The Education and Training Committee comprises six members, of whom—

(a) four must be Council members;

(b) one must be a person who has experience in relation to the provision or assessment of professional education and training which the Council considers will assist the Committee in performing its functions; and

(c) one must be a registrant who, on appointment, has been admitted to the register for less than five years.

(2) The Committee must include at least—

(a) one lay member; and

(b) one registrant member (in addition to any member appointed under paragraph (1)(c)).

(3) The Council must determine the term of office of each member on appointment.

(4) Subject to paragraphs (5) and (6), a member may be appointed for a term of not more than four years and is eligible for re-appointment, but no person may be a member for more than an aggregate of 8 years during any period of 20 years.

(5) A Council member may not be appointed as a member of the Committee for a term which exceeds that person's term of office as a Council member.

(6) A member may only be appointed under paragraph (1)(c) for one term of not more than three years and is not eligible for re-appointment under that paragraph.

(7) A person ceases to be a member of the Committee—

- (a) if the member resigns, which the member may do at any time by notice in writing to the Council;
- (b) in the case of a member who is a Council member—
  - (i) on ceasing for any reason to be a Council member, or
  - (ii) if the member's Council membership is suspended by the Privy Council under Article 7 of the Constitution Order;
- (c) in the case of any other member, if the member becomes a person who, in the opinion of the Council, would be liable to removal or suspension from the Council under Article 6 or 7 of the Constitution Order if that person was a Council member; or
- (d) if the Council, by majority vote, terminates the person's appointment as a member of the Committee.

### **Committee Chair**

5. (1) The Council must appoint a member as the chair of the Committee ("the Chair").

(2) The Council must determine the term of office of the Chair on appointment, which may not exceed that person's term of office as a member of the Committee.

(3) A person serving as Chair ceases to do so—

- (a) if the member resigns as Chair, which the member may do at any time by notice in writing to the Council;
- (b) on ceasing for any reason to be a member of the Committee or (where applicable) a Council member;
- (c) if the Council, by majority vote, terminates the person's appointment as Chair.

(4) If, for any reason, the Chair is absent from or unable to act as Chair at a meeting or the office of Chair is vacant, the members who are present at a meeting of the Committee must nominate one of their number to serve as Chair at that meeting.

### **Quorum**

6. (1) Subject to paragraph (2), the quorum of the Committee is half of the total number of members of the Committee, plus one.

(2) At a panel meeting of the Committee the quorum is any three members (who must nominate one of their number to act as Chair at that meeting).

(3) A "panel meeting" means a meeting of the Committee which has been convened only to conduct one or more of the following items of business (and at which no other business is conducted)—

- (a) considering Visitors' reports which are submitted to the Committee in accordance with Article 16(7) of the Order and any observations upon those reports received by the Committee under Article 16(9) of that Order and, if thought fit, approving the course of education or training, qualification or institution to which a report and observations (if any) relate;
- (b) considering and, if thought fit, approving any proposed change to an approved programme;
- (c) considering and, if thought fit, approving any matter arising from the monitoring of an approved programme; or

(d) considering and, if thought fit, withdrawing approval from an approved programme which the Committee is satisfied no longer admits or recruits students.

(4) In paragraph (3) an “approved programme” means a course, qualification or institution which is approved by the Committee under Part IV of the Order.

Sealed with the common seal of the Health and Care Professions Council on 20th September 2017.



*Elaine Buckley*  
Chair

*Marc Seale*  
Registrar

### **Explanatory Note**

These Rules prescribe the composition of the Health and Care Professions Council’s Education and Training Committee, provide for the chairing of that Committee and specify its quorum for transacting business.

The Rules revoke and replace the Health and Care Professions Council (Education and Training Committee) (Constitution) Rules 2013, the previous rules relating to the composition, etc. of the Committee.

## CODE OF CONDUCT

### 1 Introduction

Council members must comply with this Code of Conduct (the **Code**) whenever they act in their capacity as a member of the Council.

The Code will also apply to Council members whose conduct, when acting for another organisation or in a private capacity, may undermine their role as a Council member or public confidence in the Council,

### 2 General obligations

Council members must take personal responsibility for ensuring that they keep to the Code.

Council members must:

- act in good faith;
- act in accordance with the HCPC's over-arching objective in exercising its functions, of protecting the public;
- treat others equally, fairly, with dignity and respect; and
- act in accordance with the principles of public life (set out more fully in Appendix A):
  - selflessness;
  - integrity
  - objectivity
  - accountability
  - openness
  - honesty; and
  - leadership.

Council members must not:

- use their position for personal gain or to promote their private interests;
- discriminate or treat anyone less favourably on grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex or sexual orientation; or
- act in a way that may undermine public confidence in the HCPC or bring it into disrepute.



### **3 Confidentiality**

As the Council conducts much of its business in public, most information to which Council members have access will be in the public domain. However, some information must be kept confidential.

Council members must not disclose confidential information which they have received in that capacity, other than for a proper purpose or where required to do so by law.

Council members must take appropriate steps to ensure that confidential information is stored securely and should contact the Chief Executive if the status of any information is unclear. A Council member who becomes aware of a breach of confidentiality must immediately notify the Chief Executive or the Chair.

### **4 Attending meetings**

Council members must endeavour to attend all Council meetings and all meetings of any committee of which they are a member unless they are unable, with good reason, to do so and contribute in accordance with their role (see Appendix B).

Council members who are unable, with good reason, to attend a meeting must inform the Secretary of the Council or Secretary of the relevant committee as soon as possible ahead of the meeting.

Where a Council member's absence from meetings over a prolonged period may affect the Council's ability to perform its statutory functions, that member will be asked to work with the Chair of Council to consider any action needed to address the position.

Council members' attendance records will form part of their annual performance review and particular consideration will be given to absences without notice.

Article 6(1)(g) of the Health and Care Profession Council (Constitution) Order 2009 provides that the Privy Council may remove a Council member whose level of attendance at meetings falls below a minimum level of attendance acceptable to the Privy Council.

### **5 Use of HCPC resources**

The HCPC may only provide resources to Council members in order to assist them in the discharge of their duties. Council members must not use HCPC resources for any other purpose or place HCPC employees in the embarrassing situation of having to refuse to provide them with resources.

### **6 HCPC employees**

In dealing with HCPC employees, Council members must recognise that their actions may be treated in law as those of the HCPC as employer.

Council members must not give direct instructions to employees, who are subject to the HCPC's established employment procedures and act on the instructions of their line managers, Directors and the Chief Executive.

Members are entitled to question the manner in which the HCPC operates or the advice or opinions provided by employees, but must not raise matters relating to the conduct or capability of employees at meetings held in public, nor seek to undermine employees by means of rudeness or ridicule. In particular, Members must recognise that employees are constrained in the response they may make to such public comment.

If a Member has any concerns about the conduct or capability of an employee, they should be discussed with the appropriate Director. Concerns about a Director should be discussed with the Chief Executive and concerns about the Chief Executive should be referred to the Chair of the Council.

## **7 Council members' annual performance review**

Council members must participate in the annual performance review process.

## **8 Breach of the Code**

Any minor breach of this Code should, where possible, be dealt with informally in the first instance; for example, by the Chair or another member drawing the breach to the Council member's attention during the meeting at which it occurs.

A Council member who considers that another Council member may be in breach of this Code may also raise the matter with the Chair.

Where there is evidence of a deliberate, serious or continued breach of this Code or a formal complaint is received about the conduct of a Council member, the matter will be referred to the Chair, who will act in accordance with the complaints procedure set out in Appendix C.

## **9 Suspension or removal from office of a Council Member**

A Council member may be suspended or removed from office in accordance with the provisions of the Health and Care Professions Council (Constitution) Order 2009.

**20th September 2017**

## Appendix A

### The Seven Principles of Public Life\*

**Selflessness**

Holders of public office should act solely in terms of the public interest.

**Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

**Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias..

**Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

**Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

**Honesty**

Holders of public office should be truthful.

**Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

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\* as set out by the Committee on Standards in Public Life ([www.public-standards.gov.uk](http://www.public-standards.gov.uk))

## **Appendix B**

### **The role of Council Members and Chairs**

#### **Council Member**

The role of a Council Member is to:

- contribute their knowledge and expertise to Council meetings, to aid effective decision-making;
- support the Council's objectives;
- ensure that they have a good working knowledge of HCPC's functions, processes and other information that may help their role;
- act in accordance with the Code; and
- act as an ambassador for the HCPC, representing the Council to stakeholders.

#### **Council Chair**

In addition to the role of Council member, the Chair will also:

- provide strong non-executive leadership, and encourage open and pro-active accountability to the public and the professions;
- act as an ambassador for the Council, inspiring confidence in the organisation and representing the interests of statutory regulation to outside bodies;
- develop and maintain constructive collaboration, networking and consultation with key stakeholders, and others when required;
- uphold public interest in all that the HCPC undertakes;
- chair meetings of Council;
- approve draft agendas and approve draft minutes for the committee;
- monitor and develop Council members' performance, providing support as necessary;
- manage the Council's Chief Executive so as to secure effective oversight of the development and achievement of the Council's strategic, policy and operational objectives and compliance with its statutory responsibilities.
- set the Chief Executive's objectives and monitor the Chief Executive's performance against those objectives;
- to nominate a suitable person or persons to carry out the duties of the Chair if the Chair is absent or unavailable.

## **Committee Chairs**

The role of the Chair is to:

- approve draft agendas and approve draft minutes for the committee;
- consult the Committee Secretary for advice as needed;
- manage the efficient and effective running of meetings by grasping the detail of a wide range of business, and contribute to objective decision making by exercising sound judgement;
- facilitate open discussion, and good decision-making;
- give an overview of the business of the Committee and present any relevant papers to Council;
- report annually to Council on the Committee's activities over the last year;
- ensure that the meeting is conducted in accordance with the standing orders, and that all members keep to the Code of Conduct; and
- act as spokesperson for the committee if required.

## **Appendix C**

### **Complaints against Council Members**

#### **Introduction**

1. This procedure deals with the investigation of complaints made against Council members which arise in that capacity, including complaints made against Council members by HCPC staff.
2. Complaints against members by HCPC staff should be made to the Chief Executive. All other complaints against members should be made to the Secretary of the Council.
3. All complaints must be made in writing and referred to the Chair. If, in the opinion of the Chair, more detail is needed in order for the complaint to be considered, the Chair may ask the complainant to provide further details.
4. The Chair must determine conclusively whether a complaint is within the scope of this procedure. If the Chair determines that a complaint is not within its scope or is trivial or vexatious, the Chair must inform the complainant of that decision in writing, and the reasons for it, and no further action will be taken in respect of that complaint. If it appears to the Chair that the complaint is one which should be dealt with by the Privy Council then the Chair will refer the matter to the Privy Council.
5. Where the Chair is unable to act or is the subject of a complaint, any reference in this procedure to the Chair is to be read as a reference to the Chair of the Education and Training Committee.

#### **Conciliation**

6. If the Chair determines that a complaint is within the scope of this procedure, the Chair may suggest that the complainant and the member seek to resolve the matter by conciliation and, if they agree, the Chair, with the consent of the parties, may appoint a conciliator.
7. If the complaint is resolved by conciliation, no further action is to be taken by the Chair in respect of the complaint.
8. If conciliation fails to reach a satisfactory outcome, any admissions or statements made during the course of the process are not admissible in any subsequent investigation or consideration of the complaint.

9. The Chair must nominate an Independent Reviewer to investigate any complaint where:
  - 9.1 the Chair considers that the complaint is unsuitable for resolution by conciliation;
  - 9.2 a party does not agree to take part in conciliation; or
  - 9.3 conciliation fails to resolve the complaint;

### **Investigation**

10. The Chair must nominate a person (the **Independent Reviewer**) to investigate the complaint and report on the matter to the Council as to whether:
  - 10.1 on the balance of probabilities, the allegations contained in the complaint are factually correct; and
  - 10.2 on the basis of those facts, the member has breached the Code of Conduct for Council Members (the **Code**).
11. Where the Independent Reviewer concludes that a breach of the Code has occurred, he or she may also recommend to the Council the action which it should take against the member concerned in respect of that breach.
12. Subject to paragraph 13, the Independent Reviewer may determine the procedure to be followed in conducting the investigation, including the lines of inquiry to be pursued, the persons from whom evidence is to be sought and the form in which that evidence is to be given.
13. The Independent Reviewer must:
  - 13.1 send a copy of the complaint to the member concerned and invite him or her to submit a written response within a reasonable time (which must in any event be not less than 14 days);
  - 13.2 send a copy of any response from the member concerned to the complainant, and provide him or her with a reasonable time (which must in any event be not less than 14 days) in which to comment on it.
14. The Independent Reviewer may be provided with administrative support by the HCPC and may obtain legal advice from the Solicitor to the Council but, if the Independent Reviewer wishes to obtain independent administrative support or legal advice, the Council must meet the reasonable costs incurred by the Independent Reviewer in doing so.

## **Report**

15. Once the investigation has concluded, the Independent Reviewer must prepare a report (the **Report**) setting out the findings of the investigation, the conclusions reached, any recommendation made in accordance with paragraph 18 and the reasons for them.
16. The Report must also include all of the documents considered by the Independent Reviewer (other than any legal advice given to the Independent Reviewer or any other privileged communication).
17. The Report must be submitted to the Chair and, at the same time, a copy must be sent to the complainant and the member concerned.
18. If the Independent Reviewer concludes that there has been a breach of the Code, the Report may include one or more of the following recommendations:
  - 18.1 that no action be taken;
  - 18.2 that the member be admonished by the Council;
  - 18.3 that a report be submitted to the police, another regulatory or law enforcement agency or to a prosecuting authority;
  - 18.4 that the Council recommend to the Privy Council that the member be removed from the Council.

## **Council Procedure**

19. The Chair must convene a meeting of the Council, to consider the report.
20. The Report must be considered as public business unless, at the discretion of the Chair, it is taken as private business where:
  - 20.1 the Independent Reviewer has dismissed the complaint;
  - 20.2 the complaint concerns the health of any person;
  - 20.3 the complaint concerns confidential information; or
  - 20.4 the Independent Reviewer has recommended that the police or a regulatory, law enforcement or prosecuting body be informed of the matter;

and, in the latter case, the Chair may determine that the Council must not make public any information relating to the matter until the conclusion of any action by the police or other body concerned.



## DECLARATION OF MEMBER'S INTERESTS

Name of Member: \_\_\_\_\_

**A: Membership or position of general control or management of certain bodies (current or held within the last two years)**

Name	Position
<b>1. body to which you are appointed by the HCPC:</b>	
<b>2. body exercising functions of a public nature:</b>	
<b>3. body directed to charitable purposes:</b>	
<b>4. body whose principal purposes include influencing public opinion or policy (including any political party or trade union):</b>	
<b>I have no relevant interest to declare (please tick)</b>	

**B: Remunerated employment, business, office or profession**

**Name, nature of the business and position you hold in any remunerated employment business, office or profession:**

--

I have no relevant interest to declare (please tick box)

**Category C: Directorships**

**Directorships (including non-executive directorships) in any public or private company:**

--

I have no relevant interest to declare (please tick box)

**Category D: Shareholdings**

**Details of any shareholdings which give you a majority or controlling interest in any undertaking:**

--

I have no relevant interest to declare (please tick box)

**Category E: Contracts**

**Description of any contracts for goods, services or works made between the HCPC and you or any entity in which you have a material interest:**

--

I have no relevant interest to declare (please tick box)

--

**Category F: Inducements, gifts and hospitality (please see relevant policy)**

Description	Donor	Date

I confirm that, to the best of my knowledge and belief, this is a full and accurate declaration of the interests that I am required to register. I undertake to promptly inform the Secretary to the Council of any changes to my registrable interests.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

## **ANTI-BRIBERY POLICY**

### **Introduction**

The Health and Care Professions Council is committed to acting with objectivity and integrity and conducting all of its activities in an honest and ethical manner.

This includes preventing bribery and fostering a culture in which bribery will not be tolerated in any form.

Council members, committee members, employees, partners and all others who act on the HCPC's behalf must uphold the highest standards of integrity when doing so.

### **Bribery**

In essence, bribery is the giving or receiving of a financial or other inducement or advantage in connection with some improper performance of functions.

The Bribery Act 2010 creates two bribery offences:

- offering, promising or giving a financial or other advantage (the offence of bribing another person); and
- requesting, agreeing to receive or accepting a financial or other advantage (the offence of being bribed).

In either case the bribe must be intended to induce improper conduct by the recipient, that is the improper exercise of a function of a public nature or an activity connected with a business, trade or profession.

The Act also creates a separate offence of bribing a foreign public official. That offence is committed if a bribe is offered, promised or given to such an official with the intention of influencing the recipient in the performance of his or her public functions and with the intention of obtaining or retaining business or a business advantage.

### **Policy**

All forms of bribery are strictly prohibited. A person who is subject to this policy (**you**) must not:

- offer or give a bribe to, or seek or accept a bribe from, any individual or organisation; or
- seek or accept, any payment (in cash or kind) or other inducement in respect of any service provided by or on behalf of the HCPC.

If you are unsure about whether a particular act contravenes this policy, you should seek advice from the [HCPC Secretariat].

### **Hospitality, gifts etc.**

This policy does not prohibit the acceptance, for legitimate purposes, of gifts or hospitality which are reasonable and appropriate.

A gift or hospitality will not be reasonable and appropriate if it is lavish or extravagant, or may be seen as an inducement or reward for any preferential treatment.

A gift will be reasonable and appropriate if it is of modest value or a token nature, such as flowers or pens, t-shirts, diaries and similar promotional items. Such gifts do not include expensive items, cash or its equivalent (such as vouchers) or any gift given in secret.

Hospitality will be reasonable and appropriate if it is of modest value and related to HCPC's activities, such as meals or refreshments provided at meetings or conferences. Such hospitality does not include offers of entertainment, such as attendance at sporting or other events unconnected to the HCPC's activities.

You must not:

- accept a gift or hospitality which is not reasonable and appropriate;
- accept a gift under any circumstances from a supplier or potential supplier when a contract is being awarded or business is being transacted; or
- accept a discount which is not generally available or any similar inducement in respect of products or services purchased for private purposes from an HCPC supplier.

If you are unsure about whether any gift or hospitality contravenes this policy, you should seek advice from the [HCPC Secretariat].

### **Record keeping**

You must declare any gifts or hospitality which you receive or give.

You must prepare all records relating to dealings with suppliers and other relevant third parties completely and accurately.

### **Raising a concern**

If you are offered a bribe or are asked to make one, or if you suspect that any bribery or other breach of this policy has occurred or may occur, you must report it as soon as possible to the [HCPC Secretariat] or

**20th September 2017**

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## PROFESSIONAL LIAISON GROUPS

### Introduction

1. The Council, where it considers that doing so would assist it to perform its functions in respect of a particular project, may establish a Professional Liaison Group (**PLG**).
2. The purpose of a PLG is to draw on the expertise of Council members and others to consider one or more specified topics in detail, and to perform a specified task or set of tasks within a timeframe set by the Council.

### Establishing a PLG

3. In respect of any project where establishing a PLG may be appropriate and beneficial, the Director of Policy and Standards must submit a report to the Council setting out:
  - 3.1 a clear and concise rationale as to why it would be appropriate and beneficial to establish a PLG;
  - 3.2 the proposed terms of reference of the PLG (which must be sufficiently precise to enable the Council to agree the PLG's remit);
  - 3.3 the activities which it is proposed the PLG will undertake, including a detailed timetable that sets a date for the conclusion of those activities and a date by which the PLG will report its findings to the Council;
  - 3.4 the knowledge and skills required for membership of the PLG and its proposed composition, including whether external members should be appointed (and, if so, identifying potential members or organisations who should be invited to nominate such members); and
  - 3.5 a proposed budget for the PLG.

### PLG Membership

4. If the Council agrees to establish a PLG, Council members who wish to be appointed to the PLG must be given an opportunity to submit a statement (of not more than 200 words) which sets out how their knowledge and skills meet those agreed for the PLG by the Council.
5. A PLG will be chaired by a member of the Council and Council members who wish to be considered for appointment as the PLG Chair must provide an additional statement (also of not more than 200 words) setting out their suitability for that role.

6. Unless the Council determines otherwise, statements submitted by Council members in accordance with paragraphs 4 or 5 will be considered by the Chair of Council, who will then recommend to the Council which members should be appointed to the PLG.
7. If the Council agrees that external members are to be appointed to a PLG, potential members identified in accordance with paragraph 3.4 may be invited to be PLG members or, in the case of organisations, to nominate such members.
8. If the number of potential external PLG members exceeds the number of places available, candidates may be asked to provide a statement similar to that submitted by Council members in accordance with paragraph 4.
9. Unless the Council determines otherwise, any statements submitted in accordance with paragraph 8 will be considered by a Panel comprised of the Chair of the Council, the PLG Chair and the Director of Policy and Standards, who will then recommend to the Council which potential members should be appointed to the PLG.
10. As appointments to a PLG are made based upon an individual's knowledge and skills, members cannot delegate their role to others. However, an external PLG member who is appointed to represent an organisation and who is unable to attend a particular meeting may, with the consent of the PLG Chair, send a delegate to that meeting. Consent must be sought at least seven days in advance of the meeting and the PLG Chair's decision as to whether a delegate may attend shall be final and binding.

### **Conduct of PLG business**

11. The Council's expectation is that, normally, PLG meetings will be held in public and that the papers for such meetings will be made available on the HCPC website.
12. PLGs are not committees of the Council and may regulate their own proceedings. However, in doing so, PLG Chairs are expected to have regard to the HCPC Standing Orders for Committees and, in particular, to take account of the criteria set out in Standing Order 5 (access to meetings) in considering any proposal to hold all or part of a meeting in private.
13. Only PLG members are entitled to speak at PLG meetings. Members of the public may only address the meeting at the prior invitation of the Chair. If any person disrupts the proceedings, the Chair may order that the person be removed from the meeting or that the part of the room which is open to the public be cleared.
14. Members of the public who wish to attend PLG meetings must sit in the public gallery. They should aim to arrive before the meeting begins and remain until the meetings ends to avoid disturbing the proceedings.

15. Unless the Council determines otherwise, the quorum for any meeting of a PLG is half of the total membership of the PLG plus one. If, during a meeting a quorum ceases to exist, the Chair must dissolve the meeting and any remaining business will be adjourned to the next meeting of the PLG.
16. Minutes will be taken at all PLG meetings and will be confirmed and signed by the Chair at the next meeting of the PLG. The minutes of a PLG's final meeting will be sent to members electronically for confirmation before being signed by the Chair. All PLG minutes will be submitted to the Council.

### **PLG Costs**

17. PLGs must operate within the budget agreed by the Council when the PLG was established.
18. Council members participating in the work of a PLG will be entitled to claim attendance allowances and expenses in accordance with the HCPC expenses policy for Council members.
19. Other PLG members will be entitled to have their reasonable expenses reimbursed in accordance with that expenses policy but will not be eligible to receive an attendance allowance.
20. In order to support the involvement of service users and carers, PLG members who are participating in an individual capacity or on behalf of an organisation representing service users or carers may, at the discretion of the Chair, be eligible to receive an attendance allowance equal to that paid to Council members.

### **Reporting to the Council**

21. In addition to receiving the minutes of all PLG meetings, the Council must be informed of any deviation from the PLG's agreed activities, timetable or budget and provided with such progress reports on the work of a PLG as the Council considers appropriate.

**17<sup>th</sup> September 2013**



## Health and Care Professions Council – Training Request Form

The approval process for training opportunities and the criteria against which any application would be considered, can be found overleaf. All members should complete the following form in advance of undertaking any training.

### Council/Committee member to complete:-

<b>Name of member</b>		
<b>Organisation hosting event</b>		
<b>Type of Training (i.e listening event, hearing)</b>		
<b>Venue</b>		
<b>Date of event</b>		
<b>Criteria: Please detail how this training meets the criteria (see overleaf for details)</b>		
	<b>Event:</b>	
	<b>Attendance allowance:</b>	
	<b>Expenses:</b>	
	<b>Travel allowance:</b>	

**Signature of member:**..... **Date**.....

**Signature of Director of Council and Committee Services**.....

**Date**.....

## Approval Process

1. Requests should be sent to the Director of Council and Committee Services who will then consider the application with the Chair of the Council. Consideration will be given against the following criteria:-
  - (a) Relevance of the training in terms of the members' role and responsibilities;
  - (b) Costs involved (including attendance and expenses) are proportionate in terms of the expected outcomes;
  - (c) The training provision demonstrates value for money when compared with other providers;
  - (c) Appropriateness of training opportunity i.e. would it be more appropriate for a member of the Executive to attend?;
  - (d) Requests for training opportunities to fulfill an individual's profession-specific CDP requirements will not normally be approved.
2. The Director of Council and Committee Services will notify the member of the outcome of discussion with the Chair of Council. Should approval be given to the training request, the training opportunities form will be signed by the Director of Council and Committee Services. It is the responsibility of the member to make the appropriate bookings and submit expenses in due course in line with the member expenses policy.