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## Health Professions Council – 20 May 2009

### Code of Corporate Governance

#### Executive summary and recommendations

##### **Introduction**

The Health Care and Associated Professions (Miscellaneous Amendments and Practitioner Psychologists) Order 2009 was approved by the House of Lords on Tuesday 5 May, and is due to come into effect on Wednesday 1 July 2009. As a result of the new legislation, it was necessary to update the Standing Orders of the Health Professions Council (HPC) to reflect the changes made to the legislation.

The opportunity has been taken to review the governance documents that underpin the HPC and bring them together in line with best practice to produce a “manual” detailing how the HPC operates and takes decision, known as the “Code of Corporate Governance.”

Whilst there have not been any radical changes to the documents within the Code of Corporate Governance, some documents have been updated, some streamlined and some new documents have been incorporated. In addition, there will be documents familiar to you such as the Financial Regulations that have previously been agreed by Council and it is proposed that these will also be included in the Code of Corporate Governance. The existing governance documents are appended for your information.

##### **Updated Sections:-**

- The Standing Orders of the Council, the Scheme of Delegation and the Education and Training Committee Scheme of Delegation have been updated to incorporate the changes to the legislation and reviewed to ensure they are fit for purpose;
- The Audit Committee Terms of Reference have been updated to incorporate references to “the Accountable officer.” The guidance from the National School of Government is that the role of the Audit Committee in relation to public bodies is to advise the governing body and the accountable officer who may be required to report to Parliament on financial and audit issues.

##### **Streamlined Section:-**

- The Standing Orders of Committees, previously separate documents, have been streamlined and drafted as a composite set of Standing Orders. This will ensure continuity since all the Committees will be governed using the same

Standing Orders, with few exceptions such as the frequency of meetings and the composition of Committees. This has also incorporated references to the Fitness to Practise Committee following the decision by Council in March to establish this non-statutory Committee.

**New Sections:-**

- The Education and Training Committee Rules (approved by Council on 26 March) which are within the control of the Council and do not require Privy Council approval, have been incorporated into the Code of Corporate Governance;
- Effective decision-making is dependent upon the maintenance of successful working relationships between Council members and employees. It was therefore considered important to establish a protocol on Council member/employee relations for the HPC and this can be found under Part C of the Code relating to the Roles and Responsibilities of Members;
- Following the decision to establish a single, non-statutory, Fitness to Practise Committee, the Terms of Reference for the Committee were drafted and can be found within the Code of Corporate Governance.

<b>Changes</b>	<b>Document</b>
<b>Updated</b>	<ul style="list-style-type: none"> <li>• Standing Orders of the Council;</li> <li>• Scheme of Delegation;</li> <li>• Education and Training Committee Scheme of Delegation; and</li> <li>• Terms of Reference of the Audit Committee.</li> </ul>
<b>Streamlined</b>	<ul style="list-style-type: none"> <li>• Standing Orders of the Committees.</li> </ul>
<b>New</b>	<ul style="list-style-type: none"> <li>• Education and Training Committee Rules;</li> <li>• Member/employee relations protocol; and</li> <li>• Fitness to Practise Committee Terms of Reference.</li> </ul>
<b>Existing</b>	<p>Terms of reference as follows:-</p> <ul style="list-style-type: none"> <li>• Finance and Resources;</li> <li>• Communications;</li> <li>• Code of Conduct;</li> <li>• Register of Interests;</li> <li>• Gifts, Inducements and Hospitality Policy;</li> <li>• Financial Regulations.</li> </ul>

## **Composition of Committees**

Currently the Council is comprised of 26 members (made up of one representative from each of the professions regulated and 13 lay members) plus a president. There are also 13 alternate professional members who attend Council and Committee meetings in the absence of the 13 representatives.

With the reduction in the size of the Council to 19 Members plus a Chair, careful consideration needs to be given to the size and compositions of the Committees. (See page 1 of the Committee Standing Orders).

## **Decision**

Council is requested to:-

- (i) consider and agree the size and composition of the Committees;
- (ii) give consideration to the Code of Corporate Governance and its constituent parts; and
- (iii) Approve the Code of Corporate Governance and its constituent parts.

## **Background information**

None

## **Resource implications**

None

## **Financial implications**

None

## **Background papers**

None

## **Appendices**

Code of Corporate Governance

## **Date of paper**

6 May 2009

## **CODE OF CORPORATE GOVERNANCE**

The Health Professions Council's Code of Corporate Governance 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 four sections as detailed below.

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

Standing Orders of the Council.....	Enclosure A
Standing Orders of the Committees .....	Enclosure B
Scheme of Delegation .....	Enclosure C
Scheme of Delegation, Education and Training Committee .....	Enclosure D

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

Education and Training Committee Rules .....	Enclosure E
Finance and Resources Committee Terms of Reference.....	Enclosure F
Audit Committee Terms of Reference .....	Enclosure G
Communications Committee Terms of Reference .....	Enclosure H
Fitness to Practise Committee Terms of Reference .....	Enclosure I

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

Code of Conduct .....	Enclosure J
Members' Interests .....	Enclosure K
Gifts, Inducements and Hospitality Policy.....	Enclosure L
Member / Employee relations protocol .....	Enclosure M

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

Financial Regulations .....	Enclosure N
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## STANDING ORDERS OF THE HEALTH PROFESSIONS COUNCIL

### 1. Application and Interpretation

- (1) These Standing Orders, together with the provisions of the Health Professions Order 2001 and the Health Professions Council (Constitution) Order 2009 (together, **the Orders**), establish the basic rules about how the Council conducts its proceedings.
- (2) Unless the context otherwise requires, terms used in the Standing Orders have the same meaning as in the Orders.
- (3) If a procedural point arises during a 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.
- (4) The Chair is the final authority as to the interpretation of these Standing Orders.

### 2. Suspension of Standing Orders

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

### 3. Frequency of Meetings

- (1) The Council shall meet in ordinary session (**Ordinary Meeting**) not less than four times in each year and at such other times as the Council shall decide.
- (2) In addition to Ordinary Meetings, a special session of the Council (**Special Meeting**) may be convened by the Secretary upon the written request of the Chair or any five Members of the Council.
- (3) A written request for a Special Meeting to be held shall include details of the business to be transacted at that meeting.

- (4) A Special Meeting shall take place within 14 days of the Secretary receiving the request for the meeting to be held.

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

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

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

- (1) All meetings of the Council shall be open to the public unless the business under consideration concerns:
  - (a) information relating to a registrant, former registrant or applicant for registration;
  - (b) information relating to an employee or office holder, former employee or applicant for any post or office;
  - (c) the terms of, or expenditure under, a tender or contract for the purchase or supply of goods or services or the acquisition or disposal of property;
  - (d) negotiations or consultation concerning labour relations between the Council and its employees;
  - (d) any issue relating to legal proceedings which are being contemplated or instituted by or against Council;
  - (e) action being taken to prevent or detect crime or to prosecute offenders;
  - (f) the source of information given to the Council in confidence; or
  - (g) 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**

- (1) The Secretary shall give Members not less than seven days notice of the time and place of a meeting.
- (2) If for any reason a meeting is convened at shorter notice, then the Secretary shall give Members notice of the time and place of the meeting at the time that the meeting is convened.
- (3) Failure to send notice of a meeting to a Member shall not invalidate the proceedings of that meeting.

## **7. Agenda**

- (1) The Secretary shall issue an agenda for each meeting.
- (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 be sent to Members seven days before the meeting.

## **8. Chair**

- (1) The Chair shall preside at any meeting of the Council.
- (2) If the Chair is absent from, or otherwise unable to preside at, a meeting the Members present shall nominate one of their number to serve as chair at that meeting.
- (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**

- (1) The quorum at any meeting of the Council shall be 11 Members.
- (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 be held over until the next Ordinary Meeting, unless a Special Meeting is called in the meantime for the transaction of that business.

- (3) If, during a meeting of the Council, it appears to the Chair that a quorum has ceased to exist, business will be suspended and the number of Members present counted and, if:
  - (a) a quorum exists, the business will proceed;
  - (b) a quorum does not exist, the meeting will be dissolved and all remaining business will be adjourned to the next Ordinary Meeting.

## **10. Conduct of Meetings**

- (1) The order of business at a meeting shall follow that set out in the agenda unless it is varied by the Chair with the consent of the meeting.
- (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.
- (3) All motions must relate to matters that are within or related to the functions of the Council.
- (4) Members shall not make derogatory personal references or use offensive expressions or improper language to any other Member or any employee of the Council.
- (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.
- (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**

- (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.
- (2) In the event of an equality of votes, the Chair shall be entitled to an additional casting vote.



## **12. Minutes of Council meetings**

- (1) The Secretary shall keep minutes of each meeting which shall include a record of the Members present at that meeting.
- (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.
- (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**

- (1) If, in the opinion of the Chair, 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.
- (2) In the event of a disturbance which, in the opinion of the Chair, prevents the orderly conduct of business, the Chair may adjourn the meeting for such period as the Chair considers appropriate.
- (3) If a member of the public 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. Interests of members**

- (1) Members shall make a declaration of their personal interests in accordance with the Members' Interests Registration Scheme established by the Council and shall be under a duty to ensure that the details of their interests set out in the Register of Members' Interests maintained by the Council are accurate and up to date.

- (2) The agenda for every meeting shall 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 promptly disclose that interest to the meeting. If the interest is a prejudicial interest, the member shall withdraw from the meeting during the Council's consideration of that matter.

## **16. Code of conduct**

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

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

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

## **18. Provisional suspension of Members**

- (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 be provisionally suspended from office until such time as the Privy Council has reached a decision on whether to suspend or remove the Member.
- (2) A Member who is provisionally suspended shall not be entitled to participate in meetings of the Council or to exercise any other functions of a Member.

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

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

## **20. Emergency Action**

- (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**).
- (2) For this purpose “emergency” means circumstances in which:-
  - (a) HPC will be unable to discharge its statutory functions or be exposed to a significant level of risk if urgent action is not taken; or
  - (b) urgent action must be taken to prevent loss, damage or significant disadvantage to HPC;

and, for the avoidance of doubt, a matter is not an emergency solely because it has been omitted from inclusion in the agenda for a meeting of the Council on a particular occasion.

- (3) Before taking any Emergency Action, the Chair must consult the Registrar.
- (4) The Registrar shall make reasonable efforts to inform Members of the proposed Emergency Action or, where it is impracticable to do so, shall inform Members as soon as possible after Emergency Action has been taken but failure to do either shall not invalidate any Emergency Action.
- (5) The Emergency Action functions of the Chair and Registrar may be exercised by such other persons as the Chair and Registrar may respectively nominate in writing.

## **21. The Secretary**

- (1) The Registrar shall be the secretary to the Council.
- (2) The Registrar, with the consent of the Council, may appoint another person to act as secretary to the Council.

- (3) In these Standing Orders, references to “the Secretary” mean the Registrar or, where a person has been appointed in accordance with Standing Order 21(2), that person.

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

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

## **23. Common Seal**

- (1) The Common Seal of the Council shall be kept in safe custody by the Registrar or a person appointed by the Registrar.
- (2) The Common Seal shall 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 also be signed by the Registrar and by a Member of Council.

## COMMITTEE STANDING ORDERS

### 1. Application and Interpretation

- (1) These Standing Orders, together with the provisions of the Health Professions Order 2001 (the 2001 Order) establish the basic rules about how all Committees and Sub-Committees of the Council (other than the Practice Committees) conducts their proceedings.
- (2) In these Standing Orders "Committee" means any Committee or Sub-Committee to which they apply and, unless the context otherwise requires, other terms have the same meaning as in the 2001 Order.
- (3) If a procedural point arises during a meeting which is not covered by these Standing Orders (or the 2001 Order), the common law rules concerning the conduct of meetings will apply.
- (4) The Committee Chair is the final authority as to the interpretation of these Standing Orders.

### 2. Composition of Committees

- (1) The **Education and Training Committee** shall comprise **XX** members appointed by the Council on such terms as it shall determine of which:
- (2) The **Audit Committee** shall comprise **XX** members appointed by the Council on such terms as it shall determine of which:
- (3) The **Communications Committee** shall comprise **XX** members appointed by the Council on such terms as it shall determine of which:
- (4) The **Finance and Resources Committee** shall comprise **XX** members appointed by the Council on such terms as it shall determine of which:

- (5) The **Fitness to Practise Committee** shall comprise **XX** members appointed by the Council on such terms as it shall determine of which:

### **3. Frequency of Meetings**

- (1) Committees shall meet at such times as the Committee shall determine, subject to the following:
  - (a) The **Education and Training Committee** shall hold not less than four meetings in each year, on dates correlated with the Council's cycle of meetings;
  - (b) The **Audit Committee** shall hold not less than three meetings in each year, on dates which coincide with key dates within the financial reporting and audit cycle;
  - (c) The **Finance and Resources Committee** shall hold not less than four meetings in each year.

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

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

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

- (1) All meetings of the Committee shall be open to the public unless the business under consideration concerns:
  - (a) information relating to a registrant, former registrant or applicant for registration;
  - (b) information relating to an employee or office holder, former employee or applicant for any post or office;
  - (c) the terms of, or expenditure under, a tender or contract for the purchase or supply of goods or services or the acquisition or disposal of property;

- (d) negotiations or consultation concerning labour relations between the Council and its employees;
- (d) any issue relating to legal proceedings which are being contemplated or instituted by or against Council;
- (e) action being taken to prevent or detect crime or to prosecute offenders;
- (f) the source of information given to the Committee in confidence; or
- (g) 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 functions.

## **6. Notice of Meetings**

- (1) The Secretary shall give Members not less than seven days notice of the time and place of a meeting.
- (2) If for any reason a meeting is convened at shorter notice, then the Secretary shall give Members notice of the time and place of the meeting at the time that the meeting is convened.
- (3) Failure to send notice of a meeting to a Member shall not invalidate the proceedings of that meeting.

## **7. Agenda**

- (1) The Secretary shall issue an agenda for each meeting.
- (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 be sent to Members seven days before the meeting.

## **8. Chair**

- (1) The Chair of the Committee, who shall be appointed by the Council on such terms as it shall determine, shall preside at any meeting of the Committee.

- (2) If the Chair is absent from, or otherwise unable to preside at, a meeting the Members present shall nominate one of their number to serve as chair at that meeting.
- (3) In these Standing Orders, references to the "Chair" include a Member presiding at a meeting of the Committee in place of the Chair.

## 9. Quorum

- (1) The quorum at any meeting of a Committee shall be:
  - (a) in the case of a Panel of the **Education and Training Committee**, any three Members;
  - (b) in the case of the **Audit Committee**, any two Members;  
and
  - (b) in any other case, half of the total number of Members of the Committee plus one.
- (2) For the purpose of Standing Order 8(1) "Panel" means a Panel of the **Education and Training Committee** which has been convened to:
  - (a) consider Visitors' reports which are submitted to the Committee and any representations upon such reports and, if thought fit, to approve the course of education or training, qualification or institution to which that report relates;
  - (b) consider and, if thought fit, approve proposed changes to such courses, qualifications or institutions;
  - (c) consider and, if thought fit, approve matters arising from the monitoring of such courses, qualifications or institutions.
- (3) 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 be held over until the next meeting of the Committee, unless a meeting is called in the meantime for the transaction of that business.
- (4) If, during a meeting of the Committee, it appears to the Chair that a quorum has ceased to exist, business will be suspended and the number of Members present counted and, if:
  - (a) a quorum exists, the business will proceed;



- (b) a quorum does not exist, the meeting will be dissolved and all remaining business will be adjourned to the next meeting of the Committee.

## **10. Conduct of Meetings**

- (1) The order of business at a meeting shall follow that set out in the agenda unless it is varied by the Chair with the consent of the meeting.
- (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.
- (3) All motions must relate to matters that are within or related to the functions of the Committee and the Council.
- (4) Members shall not make derogatory personal references or use offensive expressions or improper language to any other Member or any employee of the Council.
- (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.
- (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**

- (1) Except where the 2001 Order specifies otherwise, any question at a meeting shall be decided by a majority of the Members present voting by a show of hands.
- (2) In the event of an equality of votes, the Chair shall be entitled to an additional casting vote.

## **12. Minutes of meetings**

- (1) The Secretary shall keep minutes of each meeting which shall include a record of the Members present at that meeting.

- (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.
- (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 8(3), 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**

- (1) If, in the opinion of the Chair, 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.
- (2) In the event of a disturbance which, in the opinion of the Chair, prevents the orderly conduct of business, the Chair may adjourn the meeting for such period as the Chair considers appropriate.
- (3) If a member of the public 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. Interests of members**

- (1) Members shall make a declaration of their personal interests in accordance with the Members' Interests Registration Scheme established by the Council and shall be under a duty to ensure that the details of their interests set out in the Register of Members' Interests maintained by the Council are accurate and up to date.
- (2) The agenda for every meeting shall 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 promptly disclose that interest to the meeting. If

the interest is a prejudicial interest, the member shall withdraw from the meeting during the Committee's consideration of that matter.

## **16. Code of conduct**

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

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

- (1) The Council shall establish standards of education and training for Members and, as part of those standards, shall arrange for Members to undergo training to assist them in their performance of their duties.
- (2) The Council shall establish standards of attendance and performance for Members, which may include a system of annual performance appraisal.
- (3) Members shall comply with the standards established by the Council under this Standing Order and shall not, without reasonable excuse, refuse to participate in the training or any appraisal processes.

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

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

## **19. The Secretary**

- (1) The Registrar, or such other person as the Registrar may appoint, shall be the Secretary to the Committee.
- (2) In these Standing Orders, references to "the Secretary" mean the Registrar or, where a person has been appointed in accordance with Standing Order **20(2)**, that person.

## **20. The Registrar, Secretary and advisers**

- (1) Unless for good reason the Committee resolves otherwise, the Registrar shall be entitled to attend and speak at meetings of the Committee.
- (2) The Secretary or any other person advising on the business before a meeting of the Committee (including advising the Chair on issues of order) may attend and, with the consent of the Chair, speak at that meeting.

## **SCHEME OF DELEGATION**

### **1. Introduction**

- 1.1. This scheme of delegation (**the Scheme**) is intended to facilitate the efficient and effective functioning of the Health Professions Council (**the Council**).
- 1.2. The Scheme is designed to ensure that, so far as possible, the Council and its Committees set policy and strategy and that the Executive implements that policy and strategy and is responsible for all operational matters.
- 1.3. The Scheme sets out:
  - (a) those decisions which the Council has reserved to itself;
  - (b) those decisions which it has delegated to its Education and Training Committee;
  - (c) those decisions which it has delegated to the Chief Executive and Registrar (**the Chief Executive**), some of which may also be exercised by nominated officers of the Executive or by persons nominated by the Chief Executive;
  - (d) those decisions which it has 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 Council'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 Council.
- 2.2. The requirement to amend or revoke the Scheme does not apply to any matter where the Council is of the opinion that delegated authority should not be exercised. In that event, the Council may resolve that delegated authority shall not be exercised in relation to that matter.

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

- 3.1. Where power is delegated under the Scheme, the power must be exercised in a manner which is consistent with the Council's obligations under the general law and the Health Professions Order 2001 (**the 2001 Order**).
- 3.2. In particular, the decision maker must have regard to Article 3(4) of that Order, which provides that the main 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.
- 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 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 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 2001 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:
  - (a) establishing the Standards of Proficiency, Standards of Conduct, Performance and Ethics, Standards of Education and Training and Standards of Continuing Professional Development;
  - (b) prescribing good conduct and good character requirements for safe and effective practice;

- (c) establishing criteria for the purpose of Article 13 of the 2001 Order (grandparenting criteria) and Article 15 of that Order (approvals criteria);
- (d) making recommendations to the Secretary of State concerning the regulation of any profession;
- (e) making any proposal to the Privy Council concerning the structure of the register;
- (f) approving any report or accounts to be submitted to the Privy Council or the Secretary of State;
- (g) setting the fees to be charged for or associated with registration (including renewal, readmission, restoration and scrutiny fees);
- (h) establishing any committee or sub-committee and making the Standing Orders for any committee or sub-committee;
- (i) appointing members to any committee or sub-committee (other than the appointment of persons to a panel of the Council or a Practice Committee to hear a specific registration appeal or fitness to practise case);
- (j) appointing or removing the Chief Executive;
- (k) appointing members to the Council following an election or to fill vacancies;
- (l) appointing members to represent the Council on outside bodies;
- (m) entering into any arrangements with a body created or designated by the National Assembly for Wales under Article 20 of the 2001 Order;
- (n) acquiring or disposing of any freehold or leasehold interest in land and property or other interest in land;
- (o) 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:

- (a) in which a person who would otherwise have delegated authority to act has an actual or potential interest;

- (b) which, in the opinion of the Chief Executive, would for any reason be more appropriately dealt with by the Council.

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

- 5.1. Approving, for the purpose of Article 12 of the 2001 Order, qualifications awarded in the United Kingdom which attest to the Standards of Proficiency required for admission.
- 5.2. Maintaining and publishing the Council's list of approved courses of education and training, qualifications and institutions.

**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 EEA State.
- 6.3. Referring any allegation received by the Council under Part V of the 2001 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 2001 Order to refer a matter for investigation as if it was the subject of an allegation.
- 6.5. Appointing, at the request of a Council or Practice Committee Panel, registrant assessors and medical assessors in respect of any registration appeal or fitness to practise proceedings.
- 6.6. Prosecuting offences under Article 39 of the 2001 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 registration appeals, fitness to practise cases or proceedings under section 29 of the NHS Reform and Health Care Professions Act 2002.
- 6.8. 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.



- 6.9. 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. Issuing certificates of competence for the purposes of the Prescription Only Medicines (Human Use) Order 1997.
- 7.3. Determining and administering the Council's employment procedures and processes.
- 7.4. 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%.
- 7.5. Tendering, awarding and varying contracts where, in relation to contracts for building, construction or engineering works, the estimated total value is less than £25,000 and in all other cases where the estimated total value is less than £10,000.
- 7.6. Approving the terms of any other agreement or transaction of a minor or urgent nature which, in the opinion of the Executive, is in the best interests of the Council.
- 7.7. Managing any property owned by the Council or in which the Council has an interest including the submission of planning and building consent applications.

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

- 8.1. Appointing the members of any Council and Practice Committee Panel appointed to hear a registration appeal or conduct fitness to practise proceedings. Subject to any requirements of the 2001 Order concerning the composition of such Panels, members of a Panel shall be chosen by a random process.
- 8.2. Appointing, by means of a random process, the Legal Assessor who is to be present at any registration appeal or fitness to practise hearing.

- 8.3. Conducting and defending all proceedings brought by or against the Council in relation to registration appeals, fitness to practise cases and proceedings under section 29 of the NHS Reform and Health Care Professions Act 2002.
- 8.4. Publishing the particulars of orders and decisions (and the reasons for them) made by Council or Practice Committee Panels.
- 8.5. Appointing authorised persons for the purpose of Articles 25(1) and 37(7) of the 2001 Order.
- 8.6. Requiring a person to comply with Article 25(2) of 2001 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.
- 8.7. Seeking an extension by a court under Article 31(8) of the 2001 Order, of an interim order made by a Practice Committee.

**9. Matters delegated to the Director of Education**

- 9.1. Appointing Visitors to visit any place or institution for the purposes of Part IV of the 2001 Order (education and training). Subject to any requirements of that Part concerning the composition of Visitor panels, Visitors shall be chosen by a random process.
- 9.2. Publishing Visitors' reports and any responses to such reports (where the respondent has asked for it to be published).

**10. Matters delegated to the Director of Finance**

In conjunction with the Chief Executive, who is the Council's Accountable Officer:

- (a) keeping the accounts and preparing the annual accounts of the Council in accordance with Article 46 of the 2001 Order;
- (b) administering the Council's finances including, but not limited to, the day to day control and regulation of those finances.

## **EDUCATION AND TRAINING COMMITTEE SCHEME OF DELEGATION**

### **1. Introduction**

- 1.1. This scheme of delegation (**the Scheme**) is intended to facilitate the efficient and effective functioning of the Education and Training Committee (**the Committee**) of the Health Professions Council (**the Council**).
- 1.2. The Scheme is designed to ensure that, so far as possible, the Committee is responsible for policy and strategy and that the Executive implements that policy and strategy and is responsible for all operational matters.
- 1.3. The Scheme sets out:
  - (a) those decisions which the Committee has reserved or must reserve to itself;
  - (b) those decisions which it has delegated to the Chief Executive and Registrar (**the Chief Executive**) and persons nominated by the Chief Executive;
  - (c) those decisions which it has delegated to nominated Directors and persons nominated by them..
- 1.4. The Executive, under the direction of the Chief Executive, remains responsible for day to day administration of the Council'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 where the Committee is of the opinion that delegated authority should not 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 power is delegated under the Scheme, the power must be exercised subject to any requirements of the Health Professions Order 2001 (**the 2001 Order**) or rules made under it, to any policies or procedures established by the Committee and in a manner which is consistent with the Committee's obligations under the general law.
- 3.2. In particular, the decision maker must have regard to Article 3(4) of the 2001 Order, which provides that the main 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.
- 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 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 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:
  - (a) 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;
  - (b) 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).

- (c) 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.
- (d) 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.
- (e) 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;
- (f) approving courses of education and training, qualifications, institutions and tests of competence under Article 15(5) of the 2001 Order;
- (g) 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.
- (h) approving education and training provided outside of the United Kingdom under Article 15(6) of the 2001 Order.
- (i) receiving any report submitted to the Committee by a Visitor under Article 16(7) of the 2001 Order.
- (j) imposing reporting requirements on Visitors under Article 16(7)(b) of the 2001 Order.
- (m) maintaining and publishing the Council's list of approved courses of education and training, qualifications and institutions. (This is a function which has been delegated to the Committee by the Council without authority to sub-delegate);
- (n) withdrawing or refusing approval of an institution for failure to provide information and assistance under Article 17(3) of the 2001 Order;

- (o) withdrawing or refusing approval of a course of education and training, qualification or institution under Article 18 of the 2001 Order;
- (p) 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:

- (a) in which a person who would otherwise have delegated authority to act has an actual or potential interest;
- (b) which, in the opinion of the Chief Executive, would for any reason be more appropriately dealt with by the Committee.

## **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 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 Fitness to Practise and any officer nominated by the Fitness to Practise**

Obtaining legal advice on, appointing persons to represent the Committee as respondent in and responding to registration appeals.

*(This function is limited to proceedings before the Council's Registration Appeals Panel. The conduct and defence of court proceedings relating to registration appeals is a function of the Council which has also been delegated to the Director of Fitness to Practise).*

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

- 7.1. Appointing the Visitors who are to visit any place or institution for any purpose of Part IV of the 2001 Order. Subject to any requirements of the 2001 Order relating to their selection, visitors shall be chosen by a random process.
- 7.2. Sending a copy of any report received by the Committee from a Visitor under Article 16(7) of the 2001 Order Visitors' to the institution concerned and notifying that institution of its right to make observations in accordance with Article 16(9) of the 2001 Order.
- 7.3. 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).
- 7.4. 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.

# **The Health Professions Council (Education and Training Committee) (Constitution) Rules 2009**

The Health Professions Council makes the following Rules in exercise of its powers under paragraphs 17(1) and 18(2) of Schedule 1 to the Health Professions Order 2001.

## **PART 1 Introductory**

### **Citation and commencement**

1. These Rules may be cited as the Health Professions Council (Education and Training Committee) (Constitution) Rules 2009 and shall come into force on [DATE].

### **Interpretation**

2. In these Rules—

“Committee” means the Education and Training Committee;

“final outcome” in relation to any proceedings where there are rights of appeal, means the outcome of the proceedings—

- (a) once the period for bringing an appeal has expired without an appeal being brought; or
- (b) if an appeal is brought in accordance with those rights, once those rights have been exhausted;

“licensing body” means—

- (a) any body, other than the Council, anywhere in the world that licenses or regulates any profession;
- (b) the Council for the Professions Supplementary to Medicine, prior to its abolition by virtue of the Order;

“lay member” means a member who—

- (a) is not and never has been a registrant, or registered under the 1960 Act or in the AODP register, the AEP register or the BPS register; and
- (b) does not hold a qualification that would entitle them to apply for registration under the Order;

“member”, unless the context otherwise requires, means a member of the Committee and includes the chair and any deputy chair;

“the Order” means the Health Professions Order 2001;



“spent conviction” means—

- (a) in relation to a conviction in a court in Great Britain, a conviction that is a spent conviction for the purpose of the Rehabilitation of Offenders Act 1974; or
- (b) in relation to a conviction by a court in Northern Ireland, a conviction that is a spent conviction for the purposes of the Rehabilitation of Offenders (Northern Ireland) Order 1978.

## **PART 2**

### **Education and Training Committee**

#### **Education and Training Committee**

3.—(1) The Education and Training Committee shall consist of not more than 30 members appointed by the Council and the membership shall include—

- (a) at least 3 members of the Council;
- (b) at least 1 registrant from each of the relevant professions; and
- (c) at least 5 lay members.

(2) Of the members appointed in accordance with paragraph (1)—

- (a) at least one member shall live or work wholly or mainly in each of England, Scotland, Wales and Northern Ireland; and
- (b) the majority of members shall have such qualifications and experience in relation to the provision, funding or assessment of professional education and training as the Council considers will be of value to the Committee in the performance of its functions.

(3) The Council shall determine the duration of the term of office of members of the Committee on their appointment.

(4) No person may be a member of the Committee for more than an aggregate of 8 years during any period of 20 years but, for the purpose of the computing that aggregate, any service as a member of the committee prior to 1st July 2007 shall be discounted.

(5) The quorum of the Committee shall be half of the total number of members of the Committee, plus one.

#### **Chair of the Education and Training Committee**

4.—(1) The Council shall appoint a member of the Committee as the chair of the Committee.

(2) The term of office of the chair of the Committee shall be determined on appointment but it shall not exceed that person’s term of office as a member of the Committee.

- (3) The member serving as chair of the Committee shall cease to be chair—
- (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 to be a member of the Committee;
  - (c) if the member's membership of the Committee is suspended by the Council;  
or
  - (d) if a majority of the Council votes to terminate the member's appointment as chair.

(4) If, for any reason, the chair is absent from a meeting of the Committee, the members who are present at that meeting shall nominate one of their number to serve as chair at that meeting.

(5) If, for any reason—

- (a) the Committee is on notice that the chair is likely—
  - (i) to be absent for more than one meeting of the committee, or
  - (ii) to be unavailable to perform the duties of a chair for more than a month; or
- (b) the office of chair is vacant,

the Committee may nominate a member ("deputy chair") to serve as chair during the absence or unavailability of the chair or the vacancy.

(6) A member serving as deputy chair shall cease to be deputy chair—

- (a) in the case of—
  - (i) the absence or unavailability of the chair, once the chair notifies the Committee that they are able to resume their duties, or
  - (ii) the office of chair being vacant, once the vacancy is filled;
- (b) if the member ceases to be a member;
- (c) if the member resigns as deputy chair, which the member may do at any time by a notice in writing to the Council;
- (d) if the member's membership of the Committee is suspended by the Council;  
or
- (e) if the Committee votes (by a majority at a quorate meeting) to terminate the member's appointment as deputy chair.

## PART 3

### Disqualification, termination and suspension of members

#### Disqualification from appointment

5. A person is disqualified from appointment as a member if that person—
- (a) has at any time been convicted of an offence involving dishonesty or deception in the United Kingdom and the conviction is not a spent conviction;
  - (b) has at any time been convicted of an offence in the United Kingdom, and—
    - (i) the final outcome of the proceedings was a sentence of imprisonment or detention, and
    - (ii) the conviction is not a spent conviction;
  - (c) has at any time been removed—
    - (i) from the office of charity trustee or trustee for a charity by an order made by the Charity Commissioners, the Charity Commission, the Charity Commission for Northern Ireland or the High Court on the grounds of any misconduct or mismanagement in the administration of the charity—
      - (aa) for which the person was responsible or to which the person was privy, or
      - (bb) which the person by their conduct contributed to or facilitated, or
    - (ii) under—
      - (aa) section 7 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (powers of Court of Session to deal with management of charities), or
      - (bb) section 34(5)(e) of the Charities and Trustee Investment (Scotland) Act 2005 (powers of the Court of Session),from being concerned with the management or control of any body;
  - (d) has at any time been removed from office as the chair, member, convenor or director of any public body on the grounds, in terms, that it was not in the interests of, or conducive to the good management of, that body that the person should continue to hold that office;
  - (e) at any time has been adjudged bankrupt or sequestration of the person's estate has been awarded, and—
    - (i) the person has not been discharged, or
    - (ii) the person is the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order under Schedule 4A to the Insolvency Act 1986 or Schedule 2A of the Insolvency (Northern Ireland) Order 1989 (which relate to bankruptcy restriction orders and undertakings);
  - (f) has at any time made a composition or arrangement with, or granted a trust deed for, the person's creditors and the person has not been discharged in respect of it;

- (g) is subject to—
- (i) a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986,
  - (ii) a disqualification order under Part II of the Companies (Northern Ireland) Order 1989 (company directors disqualification),
  - (iii) a disqualification order or disqualification undertaking under the Company Directors Disqualification (Northern Ireland) Order 2002, or
  - (iv) an order made under section 429(2) of the Insolvency Act 1986 (disabilities on revocation of a county court administration order);
- (h) has been included by—
- (i) the Independent Barring Board in a barred list (within the meaning of the Safeguarding Vulnerable Groups Act 2006 or the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007), or
  - (ii) the Scottish Ministers in the children’s list or the adults’ list (within the meaning of the Protection of Vulnerable Groups (Scotland) Act 2007);
- (i) has at any time been subject to any investigation or proceedings concerning the person’s fitness to practise by any licensing body, the final outcome of which was—
- (i) the person’s erasure from a register held by the licensing body or a decision that had the effect of preventing the person from practising the profession licensed or regulated by the licensing body,
  - (ii) the person’s suspension from a register held by the licensing body, and that suspension has not been terminated, or
  - (iii) a decision that had the effect of only allowing the person to practise that profession subject to conditions, and those conditions have not been lifted;
- (j) has at any time been subject to any investigation or proceedings concerning the person’s fitness to practise by the Council, in the course of which or where the final outcome was that—
- (i) the person was removed from or struck off the register (for a reason connected to the person’s fitness to practise),
  - (ii) the person’s registration in the register was suspended (including by an interim suspension order) and that suspension has not been terminated,
  - (iii) the person’s registration in the register was made conditional upon their compliance with any requirement (including an interim conditions of practice order) and that requirement has not been lifted, or
  - (iv) the person’s registration in the register was annotated by virtue of a caution order and that order is still in force;
- (k) has at any time been subject to any investigation or proceedings relating to an allegation that the person’s entry in the register was fraudulently procured, the final outcome of which was the removal of the person’s entry in the register;
- (l) is or has at any time been subject to any investigation or proceedings concerning the person’s fitness to practise by—

- (i) any licensing body, or
- (ii) the Council,

and the Council is satisfied that the person's membership of the committee would be liable to undermine public confidence in the regulation of registrants;  
or

- (m) has at any time been convicted of an offence elsewhere than in the United Kingdom and the Council is satisfied that the person's membership of the committee would be liable to undermine public confidence in the regulation of registrants.

### **Termination of committee membership**

6.—(1) A member shall be removed from office by the Council, if—

- (a) the member resigns, which a member may do at any time by a notice in writing to the Council;
- (b) in the case of a member who is —
  - (i) a registrant, that member's registration lapses, or
  - (ii) a lay member, that member no longer satisfies the criteria for being a lay member;
- (c) the member becomes a person of the type mentioned in rule 5(a), (b) or (e) to (h) whether or not they thereafter cease to be such a person;
- (d) the member becomes a person of the type mentioned in rule 5(c) or (d);
- (e) in the case of a registrant, the member becomes the subject of any investigation or proceedings concerning the member's fitness to practise by the Council, in the course of which or as a result of which—
  - (i) the member is struck off the register,
  - (ii) the member's registration in the register is suspended,
  - (iii) the member's registration in the register is made conditional upon the member's compliance with any requirement, or
  - (iv) the person's registration in the register is annotated by virtue of a caution order, and the proceedings relating to that particular sanction have reached their final outcome;
- (f) in the case of a registrant, the member becomes subject to any investigation or proceedings relating to an allegation that the person's entry in the register was fraudulently procured or incorrectly made, the final outcome of which is the removal of the person's entry in the register;
- (g) the Council is satisfied that the member's level of attendance at meetings of the Committee falls below a minimum level of attendance acceptable to the Council, having regard to—
  - (i) any recommended minimum levels of attendance that the Council has set in its standing orders, and
  - (ii) whether or not there were reasonable causes for the member's absences;

- (h) the Council is satisfied the member has failed, without reasonable cause, to undertake satisfactorily the requirements with regard to education and training for members that apply to that member and which the Council has included in its standing orders;
- (i) the Council is satisfied that the member is no longer able to perform their duties as a member of the Committee because of adverse physical or mental health;
- (j) the Council is satisfied that the member's continued membership of the committee would be liable to undermine public confidence in the regulation of registrants.

(2) A member who becomes, or may become, a person to whom paragraph (1)(b) to (f) applies must notify the Council in writing of that fact as soon as the person becomes aware of it.

(3) Any member or employee of the Council may notify the Council if they are of the view that the Council may need to exercise its functions under paragraph (1).

### **Suspension of committee membership**

7.—(1) The Council may suspend a member from office by a notice in writing served on the member—

- (a) if the Council has reasonable grounds for suspecting that the member has become a person to whom rule 6(1)(b)(ii) to (d) applies, for the purposes of determining whether or not the member has become such a person;
- (b) while the Council is considering whether or not it is satisfied as to the matters set out in rule 6(1)(g) to (j);
- (c) if the member is subject to any investigation or proceedings concerning the member's fitness to practise by—
  - (i) any licensing body, or
  - (ii) the Council,

and the Council is satisfied that it would not be appropriate for the member to continue to participate in proceedings of the Committee while the investigation or proceedings concerning the member's fitness to practise is or are ongoing;

- (d) if the member is the subject of any investigation or proceedings concerning whether the member's entry in the register was fraudulently procured or incorrectly made and the Council is satisfied that it would not be appropriate for the member to continue to participate in proceedings of the Committee while the investigation or proceedings concerning the member's entry in the register is or are ongoing;
- (e) if the member is subject to any investigation or proceedings in the United Kingdom relating to a criminal offence, or in any other part of the world relating to an offence which, if committed in any part of the United Kingdom, would constitute a criminal offence, and—

- (i) either—
  - (aa) the investigation or proceedings relate to an offence involving dishonesty or deception, or
  - (bb) the final outcome of the investigation or proceedings may be that the person is sentenced to a term of imprisonment or detention, and
- (ii) the Council is satisfied that it would not be appropriate for the member to continue to participate in proceedings of the Committee while the investigation or proceedings is or are ongoing.

(2) The Council shall suspend a member from office by notice in writing served on the member if the member is the subject of an order under article 31 of the Order (interim orders by a Practice Committee).

(3) The notice in writing under paragraph (1) or (2) shall set out the reasons for the suspension and the duration of the period of suspension, which shall (in the first instance) not be for more than 6 months.

(4) The Council—

- (a) may at any time review a suspension of a member by it; and
- (b) shall review any suspension of a member by it after 3 months from the start of the period of suspension, if requested to do so by the suspended member.

(5) Following a review, the Council may—

- (a) terminate the suspension; or
- (b) if that review is within 3 months of the end of a period of suspension, extend the suspension for a further period of up to 6 months from the date on which the suspension would otherwise come to an end.

(6) The Council shall notify the suspended member in writing of the outcome of any review and that notice in writing shall include the reasons for any decision taken.

Sealed with the common seal of the Health Professions Council on [DATE]



*Anna van der Gaag*  
President

*Marc Seale*  
Registrar

## COMMITTEE TERMS OF REFERENCE

### Introduction

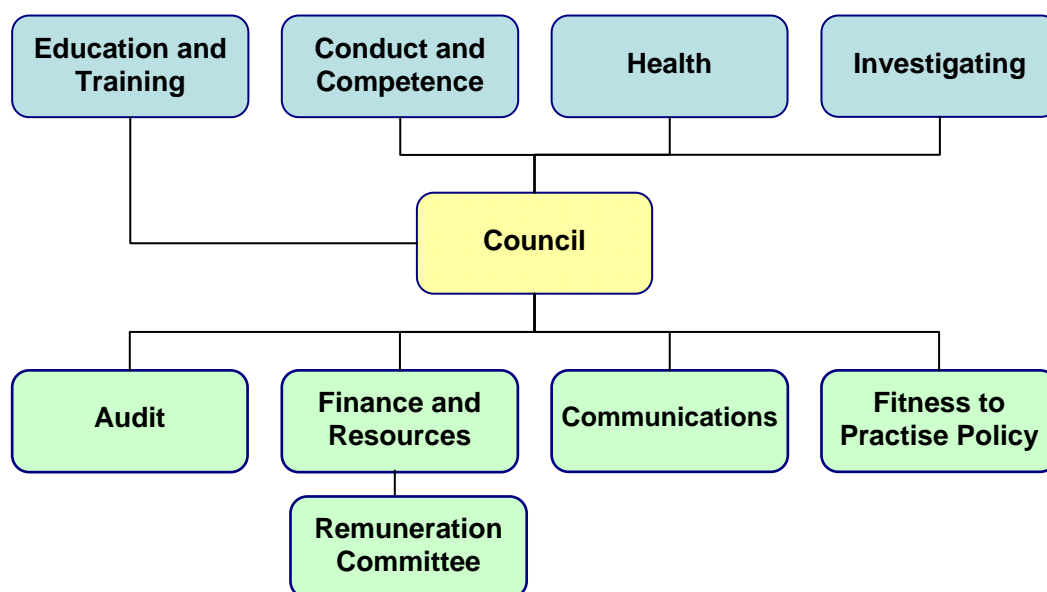
The Health Professions Council (HPC) is a UK-wide regulator and our role is to protect the public. The HPC currently registers almost 200,000 health professionals from 14 different professions.

The Health Professions Order 2001 provides that the main function of the HPC is to establish standards of education and training, conduct and performance for members of the relevant professions, and to ensure the maintenance of these standards. In exercising these functions, the Order also provides that the HPC's principal objective is "to safeguard the health and well-being of persons using and needing the services of registrants."

In accordance with the governance arrangements set out in the Health Professions Order 2001, the Health Care and Associated Professions (Miscellaneous Amendments and Practitioner Psychologists) Order 2009 and the Health Professions Council (Constitution) Order 2009, the Council has established four statutory Committees. These are the Education and Training Committee, the Investigating Committee, the Conduct and Competence Committee and the Health Committee.

The Council has also established four non-statutory Committees:- The Fitness to Practise Committee, the Finance and Resources Committee, the Audit Committee and the Communications Committee.

#### Statutory committees



#### Non statutory committees



## **FINANCE AND RESOURCES COMMITTEE**

The Finance and Resources Committee shall:-

1. consider and recommend to the Council a five year plan;
2. consider and recommend to the Council the annual budget;
3. consider and recommend to the Council work plans for the Information Technology, Human Resources and Operations Departments;
4. At least once each year, the Finance and Resources Committee shall meet, or appoint a sub-committee from among its members to do so, as the Remuneration Committee to determine the salaries of the Chief Executive, employees who are members of the Executive Management Team and all other HPC employees.
5. consider and recommend to the Council policies on financial management, investment and reserves, quality, human resources and information technology;
6. consider and approve, or, where the Committee considers that significant policy issues are involved, to recommend that the Council approve, major capital expenditure;
7. consider and award, or, where the Committee considers significant policy issues are involved, to recommend that the Council award, major contracts;
8. receive and review Management Information Reports;
9. consider any policy proposals with significant financial or resource implications and to make recommendations to the Council as appropriate; and
10. perform such other functions as the Council may delegate to or confer upon the Committee.

## **AUDIT COMMITTEE**

The Audit Committee shall:-

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 reports and to report on these to the Council as appropriate;
4. receive reports on the internal audit work plan and to consider appropriate action arising from them;
5. review the Council's annual report and accounts and to 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 to approve or, where the Committee considers that significant policy issues are involved, to recommend that the Council approve measures to eliminate or mitigate against them;
7. at the request of the Council, advise it on matters of corporate governance (but without prejudice to the Committee's power to make recommendations to the Council on corporate governance issues arising from the work of the auditors).

## **COMMUNICATIONS COMMITTEE**

The Communications Committee shall:-

1. advise the Council on its overall communications strategy in pursuit of its aims and objectives;
2. Review regularly the communications strategy in the light of ongoing developments;
3. advise the Council on its priorities in relation to the Committees strategies;
4. monitor the delivery and evaluate the outcomes of the communications strategy; and
5. recommend the procedures by which the Council can communicate its various processes.

## **FITNESS TO PRACTISE COMMITTEE**

The Fitness to Practise Committee shall:-

1. advise the Council on fitness to practise issues, other than operational matters within the remit of the statutory Practice Committees;
2. consider and recommend to Council the Fitness to Practise Work plan;
3. recommend to Council the Practise Notes for use by the statutory Practice Committees;
4. Consider and approve the Fitness to Practise Annual report; and
5. Perform such other functions as the Council may delegate to or confer upon the Committee.

## THE CODE OF CONDUCT

This code of conduct particularly applies to Council members whenever they take part in Council business, or whenever they represent the Council.

Council members should also bear in mind that due to the high profile nature of their role, even when they consider themselves to be working entirely in a private capacity, or for another organisation, they may still be viewed as a representative of, or an ambassador for, HPC. They should therefore still be mindful of this code.

In addition, a Council member whose actions in another capacity may undermine their role as a Council member or public confidence in the Council, may have those actions judged against this code of conduct and action taken accordingly.

### General guidelines

Council members should at all times:

- act in good faith;
- act in accordance with the Council's objective 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 B);
- take personal responsibility for ensuring that they keep to the code of conduct; and
- treat others equally, fairly, and with respect.

Council members should not:

- act in a way that might bring the Health Professions Council into disrepute; or
- use their position for personal gain or to promote their private interests.

### Confidentiality

Most information to which Council members have access as part of their role will be in the public domain. However, there 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 HPC employees.

Council members should not disclose any confidential information which they have been given because of their role as a Council member, other than for a proper purpose or if they are required to do so by law. Council members should take appropriate steps to ensure that confidential papers are stored securely. Members should contact the Chief Executive if the status of any information is unclear.

If a member becomes aware of a breach in confidentiality, they must immediately notify the Chief Executive or the Chair.

### **Attending meetings**

Council members should endeavour to attend all Council meetings, and any meetings of committees of which they are a member.

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 the relevant committee. Registrant members who are unable to attend a Council meeting should inform their alternate, giving them as much notice as possible.

Where a Council member is unable to fulfil their role over a prolonged period, they will be asked to discuss their position on the Council with the Chair.

Council members' attendance records will form part of the Council members' 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 absence.

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

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

### **Breach of the Code**

Any minor breach of this code of conduct will be dealt with in the first instance informally, for example by the Chair of a committee or another Council member drawing the breach to the Council member's attention during a meeting or similar.

If a Council member is concerned that another Council member may be in breach of this code, they should raise their concerns with the Chair.

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

## **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 Professions Council (Constitution) Order 2009.

**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 HPC staff.
2. Complaints against members by HPC 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 ask the complainant to provide further details.
4. The Chair will 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 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 shall be taken to be a reference to the Chair of the Conduct and Competence 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 appoint a conciliator.
7. If the complaint is resolved by conciliation, no further action shall 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 not be admissible in any subsequent investigation or consideration of the complaint.



9. In any case where:
  - A. the Chair considers that the complaint is unsuitable for resolution by conciliation;
  - B. a party does not agree to take part in conciliation; or
  - C. conciliation fails to resolve the complaint;

the Chair will nominate an Independent Reviewer to investigate the complaint.

### **Investigation**

10. The Chair will nominate a person (the **Independent Reviewer**) to investigate the complaint and report on the matter to the Council as to whether:
  - A. on the balance of probabilities, the allegations contained in the complaint are factually correct; and
  - B. on the basis of those facts, the member has breached the Code of Conduct for Council Members.
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 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:
  - A. 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 in any event be not less than 14 days);
  - B. send a copy of any response from the member concerned to the complainant, and provide him or her with a reasonable time (which shall 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 HPC 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 meet the reasonable costs incurred by the Independent Reviewer in doing so.

## **Report**

15. Once the investigation has concluded, the Independent Reviewer shall 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 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 be submitted to the Chair and, at the same time, a copy shall 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:
  - A. that no action be taken;
  - B. that the member be admonished by the Council;
  - C. that a report be submitted to the police, another regulatory or law enforcement agency or to a prosecuting authority;
  - D. that the Council recommend to the Privy Council that the member be removed from the Council.

## **Council Procedure**

The Chair shall convene a meeting of the Council, to consider the report.

The Report shall be considered as public business but, at the discretion of the Chair, the Report may be taken as private business where:

- A. the Independent Reviewer has dismissed the complaint;
- B. the complaint concerns the health of any person;
- C. the complaint concerns confidential information; or
- D. the Independent Reviewer has recommended that the police or a regulatory, law enforcement or prosecuting body be informed of the matter;

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

**The Seven Principles of Public Life\***

**Selflessness**

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

**Integrity**

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

**Objectivity**

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

**Accountability**

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

**Openness**

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

**Honesty**

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

**Leadership**

Holders of public office should promote and support these principles by leadership and example.

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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))

## **GIFTS, INDUCEMENTS AND HOSPITALITY POLICY**

Organisations such as the Health Professions Council must observe high standards of corporate governance and be able to demonstrate objectivity and integrity. The policy on gifts, inducements and hospitality is intended to support this aim, to provide assurance that the HPC's decisions are not influenced or seen to be influenced by the offer of gifts, inducements and hospitality.

The gifts, inducements and hospitality policy must be read in conjunction with the section of the Members' Code of Conduct relating to Members' Interests. Failure to comply with the policy may lead to the Member being in breach of the Code.

1. Members must not seek, receive or obtain, in respect of any services provided by or on behalf of the HPC, any gift, hospitality, discount, rebate, commission or other inducement or corrupt payment (whether in cash or in kind).
2. Members must not accept or offer to others excessive amounts of entertainment.
3. Members are not permitted to accept, without the prior permission of the Chair of the Council, any gifts, hospitality, discounts, rebates, commission or favours in relation to the HPC's business from any person or business with whom members come into contact.
4. Members must declare all gifts, other than those of a token nature, in the Register of Members' Interests.

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-HPC related events.

Gifts of a token nature may include items such as flowers, pens, tee-shirts, diaries, calendars, bottles of wine, or functions that are related to HPC 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 HPC supplier.

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

## **PROTOCOL ON MEMBER - EMPLOYEE RELATIONS**

### **Introduction**

An effective working relationship between Members and HPC employees is crucial to the successful operation of the Council's business. That relationship should be based upon mutual trust and respect, openness, transparency, honesty and fairness.

This protocol seeks to encourage best practice in the relationship between Members and employees. It is not intended to be prescriptive or cover every situation, but to provide guidance on issues that most commonly cause concern and to serve as a guide to dealing with other issues that may arise from time to time.

### **Equality**

The Council has statutory duties with regard to equality. Members and employees should not act in a discriminatory manner by means of their conduct or speech in relation to a person's gender, race, disability, religion or belief, age, sexual orientation, or any other aspect of an individual's background.

### **Relations between Members and employees**

Contact between Members and employees, both in public and in private, should always be courteous.

Employees have an obligation to provide all Members with an appropriate level of advice and assistance in the discharge of their functions and should seek to comply with all reasonable requests from Members for such support.

Whilst Members are entitled to question the professional advice or opinion provided by employees, they must take care not to apply inappropriate pressure to employees, cause any embarrassment to them, or take any steps which may lead to a breakdown in communication between Members and employees or bring the Council into disrepute.

Social contact between Members and senior employees is often beneficial to the discharge of the Council's functions but care must be taken to maintain a professional relationship at all times.

Close personal familiarity between Members and employees may damage professional relationships and can prove embarrassing to other Members and employees. Members and employees should avoid situations which could give rise to suspicion or the appearance of improper or inappropriate conduct.

### **Members as employer**

Employees are employed by the Council as a corporate body, not by committees or individual Members, and are subject to the Council's established employment procedures.

In dealing with employees, Members should be aware that their actions may be treated in law as those of the Council as employer. Members must be clear about their role and the roles of employees and avoid inappropriate conduct towards employees which may give rise to employment law cases being brought against the Council.

Members should recognise that, whilst employees owe an overriding duty to the Council as a whole, they act on the instructions of their respective line managers, Directors and the Chief Executive. Consequently, Members should not give direct instructions to employees.

If a Member has any concerns about 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.

### **Public comment**

Members are entitled to raise concerns about the manner in which the Council's business is operated but should 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, ridicule or sarcasm. In particular, Members should recognise that employees are constrained in the response they may make to such public comment.

The Chair of the Council and all Committee Chairs should ensure that employees are not questioned or spoken about by Members at meetings in a manner that could be considered by a reasonable person to be hostile, offensive, derogatory, discriminatory or otherwise unacceptable.

## **Use of HPC resources**

The Council may only lawfully provide resources to Members in order to assist them in the discharge of their duties. Employees should not provide Members with resources in situations where the employee reasonably believes that they are being sought for other purposes and Members should not place employees in the embarrassing situation of having to refuse to provide them with resources.

## **Access to Information**

Normally, employees should accept that Members do not ask for information without good reason. If employees are concerned about a Member's "need to know" they should ask the Member to explain why the information is needed in the discharge of the Member's duties and, if necessary, refer the matter via the relevant Director to the Chief Executive who will provide a reasoned decision as to whether the information is to be provided to the Member.



## **FINANCIAL REGULATIONS**

### **Introduction**

1. These Regulations set out the principles governing the financial and accounting practices of the Health Professions Council (HPC). Their purpose is to ensure that HPC's finances are managed with probity, accuracy, economy, efficiency and effectiveness.
2. The Regulations have effect as if they were incorporated in the Standing Orders adopted by the Council and should be read in conjunction with the Council's Scheme of Delegation.
3. The Regulations are not intended to provide detailed procedural advice and the Chief Executive or Director of Finance should be consulted in respect of any matter which is not covered by the Regulations and which may have a material effect upon HPC's finances.
4. Where appropriate, the Regulations will be supplemented by detailed Financial Operating Procedures which have been approved by the Finance & Resources Committee.

### **Roles and responsibilities**

#### **The Council**

5. The Council has the ultimate responsibility for the financial viability of HPC and for making arrangements for the proper administration of its finances. The Council exercises financial supervision and control by formulating the annual budget and the five year plan, requiring the submission and approval of budgets and defining and approving essential features of the financial control framework
6. Under the Health Professions Order 2001, the Council is specifically responsible for:
  - A. setting fees;
  - B. keeping accounts ;
  - C. preparing and publishing the annual accounts; and
  - D. appointing auditors.

7. To assist it in the discharge of its financial responsibilities, the Council has established two committees:
  - A. the Finance and Resources Committee – which oversees the efficient and effective use of HPC resources; and
  - B. the Audit Committee – which oversees HPC's audit and other risk management arrangements.

### **Chief Executive**

8. The Chief Executive has overall executive responsibility to the Council and as such is responsible for:
  - A. the organisation and management of HPC's functions and leadership and management of all employees;
  - B. ensuring that budgets and resources are managed within the estimates approved by the Council; and
  - C. HPC's financial operations, including the system of internal control.
9. As accountable officer, the Chief Executive is responsible for ensuring that HPC performs its statutory functions within the available financial resources. The Chief Executive has been appointed by the Privy Council as the Accounting Officer for the Health Professions Council. As Accounting Officer, the Chief Executive is responsible for the execution of the Council's obligations under Article 46 of the Health Professions Order 2001 as set out in paragraph 6 B - D above.

### **Director of Finance**

10. The Director of Finance is responsible for the administration of the financial affairs of HPC, in particular, by:
  - A. implementing the Council's financial policies;
  - B. maintaining effective system of internal financial control, including ensuring that detailed procedures incorporate the principles of separation of duties and appropriate internal checks, keeping the Financial Regulations under review and reporting to the Chief Executive on any matters that require change or update;
  - C. ensuring that records are maintained which explain HPC's transactions and disclose, with reasonable accuracy, the financial position of HPC at any time;
  - D. providing financial advice to the Council, its committees and employees;

- E. preparing such accounts and reports as HPC may require for the purpose of carrying out its statutory functions;
- F. ensuring that good financial practice is adopted by HPC, in accordance with accepted professional standards and taking account of advice received from the internal and external auditors; and
- G. preparing Financial Operating Procedures to supplement these Regulations.

## **Budgets and Financial Planning**

### **Financial Planning**

11. The Chief Executive will each year produce a draft annual budget for submission to the Council including:
  - A. a statement of the Council's priorities and objectives for the year;
  - B. the planned use of resources to reflect those priorities and achieve those objectives;
  - C. the financial implications of the planned use of resources;
  - D. performance targets established by the Council.

### **Annual Budget**

12. Resources are allocated annually by the Council on the recommendation of the Finance & Resources Committee. Directors and Managers are responsible for the efficient and effective use of the resources allocated to them.
13. The Chief Executive is responsible for preparing an annual budget and capital programme each year for consideration by the Finance & Resources Committee before submission to the Council for approval.
14. The Chief Executive must ensure that detailed budgets are prepared in order to support the resource allocation process and that these are communicated to Directors and Managers as soon as possible following their approval by the Council. Chief Executive agrees and monitors the budget with budget-holders.
15. The Chief Executive is responsible for the day to day management and control of the annual budget and capital programme and:
  - A. has delegated authority to authorise revenue spending on items not exceeding £25,000 each;

- B. has delegated authority to authorise spending on items in the capital programme not exceeding £50,000 each;
- C. may, with the approval of the Finance & Resources Committee, incur expenditure on items which exceed those limits but which do not exceed £100,000 each; and
- D. notwithstanding paragraphs A to C, has delegated authority to authorise all payroll transactions.

### **Budgetary Control**

- 16. The control of expenditure within an agreed budget is the responsibility of the Director or Manager who holds that budget (Budget Holder) who must ensure that effective day to day monitoring is undertaken. A Budget Holder may delegate authority to utilise resources within their budget, but may not delegate responsibility for the management of resources within that budget. Each Budget Holder is responsible for the expenditure appropriate to their budget and will be assisted in this duty by management information provided by the Director of Finance.
- 17. Budget Holders must report significant deviations from agreed budgetary levels of expenditure to the Chief Executive or Director of Finance as soon as they become apparent and ensure that any necessary action is taken promptly.

### **Accounts**

- 18. HPC's annual accounts shall be prepared under the direction of the Director of Finance and be consistent with any relevant statutory requirements and in compliance with accepted accounting practice.
- 19. The annual accounts shall be presented to the Finance and Resources Committee, the Audit Committee, and subsequently the Council, for approval.

### **Financial Systems and Procedures**

- 20. The Director of Finance shall establish procedures for the secure receipt and payment of all HPC monies.
- 21. HPC's accounting systems should provide for the allocation of expenditure incurred and income received in a manner which facilitates the preparation of statutory and other accounts, with all items of income and expenditure being allocated to relevant cost centres whenever possible.

22. The Director of Finance will be responsible for the day to day operation and control of the systems and procedures required to:
  - A. order goods and services;
  - B. pay creditors, allowances and expenses;
  - C. collect and bank all income due to HPC;
  - D. provide, safeguard and subsequently dispose of HPC assets; and
  - E. account for taxes and make necessary payments to the appropriate authorities
23. The Finance Director, working in conjunction with the Human Resources Director, shall be responsible for the day to day operation and control of the systems and procedures required to pay salaries, wages and pensions.

### **Banking**

24. The Council is responsible for the appointment of HPC's Bankers.
25. All bank accounts which contain HPC funds (HPC Accounts) shall be operated in the name of the Health Professions Council and in no circumstances shall HPC funds be held in an account operated in the name of an individual or with other than HPC's appointed bankers.
26. The consent of the Council is required before any person opens or maintains any account which contains monies which do not form part of HPC funds and the title of which includes any reference to the Health Professions Council.
27. All cheques and other documents authorising payment from HPC Accounts require two authorised signatories. The President, Chief Executive and Director of Finance shall be authorised signatories. The Finance and Resources Committee, on the recommendation of the Chief Executive, may appoint other signatories for all or specified HPC Accounts and may at any time revoke the authorisation of any such signatory.
28. Transfers of funds between HPC Accounts may be undertaken by electronic banking methods without authorising signatures. The Chief Executive shall designate the persons authorised to perform such transactions.
29. Every HPC Account shall be reconciled at least once every month.
30. The Director of Finance is authorised to invest surplus funds, in a manner which manages cash resources effectively and provides security of HPC's capital, by means of deposit accounts or any other method of investment authorised by the Finance and Resources Committee.

## **Borrowing Arrangements**

31. The approval of the Council is required before HPC enters into any borrowing arrangements.

## **Income**

32. The Director of Finance shall establish procedures for the secure collection, custody, control and deposit of all monies due to HPC enabling HPC to receive all income to which it is entitled and ensuring that all monies due are collected promptly, including the proper and timely collection of debts.
33. All monies received on behalf of HPC shall be banked without delay in one of the HPC Accounts.
34. All agreements, invoices, receipts and other documents relating to income receivable by HPC shall be in the name of HPC.
35. Custody of all cash holdings must comply with the requirements of HPC's insurers.
36. No deductions may be made from, or personal or other cheques cashed out of, any cash collected or received on behalf of HPC.

## **Debts**

37. The Chief Executive shall have all necessary powers of debt recovery including the taking of legal action.
38. Subject to Regulation 39, no individual debt of more than £5,000 shall be written off without the approval of the Finance & Resources Committee.
39. Where appropriate steps have been taken to recover monies due to HPC, the Chief Executive is authorised to write off debts which are considered to be irrecoverable up to an individual maximum amount of £5,000 except where the debt arises from theft or fraud.

## **Payments**

40. Invoices will only be paid for amounts authorised by an appropriate Budget Holder.
41. Payments shall only be made on invoices where the goods or services have been satisfactorily received. However, in circumstances where advance payment (partial or full) is required as a condition of contract and HPC is

satisfied that it will ultimately receive the goods and services, then such payments may be made.

42. No credit card account shall be established or operated in the name or on behalf of the Council without the prior express consent of the Council.

### **Payment of Travel/ Subsistence & Other Allowances**

- 43 All payments for travel, subsistence or other allowances will be made in line with the expenses policy agreed from time to time by the Council.

- 44 Claims for payment shall be authorised in the following manner:

- A. claims by employees shall be authorised by their line manager;
- B. claims by Directors shall be authorised by the Chief Executive or three members of the Executive Management Team;
- C. claims by the Chief Executive shall be authorised by the President and the Director of Finance;
- D. claims by Council members shall be authorised by the Secretary to Council, Secretary to Committees or a relevant Budget Holder;.
- E. claims by HPC partners shall be authorised by the relevant Budget Holder; and
- F. claims by the President shall be authorised by the Chief Executive and the Director of Finance.

### **Contracts and Procurement**

45. HPC is the legal party for all contracts entered into for the purchase of goods and services, for the provision of works and for the purchase of assets, including land and buildings.

46. For contracts of an annual value greater than £30,000 (inclusive of VAT), written tenders shall be invited from at least three appropriate suppliers, except where fewer than three suppliers offer the goods or services in question, for example where they are only available from a monopoly provider.

47. Contracts and the process through which they are procured must be open and transparent with the successful contractor being chosen on the basis of a fair and competitive process. All tenders should be based on a written specification supplied by HPC for the services to be rendered or goods supplied.

## **Asset Management**

48. The purchase, lease, rent or disposal of land and buildings by HPC can only be undertaken with the approval of the Council.
49. The Director of Finance shall be responsible for:
- G. maintaining a register of all HPC assets; and
  - H. the safe keeping of deeds, leases, agreements, financial instruments, loan agreements, share certificates and other securities.
50. The Chief Executive shall be responsible for ensuring that appropriate security arrangements exist to cover all HPC buildings, stores, furniture, equipment, cash, information and records.

## **Risk Management**

51. The Audit Committee is responsible for the development and oversight of HPC's risk register.
52. Insurance arrangements are a key element of risk management and the Chief Executive shall be responsible for arranging appropriate insurance in line with agreed policy.

## **Audit Arrangements**

53. The Council is responsible for the appointment of the internal and external auditors, acting on the recommendation of the Audit Committee. The same person or firm shall not be appointed to both positions.
54. The main purpose of the internal audit is to provide the Council with independent and objective assurances on the adequacy of HPC's financial control, operating control and risk management systems.
55. The external auditor's responsibilities include reporting on whether HPC's accounts fairly present its financial position. As part of that responsibility the external auditor will need to review the effectiveness of the financial control in the organisation.

## **Authority of Internal and External Auditors**

56. In order to perform their functions, the internal and external auditors have authority to:
- I. enter, at a reasonable time, any HPC premises or land;



- J. have access to records, documents and correspondence relating to any transaction of HPC;
- K. review any relevant activity of HPC;
- L. require and receive such explanations as are necessary concerning any matter under examination; and
- M. require any HPC Council member, employee or contractor to produce any asset under his or her control for which HPC is responsible.

### **Comptroller and Auditor General**

57. Article 46 of the Health Professions Order 2001 provides that HPC's accounts shall be subject to examination by the Comptroller and Auditor General and that, for the purposes of such examination, the Comptroller and Auditor General may inspect HPC's accounts and any records relating to them. Notwithstanding that power, and the powers available to him under the National Audit Act 1983, the Comptroller and Auditor General shall have the same authority under Regulation 55 as the internal and external auditors.

### **Subsidiary companies**

58. HPC shall not establish any subsidiary company without the approval of the Council and the approval of the Council shall also be required for the appointment or removal of any director of such a subsidiary company.

### **Review of Financial Regulations**

59. The Financial Regulations will be subject to a thorough review by the Finance Director at least every third year in order to ensure that they continue to reflect the circumstances of HPC and financial best practice.