

Health Professions Council
5th July 2007

Council members acting as Registration Assessors

Executive Summary and Recommendations

Introduction

Currently, a small number of those acting as Registration Assessors for the Council are also Council members, or Council alternates.

Following the Council's decision to no longer use Council members as panel members, and the Council's recent decision that the same principle should apply to Visitors, the Education and Training committee recommends to the Council that HPC should not use Council members, alternates, or committee members as Registration Assessors (or indeed in other partner roles) in the future, unless in exceptional circumstances.

Decision

The Council/Committee is asked to agree the recommendations in the attached paper, which has been agreed by the Education and Training Committee.

Background information

None.

Resource implications

The recruitment of additional registration assessor(s) to cover identified shortfalls. This has been discussed with the Customer Services Manager in International Registration, and also with the Partner Manager.

Financial implications

None.

Appendices

None.

Date of paper

25th June 2007

Council members as Registration Assessors

A paper for discussion by the Council (as considered by the Education and Training Committee, with minor amendments pending that Committee's suggestions).

Introduction

This paper invites the Education and Training committee to discuss the Executive's recommendation that it may no longer be appropriate to use Council members as Registration Assessors.

This would be in order to ensure good independent decision-making, and also separation of strategic function and policy-making from that of the decision-making process, and process implementation.

Throughout this paper the term 'Council members' is used broadly, to encompass any individuals who have the strategic oversight function of the HPC's Council and committees. This can include professional members of Council, lay members, alternates, and those individuals who are committee members but who do not sit on Council.

The recommendations at the end of this paper are purposely broadly worded, to enable the Council, if they wish, to make a decision that will then set a policy for future partner roles (for example, CPD Assessors) and in the long-term, ensure consistency across all partner functions.

The context: Council members acting as panel members

At its meeting on December 7th 2004, the Council determined that it was no longer appropriate for Council members to act as panel members on fitness to practise hearings. Subsequently, the Education and Training Committee, at its meeting on 28th March 2007, recommended to Council that Council members should also no longer act as Visitors.

The principles behind this decision and recommendation were that good corporate governance would be best served by a clear separation between on the one hand the function of the Council and its committee (seeing policy and strategy, overseeing arrangements, reviewing and auditing results) and the implementation of that policy.

Following these decisions, the Education and Training committee asked that the Executive prepare a paper concerning the use of Council and Committee members as Registration Assessors, in order to achieve consistency across the different types of partners. This paper has been agreed by that Committee, and is now presented to the Council for their discussion.

The White Paper

It is interesting to note that the Council first decided to cease using Council members as panel members in December 2004, and the White Paper has now also made this a recommendation for all regulators, saying on page 66,

‘Since 2004... GMC Council members have not been allowed to sit on fitness to practise panels, in order to demonstrate the panels’ independence. The Health Professions Council has taken similar action and the Nursing and Midwifery Council is currently working towards these changes as a public signal of the independence of their proceedings. The Government believes that this principle should extend consistently across fitness to practise panels for all health professionals.’

The White Paper then goes on to say, in bold text, ‘**Council members’ sole function should be to act as strategic board members, and they should not be engaged in operational matters where impartiality and independence are paramount.**’

While this recommendation forms part of the fitness to practise section of the White Paper, it is clear that the principle here should extend to all operational areas of regulators’ business.

Implications for the Operations teams

Currently, three alternate Council members act as Registration Assessors, from the professions of Clinical Scientists, Paramedics and Orthoptists.

The implications that discontinuing this use would have in terms of Partner numbers have been discussed with the Customer Services Manager and the Partner Manager. The issue which would potentially come out of any decision made by the Council is that of the difficulty of recruiting clinical scientists positions, due to the small size of the profession, and the high number of modalities (there are currently only two Registration Assessors in the relevant modality, which is normally the minimum required for an assessment to take place) For this reason, in the recommendations to Council below, text has been added to allow the Executive to use a Council member as an assessor in exceptional circumstances.

It is suggested that, in the interests of balancing the Council’s commitment to good corporate governance with the Council’s commitment to customer services, and also the responsibility to ensure that operations can continue to process applications, a sensible way forward in the case of clinical science would be to continue using the existing arrangements until a replacement Registration Assessor has been recruited and trained.

Partners’ contracts

The HPC is contractually required to give any Partner three months written notice. This is set out in the terms of the Partner Agreement which states the following,

‘13 TERMINATION

13.1 Subject to the provisions of this Clause 13 this Agreement shall continue for a period of two years from the Commencement Date unless terminated:

13.1.1 by either party giving to the other no less than three months’ written notice;

It is suggested therefore that, if agreed by the Committee, and subsequently agreed by Council in July, ceasing to use Council members as Registration Assessors from October 2007 would allow for the required three month notice period.

Recommendations to Council

The Council is asked to agree:

- That Council members, alternates or committee members should in future not be appointed as partners.
- That in the future, if a partner is appointed or elected to the Council, the Partner Manager should approach them to explain the HPC's policy on separation of role, and they should be given notice that their partner contract will be terminated, unless there are exceptional circumstances.
- That existing Council members, alternates or committee members who are Registration Assessors should not be used from October 2007, unless there are exceptional circumstances.
- The Executive will keep the Education and Training Committee, in the first instance, informed of relevant information regarding this provision.
- that where a shortage in the profession is not created, those Council members who act as Registration Assessors should be given the required three month notice in order to terminate their contract as a Registration Assessor.

The recommendation of the Education and Training Committee

The Education and Training Committee specifically recommended adding the proviso, 'unless there are exceptional circumstances' to allow the flexibility for temporary arrangements to be made where this is absolutely necessary for operational reasons. A further decision has therefore been added, that the Executive will keep the Education and Training Committee (and the Council where appropriate) informed with updated information regarding where this provision is used.

Further information

The paper that the Council agreed around discontinuing the use of Council members as panel members is available on the HPC website here:

www.hpc-uk.org/assets/documents/10000673council_meeting_20041207_enclosure09.pdf

The paper that the Education and Training Committee agreed on Council members and Visitors is available on the HPC website here:

www.hpc-uk.org/assets/documents/100019D1education_and_training_committee_20070328_enclosure06.pdf

The White Paper 'Trust, Assurance and Safety – The Regulation of Health Professionals in the 21st century' is available on the Department of Health website here:

www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_065946

It should also be noted that since the White Paper recommends Councils should no longer have alternate members, there may be an opportunity for any members who are

not on the Council or committees in the future to apply for vacancies as partners in the future, subject to the Council's normal Partner application process.

Rachel Tripp
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25th June 2007