

Council, 2 July 2014

Appointments to Council

Executive summary and recommendations

### **Introduction**

1. The Secretariat function is responsible for managing the process of appointing new Council members including the Chair; reappointing members; suspending or removing a Council member; and making emergency appointments. This has to be in line with the requirements of relevant legislation including the Health and Social Work Professions Order 2001 and the Health and Care Professions Council (Constitution) Order 2009.
2. The HCPC makes recommendations to the Privy Council for appointment. The appointment is made by the Privy Council. The process is overseen by the Professional Standards Authority (PSA) which advises the Privy Council as to whether it is satisfied about the process the regulatory body has followed.
3. The reconstituted Council took office from 1 January 2014. Council members are eligible to serve up to a maximum of eight years in any 20 year period. Four Council members (three lay and one registrant) are serving terms of one year and are not eligible for reappointment. It is therefore necessary to commence the appointment process for four new members to be appointed from 1 January 2015.

### **Appointments process**

4. At its meeting on 9 May 2013, the Council approved a document setting out the approach that would be taken in administering the appointments and other associated processes. This was produced in line with relevant guidance from the PSA. The Executive has reviewed the attached process document and has concluded that the process outlined remains sound.
5. Minor changes are proposed. References to the Secretary of Council have been changed to the Director of Council and Committee Services (to reflect her title). References to 'appointment and selection panel' have been changed to 'assessment and selection' for consistency. References to 'independent assessor' have been changed to 'independent panel member' to reflect PSA terminology. Paragraphs 4.33 and 4.36 have been amended to reflect a change in the PSA's scrutiny process. They will now contact the independent panel member direct to explain their role. The independent panel member will also submit their report direct to the PSA rather than via the HCPC.

6. Jonathan Bracken, solicitor to Council, has previously provided advice about the approach that should be adopted by the Council in discussing the process for Council appointments. This advice is set out below.

‘In due course, the Council will need to approve the appointments process. They should take a high level approach to doing so and avoid conducting a detailed analysis of that process or suggesting amendments to it.

Whilst I would not for one moment suggest that any Council member would seek to influence the process to their own advantage, it does affect them and they will need to bear this in mind. In particular, Council will need to be reminded that the public law test is not actual bias but the appearance of bias. Ensuring that the overall process is fit for purpose is one thing, making detailed changes to it is quite another.’

### **Competencies for Council members**

7. The existing competencies for Council members are attached. The competencies for Council members were agreed by the Council in July 2008 in advance of a restructure of Council which took place in July 2009. A workshop was held in February 2013 to discuss these competencies in advance of the last appointment exercise. No changes to the existing competencies were considered necessary at that stage.
8. The Director of Policy and Standards (currently acting in part of the Director of Council and Committee Services’ role) and the Chair of Council have considered whether any changes might be required to the competencies. It is suggested that no changes are necessary at this stage but that the Council should be asked to review the competencies after the appointment of a new Chair of Council in 2015. 2015 is a year in which no further planned appointment exercises for Council members are expected, so provides a good opportunity for review.

### **Assessment and selection panel**

9. The proposed assessment and selection panel is as follows.
  - Anna van der Gaag, Chair of Council and Chair of the panel
  - Chris Dearsley
  - Satjit Singh
10. Chris Dearsley was involved in the last round of Council appointments and will again act as the independent panel member for PSA purposes. The independent panel member is required to produce a report for the PSA to provide an objective assessment of the robustness of the process that is followed. Chris has extensive experience of public appointments.

11. Satjit Singh was involved in the last round of Council appointments. He is also involved in the on-going process to appoint an independent member of the Audit Committee. Satjit has experience of public appointments as well as managerial experience, including interim roles as Chief Executive of the General Optical Council and the General Chiropractic Council.

## **Decision**

The Council is invited agree the following.

- The appointment process document previously agreed by the Council at its meeting on 9 May 2013, incorporating the minor amendments as described and subject to subsequent minor editing amendments.
- That no amendments are necessary at this stage to the existing competencies for Council members but that they should be reviewed following the appointment of a new Chair of Council in 2015.
- The assessment and selection panel as set out above.

## **Background information**

- PSA. Good practice in making Council member and chair appointments to regulatory bodies  
PSA. Section 25C scrutiny process.  
<http://www.professionalstandards.org.uk/regulators/overseeing-regulators/appointments-to-councils>

## **Resource implications**

- The appointments process is administered by the Secretariat Department. The resource implications have been included in planning for 2014-2015.

## **Financial implications**

- The financial implications, such as advertising and panel member costs, are accounted for in the 2014-2015 Council budget.

## **Appendices**

- Appointment process for Council members.
- Existing competencies for Council members.

**Date of paper**

18 July 2014

## Appointment process for Council members

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## 1. Introduction

- 1.1. This document sets out the process by which appointments to the Council will be managed by HCPC, and should be read in conjunction with the operational guidance entitled “Appointments administration pack”, which is maintained by the Secretariat.
- 1.2. Under provisions in the Health and Social Care Act 2012, the Privy Council is able to make arrangements with the Health and Care Professions Council (HCPC) to assist it with its appointment functions.
- 1.3. Where a vacancy arises (this may be a new appointment or due to a resignation, termination of appointment or death of an incumbent, or if a reappointment is not being considered), the HCPC is responsible for managing a process of appointing a new Council member, in line with the requirements of the legislative frameworks, including the Health and Care Professions Council (Constitution) Order 2009, and will make recommendations to the Privy Council. The Professional Standards Authority will be responsible for advising the Privy Council about the process adopted by the professional regulators in recommending an appointment.
- 1.4. The HCPC will also be responsible for managing the process of reappointment of a Council member or Chair, extending appointments of council members and chairs, suspending or removing a council member or chair or making an emergency appointment. Again, these processes will be carried out in line with the requirements of the legislative frameworks.
- 1.5. The process has been written to take into account “Good practice in making Council member and chair appointments to regulatory bodies” published by the Professional Standards Authority (PSA) in October 2012.
- 1.6. The PSA has identified four principles to be applied to all processes relating to the (re)appointment, suspension and removal from office of chairs and members of Councils. The first three principles are based on those identified by the Commissioner for Public Appointments in the Code of Practice for Ministerial Appointments. The fourth, inspiring confidence, is derived from the three-fold purpose of health and care professional regulation. These principles should be demonstrated by the regulators throughout their work:
  - **Merit** – all selection decisions are based on evidence of merit. This means appointing and reappointing high quality individuals whose skills, experience and qualities have been judged to best meet the needs of the regulator and where appropriate, recommending the removal or suspension of individuals where there a strong case for so doing.
  - **Fairness** – processes used in appointments, suspensions and removals are objective, impartial and applied consistently. Processes should promote equality and be free from discrimination, harassment or victimisation.
  - **Transparency and openness** – public appointments must be advertised publicly in a way that is designed to attract a strong and diverse field of suitable candidates. Information about posts and appointment, suspension

and removal processes adopted are publicly available. It is clear why regulators are making their recommendations to the Privy Council.

- **Inspiring confidence** – the regulator’s processes and systems promote public confidence in regulation and take into account external perspectives where appropriate. All processes meet the requirements of the regulator’s legislative framework.

## 2. Application and interpretation

- 2.1. Eligibility for membership of the HCPC Council is determined by the Health and Care Professions Council (Constitution) Order 2009.
- 2.2. The HCPC is responsible for managing the process of appointment and reappointment of Council members and Chairs (and any related processes) in line with the requirements of its legislative frameworks and will make recommendations to the Privy Council.
- 2.3. The role of the Professional Standards Authority (PSA) is to advise the Privy Council about the process adopted by the regulators in recommending an appointment.
- 2.4. Having received the PSA’s advice about the process, the Privy Council is responsible for making a decision to appoint (or reappoint) an individual to the HCPC Council.
- 2.5. The ~~Secretary to Council~~ **Director of Council and Committee Services** will be responsible for administering the appointments to the HCPC Council.
- 2.6. The Council will appoint an assessment and selection panel to undertake the appointment process.
- 2.7. This policy will be formally reviewed every two years; however a review will be carried out at the conclusion of any of these processes to gather learning points.
- 2.8. After a year of operation, the PSA will consider taking a risk-based approach to reviews of processes. Changes will be made to the policy and the process as appropriate and agreed by Council at that time.
- 2.9. In the event that part or all of the recruitment process is to be delivered by an external agent, this process must be reviewed and roles agreed in writing for each stage with that external agent.
- 2.10. HCPC Council members shall be referred to throughout as ‘members’.
- 2.11. The PSA publishes guidance on Council member and Chair appointments to professional regulatory bodies. This document is referred to as “the PSA guidance” throughout.
- 2.12. Enquiries regarding this process should be made to:

Louise Hart,  
**Secretary to Council Director of Council and Committee Services,**  
The Health and Care Professions Council,  
Park House, 184 Kennington Park Road,  
London SE11 4BU.  
020 7840 9711 - louise.hart@hcpc-uk.org

## Stage 1 – initiation and preparation stage

### 3. Assessment and Selection panel

- 3.1. An assessment and selection panel will be appointed by Council before the start of any recruitment campaign. They will be responsible for making recommendations to the Privy Council on behalf of the Council.
- 3.2. The composition of the panel will depend upon the nature of the recruitment campaign. However, for appointment processes in relation to members of Council, the panel will comprise the following:-
  - the Chair of the Council;
  - an independent with experience in public appointments; and
  - one other member, drawn from those suitable candidates outlined in the PSA guidance.
- 3.3. For the appointment of the Chair of Council, the panel will comprise:-
  - a Chair of an independent regulator or public authority;
  - an independent with experience in public appointments; and
  - one other member, drawn from those suitable candidates outlined in the PSA guidance.
- 3.4. Consideration will also be given to ensuring the relevant expertise on the panel, for example, if we were seeking to appoint an individual with a financial background, someone with relevant expertise would be within the proposed composition. Due consideration will be given to the diversity of the panel when deciding who should be included.
- 3.5. In order to retain the independence of panel members drawn from outside the HCPC, and to prevent conflicts of interest, the maximum period any panel member may be appointed to the assessment and selection panel is four years. The assessment and selection panel will be chaired by the Chair of HCPC or, in the event that the recruitment exercise is for that position, the Chair of ~~the~~ **an** independent regulator or public authority.
- 3.6. Any new panel members i.e. any that have not been involved in previous HCPC recruitment campaigns, will be given an induction. This will cover the following areas:-

- Background to organisation;
- Relationship between the council and the Executive;
- Strategic Intent;
- Composition of current Council;
- Equality and Diversity;
- Appointments process adopted by HCPC.

#### 4. The appointment process

4.1. The appointment process will be carried out in two stages:-

- Initiation and preparation; and
- assessment and selection.

4.2. Following completion of the appointment process, Members will be subject to the post appointment process, which can be found in section 5.

4.3. Appointments will be carried out using the appointment administration pack. The pack, which is administered by the Secretariat, contains templates of all processes and standard documentation required to deliver the appointment process and associated processes. The completed pack will constitute a complete record of each appointment, to be retained in accordance with the HCPC's document retention policy.

4.4. When a vacancy arises, the 'advance notice of intent to recommend appointment' template, together with supporting documentation should be sent to the PSA at least one month before the first advert is due to be launched.

4.5. Prior to submitting an advance notice to appoint, the following should be undertaken:-

- The Council to agree the ~~appointment and selection~~ **assessment and selection** panel for the campaign. This will be dependent upon the nature of the recruitment being carried out. (see Section Three).
- Consideration will need to be given to the skills matrix of Council to see if there are any gaps in the skills base of Council members that need to be filled as part of the recruitment campaign. If so, a review of competencies will be carried out by the ~~Secretary to Council~~ **Director of Council and Committee Services** and subsequently agreed by Council if any material changes need to be made.
- Review application form to include: review of standard forms including Diversity Monitoring and conflict of interest declarations to ensure that they are fit for the current application process.
- Draft information pack to include: information on the organisation; role brief; competences required; eligibility and any additional shortlisting criteria; guidance on the process including key dates; conditions of appointment; and standard agreed policies on conflicts of interest, equality and inclusion, data protection process and dealing with complaints.

- Review accessibility arrangements to ensure that the contacts for Welsh translation, Braille, and text relay are up to date and to ensure that options for accessibility and translation are clearly stated in public documentation.
- Drafting of advert.
- Negotiation of advertising arrangements: in line with the agreed strategy, using the template in the Appointment Administration Pack.

4.6. The 'advance notice of intent to recommend appointment' template should include the following information:

- Summary of the requirements of Council including current council membership;
- Advertising and publicity strategy (including draft advert);
- Proposed selection panel;
- Compliance with legislation;
- Additional supporting information (e.g. anticipated risks);
- Supporting information (e.g. candidate information pack, job description, draft application form);
- HCPC's document retention policy.

4.7. In drafting the advance notice to appoint form, due regard will be given to lessons learned log from previous projects.

4.8. Following submission of an advance notice to appoint, the PSA may contact the HCPC for points of clarification, or to request a change to the proposals.

4.9. At the same time that the 'advance notice of intent to recommend appointment' is submitted to the PSA, the Privy Council should be notified of HCPC's intention to initiate a recruitment campaign to ensure that the timescales are suitable from their point of view.

## End of stage assessment

4.10. At the end of stage 1, an assessment should be undertaken by the **Secretary to Council Director of Council and Committee Services** to review the delivery of stage 1 to ensure that it was consistent with the policy and agreed plan and to agree the detailed plan and documentation for the next stage.

4.11. The assessment should review and record how the project demonstrates the four principles of good appointments to ensure that the process remains compliant.

- 4.12. Deviations (exceptions) from the appointments process proposals which have a high risk factor to the delivery of the process should be escalated to the Council and the PSA for information (wherever possible with a plan to resolve the issue).
- 4.13. Any changes resulting from an exception should be recorded in an updated project plan. Resolution of the issue should be recorded in the next end of stage assessment.
- 4.14. A record of the end of stage assessment, any exception plans, and a summary of any complaints concluded within the stage should be retained with the appointment administration pack.
- 4.15. The end of stage assessment will be provided to the independent panel member and a meeting held with the Secretary of Council to discuss the assessments.

## **Stage 2 – assessment and selection stage**

- 4.16. Stage 2 should consist of the following activities, the delivery of which should be analysed as part of the End of Stage Assessment:
- **Launch of advertising strategy** to include: dissemination and publication of advertising materials, liaising with agents regarding HCPC advertising protocols. Recording progress and published adverts in Appointment Administration Pack.
  - **Collection of data from applicants** in line with the HCPC information retention policy; collation of confidential data on applicants, including the separation and analysis of equality and inclusion data.
  - **Communication with candidates and panel** including timely responses to enquiries, complaints and requests for feedback.
  - **Decision making** – inclusion of pre-shortlist selection exercise (if required for large numbers of responses); administration and recording of shortlisting and interviews using templates in appointment administration pack.

## **Recording the decision making process**

- 4.17. All personal data (i.e. the front cover which details names, address, NI number etc and the equal opportunity and diversity monitoring form) should be removed from application forms before the assessment and selection process. Decisions regarding an applicant's suitability for the post must be reached solely on the evidence provided of how they fulfil the core competencies.
- 4.18. No candidate can be shortlisted unless they have been satisfactorily assessed against the published criteria.

- 4.19. No late applications will be accepted unless extenuating circumstances presented by the applicant are accepted by the panel.
- 4.20. Candidates who make an application under the HCPC's commitment to interview all persons with disability who meet the essential criteria for a role must be assessed anonymously in the same way as other applicants. If the Panel confirm that the candidate fulfils the core competencies, that candidate will be guaranteed an interview.
- 4.21. To ensure that decisions regarding candidates are transparent, individual candidate assessment summaries must be completed by each panel member undertaking shortlisting.
- 4.22. Once candidates have been shortlisted for interview, due diligence may be carried out using the internet to confirm an individual's credentials, for example details of their education or previous public appointments held.
- 4.23. In addition, for those short-listed registrant members, details of any ongoing Fitness to Practise issues will be checked.
- 4.24. The ~~Secretary to Council~~ **Director of Council and Committee Services** will ensure that the requirements of the Constitution Order of the HCPC can be satisfied from the pool of shortlisted candidates. Should there be any 'gaps', ~~the Secretary to Council~~ the **Director of Council and Committee Services** will choose those next highest scoring candidates from the pool and they will then be shortlisted for interview.
- 4.25. Once the Panel have convened and agreed the short-listed candidates, those that have been shortlisted and those unsuccessful candidates will be notified. Details of the complaints process will be included in all correspondence.
- 4.26. The panel will then be provided with interview packs. These will include the full completed application forms of those candidates shortlisted for interview, including personal information such as names, a form which will ask the panel to confirm whether or not they have any conflicts of interest to declare i.e. they know any of the candidates in a personal or professional capacity, and a list of suggested interview questions which will have been drafted by the ~~Secretary to Council~~ **Director of Council and Committee Services**. These questions will be finalised by the Panel.
- 4.27. Interviews will be scheduled by the ~~Secretary to Council~~ **Director of Council and Committee Services**. Due to the time and expense of reconvening assessment and selection panels, requests for a change of interview date will not be considered unless a reasonable adjustment is being made to accommodate a candidate applying under the HCPC's commitment to interview all persons with disability who meet the essential criteria for a role.
- 4.28. A candidate interview record will be completed by each panel member for each interview held. This will form part of the record for the campaign and kept in accordance with the HCPC document retention policy.
- 4.29. At the end of the selection process, the 'Notice of intent to recommend appointment' form shall be completed by the ~~Secretary to Council~~ **Director of**

**Council and Committee Services** and signed by the panel Chair. In addition to the appointment recommendation, the panel should record all other appointable candidates in order of preference.

- 4.30. The opportunity to request feedback should be included in the letter to shortlisted candidates who are not successful, along with details of the complaints process.
- 4.31. The end of stage assessment for stage 2 will be provided to the independent panel member and a meeting held with the Secretary of Council to discuss the assessment undertaken. This will be a similar assessment to that undertaken at the conclusion of stage 1, further details can be found under paragraph 4.10.

### **Independent assessor's Independent panel member's report**

- 4.32. On completion of the process the panel member appointed as the independent panel member should complete a validation report to confirm whether, in their view, the process complies with the four principles of good appointments. This will also include an assessment of those complaints received in relation to the process and details of how they were dealt with.
- 4.33. A template for this report is provided as part of the appointments administration pack. **The independent panel member will submit their report directly to the PSA at the time that the HCPC submits its notice of intent to recommend appointment (see 4.36).**

### **Appointment recommendation**

- 4.34. Once a decision has been made by the **appointment and selection assessment and selection** panel, references will be sought for the successful candidate (s).
- 4.35. In the event that an unsatisfactory reference is received, the HCPC will convene the Panel to confirm the course of action.
- 4.36. On receipt of the independent panel members report and the **satisfactory** references, the Secretary to The Council **Director of Council and Committee Services** will submit "notice of intent to recommend appointment" to the PSA on behalf of the **appointment and selection assessment and selection** panel. This will comprise:
- end stage assessments including how the process has varied from the process originally described under "Advance notice of intent to recommend appoint;
  - independent panel member's report;
  - How HCPC met obligations under the Equality Act 2010 and the Public Sector Equality Duty;
  - Details of due diligence undertaken;

- Conflicts of interest and how they were resolved;
  - Details of any complaints; and
  - recommendation for term of appointment.
- 4.37. At the same time as submitting the 'notice of intent to recommend appointment', the Chair of the Panel will write to the Privy Council setting out the recommendations of the Panel.
- 4.38. The PSA and Privy Council estimate that it will take six weeks to process each recommendation and to make the appointments. The appointment recommendation must be submitted to the PSA at least six weeks before the appointment is due to start to allow time for the induction process.
- 4.39. In the event that the preferred candidate is unable to take up the post, the recommendation will pass to the next preferred appointable candidate.
- 4.40. Reserve appointable candidates will remain valid for six months after appointment. In the event that a Council member takes up post, but leaves the Council up to six months after appointment, the Council may recommend that the Privy Council approach the next appointable candidate to take their place.
- 4.41. In the event that a new Council member resigns from the Council after six months, the vacancy should be included in the next appointment exercise, although this will be subject to approval by the Privy Council.

## **Eligibility and disqualification from appointment**

- 4.42. The criteria for eligibility for appointment to the Council and disqualification from appointment as a member are set out in the Health and Care Professions Council (Constitution) Order 2009.

## **Conflicts of interests**

- 4.43. As part of the application process, applicants will be asked to complete a conflicts of interest form which will ask them to declare any personal or professional relationships with members of the assessment and selection panel and members of staff at HCPC.
- 4.44. Any perceived conflict of interest should be taken into account by the panel at short-listing stage, and if necessary explored more fully at interview stage.
- 4.45. In the event that this relationship, in the opinion of two or more members of the panel, compromises the ability of the panel to make an impartial decision, the panel member should be substituted for the duration of the process.

## Diversity monitoring

- 4.46. Data collected from applicants must be detached from application forms on receipt, and added to a diversity monitoring database, to be administered by the Secretariat in accordance with the HCPC document retention policy.
- 4.47. This data should be analysed as part of the project planning exercise for each new appointment campaign to ensure that the diversity of Council members is taken into consideration in recruiting new members to Council.

## Complaints

- 4.48. The HCPC is committed to processes and procedures that are fair, transparent and free from discrimination. Complaints about any aspect of the appointments process for the Chair or Council member roles will be monitored, recorded and promptly handled.
- 4.49. A full record of correspondence with complainants must be retained, in addition to any relevant documentation. These must be available for audit if required, and should be recorded in summary at the end of stage assessment.
- 4.50. Guidance on how to make a complaint must be published in all information packs, and must be included in all correspondence with applicants.
- 4.51. Complaints regarding the appointments process, or an individual's experience of the process, will be dealt with under the HCPC central customer service and complaints process. Complaints and other feedback should be made in writing to the Service and Complaints Manager –

Ruth Cooper, Service and Complaints Manager, The Health and Care Professions Council, Park House, 184 Kennington Park Road, London SE11 4BU. (020 7840 9711) (louise.hart@hcpc-uk.org).

- 4.52. The HCPC complaints process has the following aims:
- To deal with all complaints in an effective, fair and confidential manner.
  - To acknowledge receipt of feedback within three working days.
  - To respond to complaints within 15 working days.
  - To keep complainants regularly updated as to the progress of their enquiry if the issue has not been resolved within agreed times.
- 4.53. If a complainant is dissatisfied with the response they may then ask the Chief Executive to conduct an internal review.
- 4.54. If a complainant remains dissatisfied with the HCPC's response they will be able to raise their concerns with the Privy Council, to:

Ceri King, Head of Secretariat & Senior Clerk, Privy Council Office, 2 Carlton Gardens London SW1Y 5AA (020 7747 5300) (ceri.king@pco.x.gsi.gov.uk).

- 4.55. Administering complaints within the central system will ensure that the Executive has the opportunity to consider the complaints and ensure that changes can be made to the system particularly if any trends are identified.
- 4.56. When notifying the Authority that a recommendation has been made, details of any complaints received will be provided. Should the complaint arise after the recommendation has been made, the HCPC will provide details directly to the Privy Council.

## 5. Post appointment processes

- 5.1. On receipt of notice that the appointment has been made by the Privy Council the following activities will be undertaken:
- **Welcome pack to be sent** to the new member including proposed dates for induction, dates of meetings, and login details for the Council Extranet, which is a secure website containing information on the role, HCPC policies and forms, including details of expenses and remuneration.
  - **Press release agreed** with member and Communications Department. To ensure transparency this should be publicised on the HCPC website, intranet, newsletter and Social Media feeds.
  - **Induction programme developed** in consultation with the Chair of the Council.

### Induction

- 5.2. Induction training for Council members is determined by the standards of education and training for Council members, which is published as part of the code of corporate governance. The standards are the minimum requirements with which members must comply with in order to fulfil their role.
- 5.3. The induction must take place as soon as practicable after the appointment is made by the Privy Council and will cover the following:-
- the role of the Council;
  - the legal framework of the HCPC;
  - the role of Council members;
  - the strategy and structure of the organisation; and
  - meeting procedures.
- 5.4. Members attend an initial compulsory **day for an orientation induction** after which an individual programme **is may be** developed depending on the member's understanding of the organisation and their committee responsibilities.
- 5.5. Members are also encouraged to attend public meetings of the HCPC, such as FTP hearings and registrant engagement events, to gain further understanding of the organisation and meet employees and stakeholders.

## **Ongoing training and appraisal**

- 5.6. A member's performance against the standards of education and training is reviewed as part of the annual review process for Council members. This process also provides an opportunity for members to discuss and arrange training objectives.
- 5.7. The annual review process for Council members was agreed at the Council meeting of 17 September 2010. The system provides a mechanism for annual appraisal for Council members and Chairs.
- 5.8. The process is timed to feed directly into the reappointment processes for the Council Chair and Council members.
- 5.9. Guidance on the review process is provided to the Council members on appointment.

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## **6. Other associated appointment processes**

### **Reappointing a Council Member or Council Chair**

- 6.1. Where the term of office of a Council member or Council Chair is coming to an end, the incumbent may be eligible to be considered for a reappointment without the need for open competition (as outlined in the Constitution Order). Each case for reappointment will be considered on its individual merits at the appropriate time.
- 6.2. Re-appointment will only be considered where it is in the best interests of the Council for the individual to remain in post. There is no automatic right to reappointment, even where post-holders are eligible for reappointment and even where the incumbent has performed well in the role as the needs of the Council may change over time.
- 6.3. Terms of appointment and the profile of skills held by Council members will be monitored by the Secretary to the Council.
- 6.4. Following the completion of the annual review process for Council members and the Council Chair, members who are eligible to apply for reappointment will be invited to complete a reappointment application form. This should consist of:
  - a personal statement, explaining how the candidate's skills and experience continue to be relevant to the business of the HCPC;
  - confirmation of the candidate's eligibility for appointment;
  - declaration of interests and a reaffirmation to the Council code of conduct.
- 6.5. Members who do not wish to be considered for reappointment must confirm this in writing to the Privy Council.
- 6.6. Data collected from applicants must be detached from application forms on receipt, and added to the diversity monitoring database, to be administered by the Secretariat in accordance with the HCPC document retention policy.
- 6.7. This data should be analysed as part of the project planning exercise for each new appointment campaign, and at each end of stage assessment.
- 6.8. An assessment and selection panel should be convened to consider the reappointment paperwork. The Panel will consist of three members:
  - the Chair of the Council;
  - an independent with experience in public appointments; and
  - one other member, drawn from those suitable candidates outlined in the PSA guidance.
- 6.9. When consideration is being given to the reappointment of the Chair, the panel will consist of:
  - the Chair of an independent regulator or public authority;

- an independent with experience in public appointments; and
  - one other member, drawn from those suitable candidates outlined in the PSA guidance.
- 6.10. Recommendations must be made taking into account a member's or Chair's annual review forms, and the Council skills profile.
- 6.11. At the end of the assessment process, the Panel should complete a reappointment recommendation form in respect of each member/Chair.
- 6.12. On completion of the process, the independent panel member should complete a validation report to confirm whether, in their view, the process complies with the four principles of good appointments.
- 6.13. The ~~Secretary to Council~~ **Director of Council and Committee Services** should complete an end of stage assessment in respect of the reappointment process.
- 6.14. On receipt of the independent panel member's report, the Secretary to The Council will submit a "Notice of intent to recommend reappointment" to the PSA, consisting of:
- Rationale for reappointment;
  - Eligibility and willingness;
  - basis of recommendation;
  - end stage assessment reports;
  - details of third party feedback;
  - details of complaints;
  - conflicts of interest arising as part of the process
  - Compliance with legislation;
  - independent panel member's report;
  - recommendation for term of appointment.

### **Extending an appointment term**

- 6.15. If a term of office of a member was less than permitted in the Health and Care Professions Council (Constitution) Order 2009, it may be appropriate to consider an extension of the appointment, i.e. if an initial appointment was for three years, but the maximum term is four years, it is possible to ask the Privy Council to extend the appointment up to the maximum term possible.
- 6.16. Circumstances where this may be considered include a review of council membership; or to allow a new chair to consider the needs of the Council going forwards.
- 6.17. In order to extend an appointment term, an existing member must complete the reappointment process.

## **Suspending or removing a Council member or Chair**

6.18. Suspension of a Council member allows for a full investigation to be carried out establishing whether there are grounds for an office holder to be removed from office. Further periods of suspension can be considered if more time is needed to complete an investigation or until the outcome of a criminal investigation is known.

6.19. In exceptional circumstances, it may be necessary to remove a Council member (or a Chair) from office.

6.20. The process for investigating performance issues, complaints or allegations regarding Council members is set out in the code of corporate governance.

6.21. The process consists of:

- determination of the complaint by the Chair of the Council;
- investigation by an independent reviewer; and
- independent review report to the Council.

6.22. In considering the complaint, the Council may make one or more of the following recommendations:

- that no action be taken;
- that the member be admonished by the Council;
- that a report be submitted to the police, another regulatory or law enforcement agency or to a prosecuting authority; and
- that the Council recommend to the Privy Council that the member be removed from the Council.

6.23. In submitting a recommendation to the Privy Council regarding the removal of a member, the HCPC should include the original complaint, the independent reviewer's report, and a record of the Council decision.

## **Making an emergency appointment of a Council Member or Chair**

6.24. Unplanned situations may arise in which it may be appropriate to consider making an emergency appointment. This situation may arise when it has not been possible to follow other processes set out here, for example following an unexpected resignation or death of a Council member (or Chair).

6.25. Emergency appointments should only be considered when not doing so would prevent the organisation from fulfilling its legislative requirements (i.e. to ensure quorum).

- 6.26. The emergency appointment process should only be used when there is not enough time to complete a full appointment process, and is designed to be delivered in a much shorter time.
- 6.27. The **Secretary to Council Director of Council and Committee Services** should complete a stage one initiation and preparation, to document the reason for the emergency appointment, and the plan for the appointment. On completion, an advance notice to appoint should be sent to the PSA and the Privy Council.
- 6.28. Candidates for an emergency appointment should be restricted to those people who have already been subject to an HCPC appointment process. The following groups should be considered:
- former Council members; and
  - appointable candidates from previous appointment campaigns.
- 6.29. In order that the emergency appointment of a member is consistent with other such processes, candidates should be asked to submit an appointment application, using the reappointment application form for existing members.
- 6.30. Assessment, selection and recommendations for emergency appointments should be the same as that used in the process for reappointments.
- 6.31. In order to reduce the amount of time between the selection and appointment stage and the appointment by the Privy Council, references will be sought after the submission of the appointment recommendation.
- 6.32. Appointments made in such circumstances will be for a maximum of 12 months.

## Core Competencies Required - Members

**For all roles**, candidates will be required to demonstrate how they meet the core competencies shown below. Some examples of how these may be met are shown in the table.

Competence	Evidence
<b>Ability to contribute to strategic direction</b>	<ul style="list-style-type: none"> <li>• Understanding of the relationship between the purpose and values of an organisation and its strategic direction.</li> <li>• Knowledge and experience of strategic planning and delivery, with the ability to scrutinise performance data.</li> <li>• Experience of contributing to the achievement of objectives within time and resource constraints.</li> </ul>
<b>Ability to explore accountability of self and others</b>	<ul style="list-style-type: none"> <li>• Offer appropriate challenge to help achieve the best outcomes for the organisation.</li> <li>• Able to support the executive team whilst holding them to account for their performance.</li> <li>• Willingness to accept responsibility and to be held accountable for personal decisions and to accept shared responsibility for corporate decisions.</li> <li>• Experience of evaluating own and others' performance.</li> <li>• Ability to consistently hold the line on corporate decisions</li> </ul>
<b>Awareness of equality and diversity issues</b>	<ul style="list-style-type: none"> <li>• Able to explore and work with values of respect, inclusion, fairness and transparency and what these might mean in a regulatory setting.</li> <li>• Awareness that equality and diversity issues are of key importance throughout any organisation.</li> </ul>
<b>Ability to listen and communicate effectively</b>	<ul style="list-style-type: none"> <li>• Well developed listening skills.</li> <li>• Good communication skills and the ability to put views across clearly and sensitively in a variety of settings.</li> <li>• Awareness of, and acceptance, of diverse views.</li> </ul>

Competence	Evidence
<p><b>Ability to work effectively as part of a team</b></p>	<ul style="list-style-type: none"> <li>• Experience of participating in group discussions.</li> <li>• Involving and including others in a decision making process to achieve the best outcome for an organisation.</li> <li>• Sharing expertise at the same time as being able to recognise expertise in others.</li> <li>• Ability to reflect on own behaviour and impact on others.</li> </ul>
<p><b>Ability to inspire confidence and support amongst HCPC stakeholders</b></p>	<ul style="list-style-type: none"> <li>• Knowledge and experience of working in partnership with one or more of HCPC’s key interest groups, including service-users, patients and members of the public.</li> <li>• Knowledge/experience in any of the following areas; governance, healthcare delivery, patient advocacy, consumer engagement, professional education, tribunals and enquiries, financial audit, quality assurance, management and research, voluntary, campaigning work.</li> </ul>
<p><b>Capacity and skill to understand the priorities of HCPC stakeholders</b></p>	<ul style="list-style-type: none"> <li>• Knowledge and understanding of the prime purpose of regulation - i.e. public protection</li> <li>• Knowledge and experience of working with one or more of the HCPC’s key interest groups in any of the four UK countries.</li> <li>• Knowledge and understanding of the wider social, political, and educational landscape in which regulation sits.</li> <li>• Knowledge and understanding of the diversity inherent in the work of the HCPC and differing viewpoints amongst key interest groups.</li> </ul>