
Council – 17 September 2013

Code of Corporate Governance

Executive summary and recommendations

Introduction

1. As the Council is aware, the Department of Health is currently consulting on the draft Health and Care Professions Council (Constitution) (Amendment) Order 2013 (the **Amendment Order**), which would amend the Health and Care Professions Council (Constitution) Order 2009 by reducing the composition of the Council to 12 members (six registrant members and six lay members) with effect from 1st January 2014.
2. Assuming that the Amendment Order is made, the Council will continue to exist as the same body corporate but with a reduced membership. There will be no transitional period or any other form of interregnum. Consequently, from the outset the smaller Council will need to have in place corporate governance arrangements which are fit for purpose.
3. On that basis, the Code of Corporate Governance (the **Code**) has been revised to take account of the proposals contained in the Amendment Order and also to address those consequential changes which the Council has previously considered, notably the abolition of non-statutory committees whose function can be performed directly by a smaller Council.
4. The opportunity has also been taken to make minor changes, such as revising specific references to legislation which has been amended and to turn the Code into a more coherent suite of documents. For example, some documents have been amalgamated and a more consistent approach to numbering has been adopted. Numbering has been added to those documents where it was lacking but needed and a modern decimal numbering format has been adopted for most documents. The modern drafting practice of definitions being shown in bold text (rather than within quotation marks) has also been adopted other than for the rules, which continue to follow the accepted legislative drafting conventions.
5. Recognising that the newly appointed Council may wish to consider its corporate governance arrangements in due course, the amendments which have been made are deliberately limited but should ensure that the Code is fit for purpose from 1st January 2014.
6. The revised Code has been drafted on the assumption that the Amendment Order will become law in its current form. In the event that material changes are made to the Amendment Order which affect any decision made by the Council in respect of the Code, then the matter would need to be re-considered by the Council.

7. Beyond the amendments described in more general terms above, specific documents within the Code have been amended as follows:

CCG1: Standing Orders of the Council

- the quorum for meetings has been reduced to seven, consistent with the Amendment Order, and the number of members required to requisition a Special Meeting has been reduced from five to four;
- the language of SO15 (members' interests) has been amended to make it clear that declarations will be published as part of the Register of Members' Interests rather than under a "Registration Scheme";
- A new SO24 (adoption) has been added to provide clear adoption and application dates and to expressly revoke previous standing orders.

CCG2: Standing Orders of the Committees

- SO2 (composition of committees) has been amended to cross-refer to the Education and Training Committee (Constitution) Rules and to remove reference to the Finance and Resources and Fitness to Practise Committees;
- the composition of the Audit Committee has been amended to three members (one of whom must be from outside of the Council) and the Audit Committee's terms of reference (which were a separate document) have been added as an appendix;
- SO9 (quorum) has been amended to cross-refer to the Education and Training Committee (Constitution) Rules;
- SO15 (members' interests) has been amended in line with the amendment made to the Council's Standing Orders;
- a new SO21 (adoption) has been added which mirrors SO24 in the Council's Standing Orders.

CCG3: Scheme of Delegation

- Paragraph 4 has been amended to reflect changes to the Health and Social Work Professions Order 2001 (the **2001 Order**) so that, for example, the matters reserved to the Council such as establishing certain criteria include establishing criteria for Approved Mental Health Professionals programmes and the recommendations that can be made to Ministers include recommendations on the regulation of social care workers as provided by Article 3 of the 2001 Order;

- Paragraph 6 has also been amended to reflect changes to the 2001 Order so that, for example the offences for which the Chief Executive has delegated responsibility include those relating to hearing aid dispensing added to the 2001 Order as Article 39A;
- Paragraphs 8 and 9 deal with appointment of HCPC Partners to perform specific tasks by the Director of Fitness to Practise and the Director of Education respectively, enabling to make the appointment but not to select the person concerned. This change reflects the fact that neither Director is involved in selecting Partners for a specific task. The previous language (which referred to selection by a random process) dates from a time when the Directors ran much smaller departments and were directly involved in selection. That is no longer the case.

CCG4: Education and Training Committee Scheme of Delegation

- Adoption of this document is a matter for the Education and Training Committee but, as it does form part of the Code, it is included here for completeness. Paragraph 7.1 has been amended to reflect the amendment made to Paragraph 9.1 of the Council's Scheme Of Delegation.

CCG5: Education and Training Committee Rules

- the draft Health and Care Professions Council (Education and Training Committee)(Constitution) Rules 2013 are made under Paragraph 17 of Schedule 1 to the 2001 Order. By virtue of Article 41(1) of that Order, they are the only Rules which the Council may make without consultation or the need to obtain the approval of the Privy Council;
- the rules provide for the Education and Training Committee to comprise six members, three registrant and three lay, all drawn from the Council.
- as all Education and Training Committee members would be Council members, there is no longer any need for the Education and Training Committee Rules to contain complex provisions relating to the disqualification, suspension and termination of membership to reflect those already contained in the Health and Care Professions Council (Constitution) Order 2009 and which apply to council members in any event;
- as Paragraph 17 of Schedule 1 to the 2001 Order specifies that the matters to be dealt with in Education and Training Committee Rules include the Committee's quorum, the arrangement for the Education and Training Committee to conduct certain specified business with a reduced quorum as a 'Panel' have been included in the Rules and removed from Standing Orders.

CCG6: Code of Conduct

- role descriptions have been added for Members and Chairs which were previously in a separate document;
- paragraph 5 of Appendix C (complaints against Council Members), which provided for the Chair of the Conduct and Competence Committee to exercise the functions of the Chair if the latter is unable to act or is the subject of a complaint has been amended to refer to the Chair of the Education and Training Committee. This reflects the fact that the Conduct And Competence Committee (and other Practice Committees) are no longer chaired by Council members and only exercise adjudicative functions.

CCG7: Declaration of Member's Interest

- the document has been renamed to make it clear that it is a declaration, the content of which will be included in the Register of Members' Interests;
- superfluous numbering has been removed.

CCG8: Anti-bribery and inducements policy

- content has been added in respect of the Bribery Act 2010 and the title of the document has been amended accordingly.

CCG9: Member and Employee Protocol

- no material change.

CCG10: Financial Regulations

- the Regulations have been revised to take account of the abolition of the Finance and Resources Committee.

CCG11: Professional Liaison Groups

- this is a new document. It was not previously Part of the Code but reflects current Council policy on the establishment of PLGs.

Decisions

Council is asked to resolve that:

1. the Education and Training Committee (Constitution) Rules 2013 be made in the form of Attachment CCG5 and that the Chair and Chief Executive and Registrar

be authorised to execute those Rules on behalf of the Council by affixing to them the common seal of the Council;

2. Attachments CCG1 and CCG2 be adopted by the Council and apply from 1st January 2014;
3. Attachments CCG3 and CCG6 - CCG11 be adopted by the Council;
4. the Education and Training Committee be invited to adopt Attachment CCG4 (Education and Training Committee Scheme of Delegation);
5. subject to the foregoing decision of the Education and Training Committee in respect of CCG4, that Attachments CCG1 - CCG11 form the Code of Corporate Governance of the Health and Care Professions Council with effect from 1st January 2014.

Background information

None

Resource implications

None

Financial implications

The implications of reducing the number of Committees of HCPC are discussed as part of the "Restructure of Committees" paper.

Appendices

Code of Corporate Governance

Date of paper

5 September 2013

STANDING ORDERS OF THE HEALTH AND CARE PROFESSIONS COUNCIL

1 Application and Interpretation

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

2 Suspension of Standing Orders

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

3 Frequency of Meetings

- 3.1 The Council shall meet in ordinary session (**Ordinary Meeting**) not less than six times in each year and at such other times as the Council shall decide.
- 3.2 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 four Members of the Council.
- 3.3 A written request for a Special Meeting to be held shall include details of the business to be transacted at that meeting.
- 3.4 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

- 4.1 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.

- 4.2 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

- 5.1 All meetings of the Council shall be open to the public unless the business under consideration concerns:
- 5.1.1 information relating to a registrant, former registrant or applicant for registration;
 - 5.1.2 information relating to an employee or office holder, former employee or applicant for any post or office;
 - 5.1.3 the terms of, or expenditure under, a tender or contract for the purchase or supply of goods or services or the acquisition or disposal of property;
 - 5.1.4 negotiations or consultation concerning labour relations between the Council and its employees;
 - 5.1.5 any issue relating to legal proceedings which are being contemplated or instituted by or against the Council;
 - 5.1.6 action being taken to prevent or detect crime or to prosecute offenders;
 - 5.1.7 the source of information given to the Council in confidence; or
 - 5.1.8 any other matter which, in the opinion of the Chair, is confidential or the public disclosure of which would prejudice the effective discharge of the Council's functions.

6 Notice of Meetings

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

7 Agenda

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

8 Chair

- 8.1 The Chair shall preside at any meeting of the Council.

- 8.2 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.
- 8.3 In these Standing Orders, references to the **Chair** include a Member presiding at a meeting of the Council in place of the Chair.

9 Quorum

- 9.1 The quorum at any meeting of the Council shall be seven Members.
- 9.2 If a quorum is not present within 15 minutes of the time appointed for a meeting to commence, all business which should have been transacted at that meeting shall be held over until the next Ordinary Meeting, unless a Special Meeting is called in the meantime for the transaction of that business.
- 9.3 If, during a 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:
 - 9.3.1 a quorum exists, the business will proceed;
 - 9.3.2 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

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

11 Voting

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

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

12 Minutes of Council meetings

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

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

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

13 Duration

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

14 Disorder

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

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

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

15 Members' interests

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

15.2 The agenda for every meeting shall 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

17.1 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.

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

17.3 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

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

18.2 A Member who is provisionally suspended shall 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

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

20.2 For this purpose an **emergency** means circumstances in which:

20.2.1 the HCPC will be unable to discharge its statutory functions or be exposed to a significant level of risk if urgent action is not taken; or

20.2.2 urgent action must be taken to prevent loss, damage or significant disadvantage to the HCPC.

20.3 Before taking any Emergency Action, the Chair must consult the Registrar.

- 20.4 The Registrar shall 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.
- 20.5 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

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

22 The Registrar, Secretary and advisers

- 21.1 The Registrar shall be entitled to attend and speak at meetings of the Council.
- 21.2 The Secretary or any other person advising on the business before a meeting of the 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

- 23.1 The Common Seal of the Council shall be kept in safe custody by the Registrar or a person appointed by the Registrar.
- 23.2 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 the Council.

24 Adoption

These Standing Orders were adopted by the Council on 17th September 2013 and supersede all previous versions. They apply to any Council meeting held on or after 1st January 2014.

STANDING ORDERS FOR COMMITTEES OF THE HEALTH AND CARE PROFESSIONS COUNCIL

1 Application and Interpretation

- 1.1 These Standing Orders, together with the provisions of the Health and Social Work Professions Order 2001 (**the 2001 Order**), establish the basic rules about how HCPC committees and sub-committees conduct their proceedings.
- 1.2 In these Standing Orders, **Committee** means any committee or sub-committee to which they apply and, unless the context requires otherwise, terms used in the Standing Orders have the same meaning as in the 2001 Order.
- 1.3 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.
- 1.4 The Committee Chair is the final authority as to the interpretation of these Standing Orders.
- 1.5 These Standing Orders do not apply to the proceedings of the HCPC Practice Committees, the proceedings of which are governed by statutory rules made under the 2001 Order.

2 Composition of committees

- 2.1 The composition of the Education and Training Committee shall be determined by the Council in accordance with rules made by it under paragraph 17 of Schedule 1 to the 2001 Order.
- 2.2 The Audit Committee, which shall perform the functions set out in Annex A to these Standing Orders, shall comprise three members, appointed by the Council on such terms as it shall determine of which:
 - 2.2.1 at least one member shall have recent, significant and relevant financial experience;
 - 2.2.2 at least two members shall be members of Council; and
 - 2.2.3 at least one member shall not be a member of Council.
- 2.3 The membership, terms of office and terms of reference of any other Committee shall be as determined by the Council.

3 Frequency of Meetings

- 3.1 Subject to Standing Order 3.2, the Committee shall meet at such times as the Committee shall determine.

- 3.2 As a minimum:
- 3.2.1 the Education and Training Committee shall meet not less four times in each year, on dates correlated with the Council's cycle of meetings; and
 - 3.2.2 the Audit Committee shall meet not less than three times in each year, on dates which coincide with key dates within the financial reporting and audit cycle.

4 Adjournment of Meeting

- 4.1 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.
- 4.2 If a meeting is adjourned for more than seven days (but not otherwise), notice of the meeting shall be given in accordance with Standing Order 6.

5 Access to meetings

- 5.1 All meetings of the Committee shall be open to the public unless the business under consideration concerns:
 - 5.1.1 information relating to a registrant, former registrant or applicant for registration;
 - 5.1.2 information relating to an employee or office holder, former employee or applicant for any post or office;
 - 5.1.3 the terms of, or expenditure under, a tender or contract for the purchase or supply of goods or services or the acquisition or disposal of property;
 - 5.1.4 negotiations or consultation concerning labour relations between the Council and its employees;
 - 5.1.5 any issue relating to legal proceedings which are being contemplated or instituted by or against the Council;
 - 5.1.6 action being taken to prevent or detect crime or to prosecute offenders;
 - 5.1.7 the source of information given to the Committee in confidence; or
 - 5.1.8 any other matter which, in the opinion of the Chair, is confidential or the public disclosure of which would prejudice the effective discharge of the Committee's functions.

6 Notice of Meetings

- 6.1 The Secretary shall give Members not less than seven days notice of the time and place of a meeting.

- 6.2 If for any reason a meeting is convened at shorter notice, then the Secretary shall give Members notice of the time and place of the meeting at the time that the meeting is convened.
- 6.3 Failure to send notice of a meeting to a Member shall not invalidate the proceedings of that meeting.

7 Agenda

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

8 Chair

- 8.1 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.
- 8.2 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.
- 8.3 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

- 9.1 The quorum at a meeting of the Committee shall be:
 - 9.1.1 in the case of the Education and Training Committee, as provided for in rules made by the Council under paragraph 17 of Schedule 1 to the 2001 Order;
 - 9.1.2 in the case of the Audit Committee, any two Members; and
 - 9.1.3 in any other case, half of the Members of the Committee plus one.
- 9.2 If a quorum is not present within 15 minutes of the time appointed for a meeting to commence, all business which should have been transacted at that meeting shall be held over until the next Ordinary Meeting, unless a Special Meeting is called in the meantime for the transaction of that business.
- 9.3 If, during a 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:
 - 9.3.1 a quorum exists, the business will proceed;
 - 9.3.2 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

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

11 Voting

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

12 Minutes of meetings

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

13 Duration

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

14 Disorder

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

15 Members' interests

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

- 17.1 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.
- 17.2 The Council shall establish standards of attendance and performance for members, including a system of annual performance appraisal.
- 17.3 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 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

- 19.1 The Registrar, or such other person as the Registrar may appoint, shall be the secretary to the Council.
- 19.2 In these Standing Orders, references to the **Secretary** mean the Registrar or, where a person has been appointed in accordance with Standing Order 19.1, that person.

20 The Registrar, Secretary and advisers

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

21 Adoption

These Standing Orders were adopted by the Council on 17th September 2013 and supersede all previous versions. They apply to any Committee meeting held on or after 1st January 2014.

Annex A

AUDIT COMMITTEE: TERMS OF REFERENCE

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 relevant reports and report on these to the Council as appropriate;
4. receive reports on the internal audit work plan and consider appropriate action arising from them;
5. review the Council's annual report and accounts and make recommendations to the Council and the Registrar (as Accounting Officer) as appropriate;
6. consider whether risk management processes are adequate for all risks to which the Council is exposed and approve or, where the Committee considers that significant policy issues are involved, recommend that the Council approve measures to eliminate or mitigate against them;
7. at the request of the Council, 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);
8. consider and make recommendations to the Council and the Registrar (as Accounting Officer) as appropriate on the council's.
 - 8.1 accounting policies;
 - 8.2 anti-fraud policies; and
 - 8.3 'whistle-blowing' processes.

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 and Care 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 the Executive implements that policy and strategy and is responsible for all operational matters.
- 1.3 The Scheme sets out:
 - 1.3.1 those decisions which the Council has reserved to itself;
 - 1.3.2 those decisions which it has delegated to its Education and Training Committee;
 - 1.3.3 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;
 - 1.3.4 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 HCPC's affairs and nothing in the Scheme applies to any decision which is administrative in nature.

2 Withdrawal of delegated power

- 2.1 The Scheme remains in force unless and until it is amended or revoked by the 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, it must be exercised in a manner which is consistent with the Council's obligations under the general law and the Health and Social Work Professions Order 2001 (the **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 the Council

- 4.1 The Council retains ultimate responsibility for all policy matters including agreeing the overall strategy for the performance of its functions.
- 4.2 The power to make Rules is specifically reserved to the Council by Article 3(12) of the 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:
 - 4.3.1 establishing the Standards of Proficiency, Standards of Conduct, Performance and Ethics, Standards of Education and Training and Standards of Continuing Professional Development;
 - 4.3.2 prescribing good conduct and good character requirements for safe and effective practice;
 - 4.3.3 establishing criteria for the purposes of Article 13 (grandparenting criteria), Article 15 (approvals criteria) and Article 15B (criteria for approved mental health professionals courses) of the 2001 Order;
 - 4.3.4 making recommendations to the Secretary of State and the Scottish Ministers concerning the regulation of any profession or social care workers in England and giving guidance on the criteria that it will take into account in so doing;
 - 4.3.5 making any proposal to the Privy Council concerning the structure of the register;
 - 4.3.6 approving any report, plans or accounts to be submitted to the Privy Council, the Secretary of State or the Scottish Ministers;
 - 4.3.7 setting the fees to be charged for or associated with registration (including renewal, readmission, restoration and scrutiny fees);

- 4.3.8 establishing any committee or sub-committee and making the Standing Orders for any committee or sub-committee;
 - 4.3.9 appointing members to any committee or sub-committee;
 - 4.3.10 appointing or removing the Chief Executive;
 - 4.3.11 appointing members to represent the Council on outside bodies;
 - 4.3.12 entering into any arrangements with a body created or designated by the National Assembly for Wales under Article 20 of the 2001 Order;
 - 4.3.13 acquiring or disposing of any freehold or leasehold interest in land and property or other interest in land;
 - 4.3.14 re-structuring the Council's staff where the changes involve 20 or more employees.
- 4.4 The Council is also responsible for making decisions in relation to any matter:
- 4.4.1 in which a person who would otherwise have delegated authority to act has an actual or potential interest;
 - 4.4.2 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 relevant European 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 Subject to any appointments procedure established by the Council, appointing:
 - 6.5.1 Visitors under Article 16 of the 2001 Order;
 - 6.5.2 Practice Committee panellists (Panel Members and Panel Chairs); and

6.5.3 Legal Assessors, Registrant Assessors, and Medical Assessors under Articles 34 to 36 of the 2001 Order.

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

- 6.6 Prosecuting offences under Articles 39 and 39A 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 proceedings relating to registration appeals or fitness to practise cases or proceedings under section 29 of the NHS Reform and Health Care Professions Act 2002.
- 6.8 Entering into arrangements for the provision of administrative, technical or advisory services under Article 44A of the 2001 Order.
- 6.9 Advising the Privy Council that a person has ceased to be a member of the Council. This power may also be exercised by the Secretary to the Council.
- 6.10 Maintaining and publishing the Register of Members' Interests. This power may also be exercised by the Secretary to the Council.

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

- 7.1 Determining applications for registration (but subject to any policies or procedures established by the Council or the Education and Training Committee).
- 7.2 Determining and administering the Council's employment procedures and processes.
- 7.3 Arranging any insurance on behalf of the Council where either the value of the premium payable does not exceed £50,000 or the renewal premium payable does not exceed the previous premium by more than 10%.
- 7.4 Tendering, awarding and varying contracts where, 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.
- 7.5 Approving the terms of any other agreement or transaction of a minor or urgent nature which, in the opinion of the Chief Executive, is in the best interests of the Council.
- 7.6 Managing any property owned by the Council or in which the Council has an interest including the submission of planning and building consent applications.

8 Matters delegated to the Director of Fitness to Practise

- 8.1 Appointing (but not selecting) the members of any Panel which is to hear a registration appeal.
- 8.2 Appointing (but not selecting) the Legal Assessor who is to be present at a fitness to practise or registration appeal 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 (but not selecting) Visitors to conduct a visit or perform other functions under Part IV of the 2001 Order.
- 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

- 10.1 In conjunction with the Chief Executive, who is the Council's Accounting Officer:
 - 10.1.1 keeping the accounts and preparing the annual accounts of the Council in accordance with Article 46 of the 2001 Order;
 - 10.1.2 administering the Council's finances including, but not limited to, the day to day control and regulation of those finances.

17th September 2013

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**).
- 1.2 The Scheme is designed to ensure that, so far as possible, the Committee sets policy and strategy and the Executive implements that policy and strategy and is responsible for all operational matters.
- 1.3 The Scheme sets out:
 - 1.3.1 those decisions which the Committee has reserved or must reserve to itself;
 - 1.3.2 those decisions which it has delegated to the Chief Executive and Registrar (the **Chief Executive**) and persons nominated by the Chief Executive;
 - 1.3.3 those decisions which it has delegated to nominated Directors and persons nominated by them.
- 1.4 The Executive, under the direction of the Chief Executive, remains responsible for day to day administration of the HCPC's affairs and nothing in the Scheme applies to any decision which is administrative in nature.

2 Withdrawal of delegated power

- 2.1 The Scheme remains in force unless and until it is amended or revoked by the Committee.
- 2.2 The requirement to amend or revoke the Scheme does not apply to any matter 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, it must be exercised in a manner which is consistent with the requirements of the Health and Social Work Professions Order 2001 (the **2001 Order**) and any rules made under it, any policies or procedures established by the Committee and the Committee's obligations under the general law.
- 3.2 In particular, the decision maker must have regard to Article 3(4) of that Order, which provides that the main objective of the HCPC 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 the Committee

- 4.1 The Committee retains ultimate responsibility for all policy matters including agreeing the overall strategy for the performance of its functions.
- 4.2 The Committee retains responsibility for the following decisions which, to the extent that it is lawful to do so, may only be delegated by means of a specific resolution of the Committee:
 - 4.2.1 responding to any consultation by the Council under Article 7 of the 2001 Order on the making of rules or the determining or varying of fees;
 - 4.2.2 approving, for the purpose of Article 12(1) of the 2001 Order, qualifications awarded in the United Kingdom which attest to the standard of proficiency required for admission. (This is a function which has been delegated to the Committee by the Council without authority to sub-delegate);
 - 4.2.3 establishing procedures under Article 12(2) of the 2001 Order for the assessment of qualifications obtained, and training and experience acquired, outside of the United Kingdom;
 - 4.2.4 giving advice to the Council under Article 14 of the 2001 Order in relation to the establishment of Standards of Proficiency, Standards of Education and Training and Standards of Continuing Professional Development;
 - 4.2.5 responding to any consultation by the Council under Article 15 of the 2001 Order on the establishment of Standards of Education and Training and requirements for admission to and participation in education and training;
 - 4.2.6 approving courses of education and training, qualifications, institutions and tests of competence under Article 15(5) of the 2001 Order;
 - 4.2.7 ensuring that universities and other relevant bodies in the United Kingdom are notified of the Standards of Education and Training and the Council's requirements for admission to and participation in such education and training and taking appropriate steps to satisfy the Committee that these standards and requirements are being met;

- 4.2.8 approving education and training provided outside of the United Kingdom under Article 15(6) of the 2001 Order;
 - 4.2.9 receiving any report submitted to the Committee by a Visitor under Article 16(7) of the 2001 Order;
 - 4.2.10 imposing reporting requirements on Visitors under Article 16(7)(b) of the 2001 Order;
 - 4.2.11 maintaining and publishing the Council's list of approved courses of education and training, qualifications and institutions;
(but the Director of Education may correct the list to ensure that it remains factually accurate);
 - 4.2.12 withdrawing or refusing approval of an institution for failure to provide information and assistance under Article 17(3) of the 2001 Order;
 - 4.2.13 withdrawing or refusing approval of a course of education and training, qualification or institution under Article 18 of the 2001 Order;
 - 4.2.14 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:
- 4.3.1 in which a person who would otherwise have delegated authority to act has an actual or potential interest;
 - 4.3.2 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

- 6.1 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 Registration Appeals Panel. The conduct and defence of court proceedings relating to registration appeals is a Council function 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 (but not selecting) the Visitors who are to visit any place or institution for any purpose of Part IV of the 2001 Order;
- 7.2. Sending a copy of any report received by the Committee from a Visitor under Article 16(7) of the 2001 Order to the institution concerned and notifying that institution of its right to make observations in accordance with Article 16(9) of the 2001 Order;
- 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.

17th September 2013

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

The Health and Care Professions Council makes the following Rules in exercise of the powers conferred by paragraph 17(1) of Schedule 1 to the Health and Social Work Professions Order 2001.

Citation, commencement and interpretation

1. These Rules—

- (a) may be cited as the Health and Care Professions Council (Education and Training Committee) (Constitution) Rules 2013; and
- (b) shall come into force on 1st January 2014.

2. In these Rules—

“Committee” means the Education and Training Committee;

“the Chair” means the Chair of the Committee appointed in accordance with rule 5(1) and includes a person nominated to act as Chair at a meeting in accordance with rule 5(4) or 6(2);

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

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

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

Revocation

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

The Committee

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

- (a) three shall be registrant members; and
- (b) three shall be lay members.

(2) The Council shall determine the duration of the term of office of each member on their appointment, but it shall not exceed that person’s term of office as a member of the Council.

(3) A person shall cease to be a member of the Committee—

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

- (b) on ceasing for any reason to be a member of the Council;
- (c) if the member's membership of the Council is suspended by the Privy Council under Article 7 of the Constitution Order; or
- (d) if the Council, by majority vote, terminates the person's appointment as a member of the Committee.

Committee Chair

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

(2) The Council shall determine the duration of the term of office of the Chair on appointment, but it shall not exceed that person's term of office as a member of the Committee.

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

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

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

Quorum

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

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

(3) For the purpose of paragraph (2) a "panel meeting" means a meeting of the Committee which has been convened only for the purpose of conducting one or more of the following items of business (and at which no other business is conducted):

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

- (c) considering and, if thought fit, approving any matter arising from the monitoring of such courses, qualifications or institutions; or
- (d) considering and, if thought fit, withdrawing approval from any such course, qualification or institution which the Committee is satisfied no longer admits or recruits students.

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



Anna van der Gaag
Chair

Marc Seale
Registrar

CODE OF CONDUCT

1 Introduction

This Code of Conduct (the **Code**) particularly applies to Council members whenever they take part in Council business or represent the Council.

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

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

2 General guidelines

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 A);
- 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 and Care Professions Council into disrepute; or
- use their position for personal gain or to promote their private interests.

3 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 HCPC 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.

4 Attending meetings

Council members should endeavour to attend all meetings of the Council, and of any committee of which they are a member and contribute in accordance with their role (as set out in Appendix B).

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.

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.

5 Council members' annual performance review

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

6 Breach of the Code

Any minor breach of this Code 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 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 C and, if appropriate, will convene a special meeting of the Council.

7 Suspension or removal from office of a Council Member

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

17th September 2013

Appendix A

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.

* as set out by the Committee on Standards in Public Life (www.public-standards.gov.uk)

Appendix B

The role of Council Members and Chairs

Council Member

The role of a Council Member is to:

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

Council Chair

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

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

Committee Chairs

The role of the Chair is to:

- approve draft agendas and approve draft minutes for the committee;
- consult the Committee Secretary for advice as needed;
- manage the efficient and effective running of meetings by grasping the detail of a wide range of business, and contribute to objective decision making by exercising sound judgement;
- facilitate open discussion, and good decision-making;
- ensure that the meeting is conducted in accordance with the standing orders, and that all members keep to the Code of Conduct; and
- act as spokesperson for the committee if required.

Appendix C

Complaints against Council Members

Introduction

1. This procedure deals with the investigation of complaints made against Council members which arise in that capacity, including complaints made against Council members by HCPC staff.
2. Complaints against members by HCPC staff should be made to the Chief Executive. All other complaints against members should be made to the Secretary of the Council.
3. All complaints must be made in writing and will be referred to the Chair. If, in the opinion of the Chair, more detail is needed in order for the complaint to be considered, the Chair will 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 Education and Training Committee.

Conciliation

6. If the Chair determines that a complaint is within the scope of this procedure, the Chair may suggest that the complainant and the member seek to resolve the matter by conciliation and, if they agree, the Chair, with the consent of the parties, will 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. The Chair will nominate an Independent Reviewer to investigate any complaint where:
 - 9.1 the Chair considers that the complaint is unsuitable for resolution by conciliation;
 - 9.2 a party does not agree to take part in conciliation; or
 - 9.3 conciliation fails to resolve the complaint;

Investigation

10. The Chair will nominate a person (the **Independent Reviewer**) to investigate the complaint and report on the matter to the Council as to whether:
 - 10.1 on the balance of probabilities, the allegations contained in the complaint are factually correct; and
 - 10.2 on the basis of those facts, the member has breached the Code of Conduct for Council Members.
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:
 - 13.1 send a copy of the complaint to the member concerned and invite him or her to submit a written response within a reasonable time (which shall in any event be not less than 14 days);
 - 13.2 send a copy of any response from the member concerned to the complainant, and provide him or her with a reasonable time (which shall in any event be not less than 14 days) in which to comment on it.
14. The Independent Reviewer may be provided with administrative support by the HCPC and may obtain legal advice from the Solicitor to the Council but, if the Independent Reviewer wishes to obtain independent administrative support or legal advice, the Council shall 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:
 - 18.1 that no action be taken;
 - 18.2 that the member be admonished by the Council;
 - 18.3 that a report be submitted to the police, another regulatory or law enforcement agency or to a prosecuting authority;
 - 18.4 that the Council recommend to the Privy Council that the member be removed from the Council.

Council Procedure

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

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

DECLARATION OF MEMBER'S INTERESTS

Name of Member: _____

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

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

B: Remunerated employment, business, office or profession

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

--

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

--

Category C: Directorships

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

--

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

--

Category D: Shareholdings

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

--

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

--

Category E: Contracts

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

--

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

--

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

Description	Donor	Date

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

Signed: _____ Date: _____

ANTI-BRIBERY, INDUCEMENTS AND HOSPITALITY POLICY

Introduction

The Health and Care Professions Council and similar organisations must observe high standards of corporate governance and be able to demonstrate objectivity and integrity.

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

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

The Policy

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

Bribery

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

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

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

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

Hospitality, gifts etc.

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

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

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

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

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

17th September 2013

PROTOCOL ON MEMBER - EMPLOYEE RELATIONS

1. Introduction

An effective working relationship between Members and HCPC 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.

2. 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 or lifestyle.

3 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.

4 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.

5 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 or ridicule. 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.

6 Use of HCPC 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 or having to refuse to provide them with resources.

7 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. If necessary, the employee should refer the matter to the relevant Director or the Chief Executive who will provide a reasoned decision as to whether the information is to be provided to the Member.

17th September 2013

FINANCIAL REGULATIONS

Introduction

1. These Regulations set out the principles governing the financial and accounting practices of the Health and Care Professions Council (**HCPC**). Their purpose is to ensure that the HCPC's finances are managed with probity, accuracy, economy, efficiency and effectiveness.
2. The Regulations have effect as if they were incorporated in the Council's Standing Orders 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 the HCPC's finances.
4. Where appropriate, the Regulations will be supplemented by detailed Financial Operating Procedures.

Roles and responsibilities

The Council

5. The Council has the ultimate responsibility for the financial viability of the HCPC 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 and Social Work Professions Order 2001, the Council is specifically responsible for:
 - 6.1 setting fees;
 - 6.2 keeping accounts ;
 - 6.3 preparing and publishing the annual accounts; and
 - 6.4 appointing auditors.

Audit Committee

7. To assist it in the discharge of its financial responsibilities, the Council has established an Audit Committee, which oversees the HCPC'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:
 - 8.1 the organisation and management of the HCPC's functions and leadership and management of all employees;
 - 8.2 ensuring that budgets and resources are managed within the estimates approved by the Council; and
 - 8.3 the HCPC's financial operations, including the system of internal control.
9. The Chief Executive has been appointed as Accounting Officer by the Privy Council and, as such, is responsible for ensuring that the HCPC performs its statutory functions within the available financial resources and for complying with the Council's obligations under Article 46 of the Health and Social Work Professions Order 2001.

Director of Finance

10. The Director of Finance is responsible for the administration of the financial affairs of the HCPC, in particular, by:
 - 10.1 implementing the Council's financial policies;
 - 10.2 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 may require revision;
 - 10.3 ensuring that records are maintained which explain the HCPC's transactions and disclose, with reasonable accuracy, the financial position of the HCPC at any time;
 - 10.4 providing financial advice to the Council, its committees and employees;
 - 10.5 preparing such accounts and reports as the HCPC may require for the purpose of carrying out its statutory functions;
 - 10.6 ensuring that good financial practice is adopted by HCPC, in accordance with accepted professional standards and taking account of advice received from the internal and external auditors; and
 - 10.7 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:
 - 11.1 a statement of the Council's priorities and objectives for the year;
 - 11.2 the planned use of resources to reflect those priorities and achieve those objectives;
 - 11.3 the financial implications of the planned use of resources; and
 - 11.4 performance targets established by the Council.

Annual Budget

12. Resources are allocated annually by the Council. 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 approval by the Council.
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.
15. The Chief Executive is responsible for the day to day management and control of the annual budget and capital programme and, without further authority, may:
 - 15.1 authorise revenue spending on items not exceeding £25,000 each;
 - 15.2 authorise spending on items in the capital programme not exceeding £50,000 each;
 - 15.3 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 use resources within their budget, but may not delegate responsibility for the management of that budget. Each Budget Holder is responsible for expenditure within 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 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. HCPC's annual accounts shall be prepared under the direction of the Director of Finance and comply with any relevant statutory requirements and accepted accounting practice.
19. The annual accounts shall be presented to the Audit Committee and subsequently to the Council for approval.

Financial Systems and Procedures

20. The Director of Finance must establish procedures for the secure receipt and payment of all HCPC monies.
21. The HCPC'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:
 - 22.1 order goods and services;
 - 22.2 pay creditors, allowances and expenses;
 - 22.3 collect and bank all income due to the HCPC;
 - 22.4 provide, safeguard and subsequently dispose of HCPC assets; and
 - 22.5 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 the HCPC's Bankers.
25. All bank accounts which contain HCPC funds (**HCPC Accounts**) shall be operated in the name of the Health and Care Professions Council and in no circumstances shall HCPC funds be held in an account operated in the name of an individual or with other than HCPC'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 HCPC funds and the title of which includes any reference to the Health and Care Professions Council.

27. All cheques and other documents authorising payment from HCPC Accounts require two authorised signatories. The Chair of the Council, the Chief Executive and the Director of Finance shall be authorised signatories. The Chair of the Council, acting on the recommendation of the Chief Executive, may appoint other signatories for all or specified HCPC Accounts and may at any time revoke the authorisation of any such signatory.
28. Transfers of funds between HCPC 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 HCPC 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 HCPC's capital, by means of deposit accounts or any other method of investment authorised by the Council.

Borrowing arrangements

31. The approval of the Council is required before the HCPC 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 the HCPC, enabling the HCPC 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 the HCPC shall be banked without delay in one of the HCPC Accounts.
34. All agreements, invoices, receipts and other documents relating to income receivable by the HCPC shall be in the name of the HCPC.
35. The custody of all cash holdings must comply with any requirements of the HCPC'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 the HCPC.

Debts

37. The Chief Executive shall have all necessary powers to recover debts, including the taking of legal action.
38. The Chief Executive is authorised to write off debts which, after appropriate steps have been taken, are considered to be irrecoverable but no individual debt of more than £5,000 or any debt arising from theft or fraud shall be written off without the approval of the Council.

39. Invoices will only be paid for amounts authorised by an appropriate Budget Holder.
40. 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 the HCPC is satisfied that it will ultimately receive the goods and services, then such payments may be made.
41. 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 and other allowances

42. 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.
43. Claims for payment shall be authorised in the following manner:
 - 43.1 claims by employees shall be authorised by their line manager;
 - 43.2 claims by Directors shall be authorised by the Chief Executive or three members of the Executive Management Team;
 - 43.3 claims by the Chief Executive shall be authorised by the Chair of the Council and the Director of Finance;
 - 43.4 claims by Council members shall be authorised by the Secretary to the Council, Secretary to the Committees or a relevant Budget Holder;
 - 43.5 claims by HCPC partners shall be authorised by the relevant Budget Holder; and
 - 43.6 claims by the Chair of the Council shall be authorised by the Chief Executive and the Director of Finance.

Contracts and procurement

44. The HCPC 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.
45. 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.
46. 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 the HCPC for the services to be rendered or goods supplied.

Asset Management

47. The purchase, lease, rent or disposal of land and buildings by HCPC can only be undertaken with the approval of the Council.

48. The Director of Finance shall be responsible for:
 - 48.1 maintaining a register of all HCPC assets; and
 - 48.2 the safe keeping of deeds, leases, agreements, financial instruments, loan agreements, share certificates and other securities.
49. The Chief Executive shall be responsible for ensuring that appropriate security arrangements exist to cover all HCPC buildings, stores, furniture, equipment, cash, information and records.

Risk Management

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

Audit Arrangements

52. 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.
53. The main purpose of the internal audit is to provide the Council with independent and objective assurances on the adequacy of the HCPC's financial control, operating control and risk management systems.
54. The external auditor's responsibilities include reporting on whether the HCPC'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

55. In order to perform their functions, the internal and external auditors have authority to:
 - 55.1 enter, at a reasonable time, any HCPC premises or land;
 - 55.2 have access to records, documents and correspondence relating to any transaction of the HCPC;
 - 55.3 review any relevant activity of the HCPC;
 - 55.4 require and receive such explanations as are necessary concerning any matter under examination; and
 - 55.5 require any HCPC Council member, employee or contractor to produce any asset under his or her control for which the HCPC is responsible.

Comptroller and Auditor General

56. Article 46 of the Health and Social Work Professions Order 2001 provides that the HCPC's accounts shall be subject to examination by the Comptroller and Auditor General.
57. For the purposes of such examination, the Comptroller and Auditor General may inspect the HCPC's accounts and any records relating to them. Notwithstanding that power and the powers available 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. The HCPC shall not establish any subsidiary company (or appoint or remove a director of any such subsidiary company) without the approval of the Council.

Review of Financial Regulations

59. The Financial Regulations will be reviewed at least every third year in order to ensure that they continue to reflect the circumstances of the HCPC and financial best practice.

17th September 2013

PROFESSIONAL LIAISON GROUPS

Introduction

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

Establishing a PLG

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

PLG Membership

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

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

Conduct of PLG business

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

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

PLG Costs

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

Reporting to the Council

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

17th September 2013