

Appointment process for Council members and other associated processes – May 2021

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1. Introduction

- 1.1. This document sets out the process by which appointments to the Council will be managed by HCPC.
- 1.2. Under provisions in the Health and Social Care Act 2012, the Privy Council is able to make arrangements with the Health and Care Professions Council (HCPC) to assist it with its appointment functions.
- 1.3. The role of the Professional Standards Authority (PSA) is to advise the Privy Council about the process adopted by the regulators in recommending an appointment.
- 1.4. Having received the PSA's advice about the process, the Privy Council is responsible for making a decision to appoint (or reappoint) an individual to the HCPC Council.
- 1.5. Where a vacancy arises (this may be a new appointment or due to a resignation, termination of appointment or death of an incumbent, or if a reappointment is not being considered), the HCPC is responsible for managing a process of appointing a new Council member, in line with the requirements of the legislative frameworks, including the Health and Care Professions Council (Constitution) Order 2009, and will make recommendations to the Privy Council. The Professional Standards Authority will be responsible for advising the Privy Council about the process adopted by the professional regulators in recommending an appointment.
- 1.6. The HCPC will also be responsible for managing the process of reappointment of a Council member or Chair, extending appointments of council members and chairs, suspending or removing a council member or chair or making an emergency appointment. Again, these processes will be carried out in line with the requirements of the legislative frameworks.
- 1.7. The process has been written to take into account ["Good practice in making Council appointments-Guidance for regulators making appointments which are subject to section 25C scrutiny"](#) published by the Professional Standards Authority (PSA) and most recently updated in March 2019.
- 1.8. The PSA has identified four principles to be applied to all processes relating to the (re)appointment, suspension and removal from office of chairs and members of Councils. These principles should be demonstrated by the regulators throughout their work:
 - **Merit** – all selection decisions are based on evidence of merit. This means appointing and reappointing high quality individuals whose skills, experience and qualities have been judged to best meet the needs of the regulator and where appropriate, recommending the removal or suspension of individuals where there a strong case for so doing.

- **Fairness** – processes used in appointments, suspensions and removals are objective, impartial and applied consistently. Processes should promote equality and be free from discrimination, harassment or victimisation.
- **Transparency and openness** – public appointments must be advertised publicly in a way that is designed to attract a strong and diverse field of suitable candidates. Information about posts and appointment, suspension and removal processes adopted are publicly available. It is clear why regulators are making their recommendations to the Privy Council.
- **Inspiring confidence** – the regulator’s processes and systems promote public confidence in regulation and take into account external perspectives where appropriate. All processes meet the requirements of the regulator’s legislative framework.

1.9 The appointment process will be carried out in two stages:- the preparation and the assessment and selection stages.

Appointment of Council members

Stage 1 – Preparation

2. Selection Panel

- 2.1. A selection panel will be appointed by Council before the start of any recruitment campaign. They will be responsible for making recommendations to the Privy Council on behalf of the Council. For those appointments starting in January, the panel will need to be submitted to Council for consideration and approval by July the preceding year.
- 2.2. The composition of the panel will depend upon the nature of the recruitment campaign. However, for appointment processes in relation to members of Council, the panel will comprise the following:-
- the Chair of the Council;
 - an independent with experience in public appointments; and
 - one other member, drawn from those suitable candidates outlined in the PSA guidance, this may be another member of Council as long as this does not result in a registrant majority on the panel.
- 2.3. For the appointment of the Chair of Council, the panel will comprise:-
- a Chair of an independent regulator or public authority;
 - an independent with experience in public appointments; and
 - one other member, drawn from those suitable candidates outlined in the PSA guidance this may be a member of Council who is not eligible for further reappointment and is nearing the end of their tenure as a Council member..
- 2.4. Consideration will also be given to ensuring the relevant expertise on the panel. For example, if we were seeking to appoint an individual with a financial background, someone with relevant expertise would be within the proposed

composition. Due consideration will be given to the diversity of the panel when deciding who should be included.

2.5. In order to retain the independence of panel members drawn from outside the HCPC, and to prevent conflicts of interest, the maximum period any panel member may be appointed to the selection panel is four years. The selection panel will be chaired by the Chair of HCPC or, in the event that the recruitment exercise is for that position, the Chair of an independent regulator or public authority.

2.6. Any new panel members, i.e. any that have not been involved in previous HCPC recruitment campaigns, will be given an induction. This will cover the following areas:-

- Background to organisation;
- Relationship between the Council and the Executive;
- HCPC Strategy 2021-26
- Composition of current Council;
- Equality and Diversity;
- Appointments process adopted by HCPC.

3. Preparation of paperwork

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

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

- The Privy Council Office to be notified of HCPC's intention to initiate a recruitment campaign to ensure that the timescales are suitable from their point of view;
- The Council to agree the selection panel for the campaign;
- Consideration will need to be given to the skills matrix of Council to see if there are any gaps in the skills base of Council members that need to be filled as part of the recruitment campaign. If so, a review of competencies will be carried out by the Head of Governance and subsequently agreed by Council if any material changes need to be made;
- Term dates of Council members have been staggered to ensure not all Council member's term of office finishes at the same time. Consideration will need to be given to the appointment dates of the existing Council members and then a decision arrived at in relation to the appointment of the new Council member(s);
- Review application form to include: review of standard forms including Diversity Monitoring and conflict of interest declarations to ensure that they are fit for the current application process;

- Draft information pack to include: information on the organisation; role brief; competences required; eligibility and any additional shortlisting criteria; guidance on the process including key dates; conditions of appointment; and standard agreed policies on conflicts of interest, equality and inclusion, data protection process and dealing with complaints;
 - Review accessibility arrangements to ensure that the contacts for Welsh translation, Braille, and text relay are up to date and to ensure that options for accessibility and translation are clearly stated in public documentation;
 - Drafting of advert and advertising strategy.
- 3.3. The 'advance notice of intent to recommend appointment' template (which can be found on the PSA website) should include the following information:
- Summary of the requirements of Council including current council membership;
 - Roles and responsibilities of those involved in the process;
 - Details of stakeholder engagement including confirmation of communication with the Privy Council office;
 - Details of the proposed selection panel;
 - Details of how the process meets with obligations under the Equality Act 2010;
 - Advertising and publicity strategy (including draft advert);
 - Selection criteria and competences;
 - Selection process;
 - Conflicts of interest and due diligence;
 - Additional supporting information (e.g. anticipated risks);
 - Supporting information (e.g. candidate information pack, job description, draft application form).
- 3.4 In drafting the 'advance notice' form, due regard will be given to lessons learned from previous recruitment rounds;

Stage 2 – Assessment and Selection

4. Launch of Advertising Strategy

- 4.1 Following approval by the PSA to proceed with the recruitment campaign, the advertising strategy should be launched. This will include dissemination and publication of advertisement and associated documentation such as the application forms. All the adverts, once published, must be recorded for the purposes of the 'Notice of intent' document that will be submitted to the PSA once the panel have made a recommendation.

5. Receipt of application forms and shortlisting

- 5.1 In line with advice received from the PSA, the deadline for applications should be, where possible, on a Monday morning (as opposed to a Friday evening);
- 5.2 No late applications will be accepted unless extenuating circumstances presented by the applicant are accepted by the panel. The PSA would need to be informed of this as part of the 'Notice to recommend appointment' submission;
- 5.3 Upon receipt of the completed applications, all personal data (i.e. the front cover which details names, address, NI number etc and the equal opportunity and diversity monitoring form) should be removed from application forms. Decisions regarding an applicant's suitability for the post must be reached solely on the evidence provided of how they fulfil the core competencies;
- 5.4 All anonymised applications are considered by the panel; no long listing exercise is conducted by the Executive.
- 5.5 If 50 or fewer applications are received, all panel members will consider all applications and individually complete an assessment form for each.
- 5.6 If over 50 applications are received, the Chair of the Panel and the other member of the panel (not the independent member) will each assess half of the applications. Once this is complete the Independent panel member will undertake a sample review of the scoring from each of the other two members to provide assurance that scoring is fair and consistent. The sample size for review will depend on the volume of applications received to ensure this remains manageable but still provides assurance.
- 5.7 To ensure that decisions regarding candidates are transparent, individual candidate assessment summaries must be completed by the panel member(s) undertaking shortlisting for each candidate and then returned to the Governance team.

Shortlisting meeting

- 5.5 In advance of the panel convening to agree the shortlisted candidates, the decisions of the panel will be collated and names placed against candidates. This will be circulated to the panel. An agenda will also be circulated in advance to the panel and this will detail the suggested interview structure including questions;
- 5.6 The HCPC is committed to interview all persons with a disability who meet the essential criteria for a role. If the panel confirms that a candidate has fulfilled the core competencies, that candidate will be guaranteed an interview;
- 5.7 During the shortlisting meeting, the panel will firstly declare any conflicts of interest. This will be included in the 'minutes of the meeting' to be taken by the Head of Governance. If a panel member has prior knowledge of an individual they would not make comment on their shortlisting assessment of the candidate until the other panel members had expressed their views. This approach would also be followed when discussing candidates post interview. The panel will then shortlist the candidates taking into account those candidates that have declared a

disability, ensuring that the requirements of the Constitution Order can be met and mindful of the number of days that have been set aside for interviews;

- 5.8 Once the panel have convened and agreed the short-listed candidates, those that have been shortlisted and those unsuccessful candidates will be notified. Details of the complaints process will be included in all correspondence;
- 5.9 Interviews will be scheduled by the Governance team, taking into account any requests from the candidates included within their application and also the geographical location of candidates. Due to the time and expense of reconvening assessment and selection panels, requests for a change of interview date will not be considered unless a reasonable adjustment is being made to accommodate a candidate (under the HCPC's commitment to interview all persons with disability who meet the essential criteria for a role). Interviews may be held by videocall. If this is the case, the Governance team will undertake a technology test with the candidate ahead of the interview.

6. Due diligence

- 6.1 In advance of the interviews, some due diligence checks need to be carried out as follows:-
 - Checks need to be carried out to see if any of the short-listed candidates currently undertake partner roles or are former partners. If they do, these roles would need to be relinquished were the candidate to be successful at interview. The information ascertained should be noted on each individual's 'due diligence' record which will then be provided to panel members as part of the interview paperwork;
 - For the recruitment of registrant members, checks will need to be carried out to see if any of the short-listed candidates are subject to ongoing Fitness to Practise proceedings. Should this be the case, appropriate action would need to be taken. The information ascertained should also be noted on each individual's 'due diligence' record which will then be provided to panel members as part of the interview paperwork;
 - Checks will be carried out using the internet to confirm an individual's credentials, for example details of their education or previous public appointments held. Checks of connected social media accounts will also be made. Again, this information will be recorded;
 - For all those individuals invited to interview, they will be asked to bring with them evidence of the 'Right to work in the UK'. Guidance will be provided to candidates as to what evidence they can present. This should be saved on file and noted on their due diligence record.

7. Interviews

- 7.1 The format of the interview together with the formal questions and subject matters for the presentation and group discussion will have been decided at the short-listing meeting;

- 7.2 The panel will each be provided with interview packs on the day. These will include the full completed application forms of those candidates shortlisted for interview and the due diligence records for each candidate. The Chair of the panel will also be provided with a candidate interview record to complete for each candidate. At the start of the formal interview, the candidate and the panel will be asked to declare any conflicts of interest and these will be recorded as part of the candidate's assessment;
- 7.3 If the candidate is known to one of the panel members, panel members who had prior knowledge of an individual will be asked to make no comment on their assessment of the candidate until the other panel members have expressed their views. In the event that a conflict of interest, in the opinion of two or more members of the panel, compromises the ability of the panel to make an impartial decision, the panel member should be substituted for the duration of the process;
- 7.4 Once the formal part of the interview has concluded, and the independent panel member asked for feedback on the process, the timeline involved in the final part of the process should be explained to the candidates. This will assist in managing their expectations about when they would be likely to hear the outcome of the interview;
- 7.5 At the conclusion of each interview, the panel will agree an overall assessment of the candidate which will then be signed by the panel members;
- 7.6 A meeting will be held at the conclusion of all interviews to determine those candidates who will be recommended for appointment. This will be based on both interview performance and the needs of the Council.

Stage 3 – Appointment recommendation

8. Appointment recommendation

- 8.1 Once a decision has been made by the selection panel, references will be sought for the successful candidate(s).
- 8.2 In the event that an unsatisfactory reference is received, the HCPC will convene the panel to confirm the course of action.
- 8.3 On receipt of satisfactory references, the Head of Governance will submit a 'notice of recommendation' to the PSA on behalf of the selection panel. This is available on the PSA website. This should include the following information:
- Details of the recommendation including term of appointment;
 - Details of how the process has varied in any way from that described in the Advance Notice. [It is always better to inform the PSA of any deviations at the time as well as notifying them as part of this submission];
 - Details of the selection process;
 - How HCPC's obligations under the Equality Act 2010 were met;
 - Details of due diligence undertaken;

- Conflicts of interest and how these were resolved;
 - Details of any complaints received;
 - Supporting documentation.
- 8.4 The PSA and Privy Council estimate that it will take six weeks to process each recommendation and to make the appointments. The appointment recommendation must be submitted to the PSA at least six weeks before the appointment is due to start to allow time for the induction process;
- 8.5 At the same time as submitting the 'notice of recommendation', the Chair of the panel will write to the Privy Council setting out the recommendations of the panel;
- 8.6 On completion of the process, the panel member appointed as the independent panel member should complete a report to confirm whether, in their view, the process complies with the four principles of good appointments. This will also include an assessment of those complaints received in relation to the process and details of how they were dealt with.
- 8.7 The independent panel member will liaise directly with the PSA on this and their report should be submitted at the same time that the HCPC submits its 'Notice of recommendation.'
- 8.8 Once the PSA has concluded their scrutiny of the process and provided assurance to the Privy Council that the recruitment process adhered to the principles of making good appointments, the Privy Council writes directly to the successful candidate(s) to let them know of the outcome;
- 8.9 HCPC would then write to all the unsuccessful candidates notifying them of the outcome. The opportunity to request feedback should be included in the letter, along with details of the complaints process.

9. Post appointment process

- 9.1. On receipt of notice that the appointment has been made by the Privy Council, the following activities will be undertaken:
- Welcome pack to be sent to the new member including proposed dates for induction, dates of meetings;
 - Press release agreed with member and Communications Department. To ensure transparency this should be publicised on the HCPC website, intranet, newsletter and Social Media feeds;
 - Induction programme developed in consultation with the Chair of the Council.

10. Diversity monitoring

- 10.1 Data collected from applicants must be detached from application forms on receipt, and added to a diversity monitoring database, to be administered by the Governance team in accordance with the HCPC document retention policy;

10.2 This data should be analysed as part of the project planning exercise for each new appointment campaign to ensure that the diversity of Council members is taken into consideration in recruiting new members to Council, and the advertising strategy amended accordingly.

11. Complaints

11.1 The HCPC is committed to processes and procedures that are fair, transparent and free from discrimination. Complaints about any aspect of the appointments process for the Chair or Council member roles will be monitored, recorded and promptly handled;

11.2 A full record of correspondence with complainants must be retained, in addition to any relevant documentation;

11.3 Guidance on how to make a complaint must be published in all information packs, and must be included in all correspondence with applicants;

11.4 Complaints regarding the appointments process, or an individual's experience of the process, will be dealt with under the HCPC central customer service and complaints process. Complaints and other feedback should be made in writing to the Service and Complaints Manager –

Service and Complaints Manager, The Health and Care Professions Council, Park House, 184 Kennington Park Road, London SE11 4BU. (020 7840 9708) (feedback@hcpc-uk.org).

11.5 The HCPC complaints process has the following aims:

- To deal with all complaints in an effective, fair and confidential manner;
- To acknowledge receipt of feedback within three working days;
- To respond to complaints within 15 working days;
- To keep complainants regularly updated as to the progress of their enquiry if the issue has not been resolved within agreed times.

11.6 If a complainant is dissatisfied with the response, they may then ask the Chief Executive to conduct an internal review;

11.7 If a complainant remains dissatisfied with the HCPC's response they will be able to raise their concerns with the Privy Council, to:

Ceri King, Deputy Clerk & Head of Secretariat, Privy Council Office, 2 Carlton Gardens London SW1Y 5AA.

11.8 Administering complaints within the central system will ensure that the Executive has the opportunity to consider the complaints and ensure that changes can be made to the system particularly if any trends are identified;

11.9 When notifying the Authority that a recommendation has been made, details of any complaints received will be provided. Should the complaint arise after the recommendation has been made, the HCPC will provide details directly to the Privy Council.

Reappointment of Council members or the Council Chair

- 12.1 Where the term of office of a Council member or Council Chair is coming to an end, the incumbent may be eligible to be considered for a reappointment without the need for open competition (as outlined in the Constitution Order). Each case for reappointment will be considered on its individual merits at the appropriate time.
- 12.2 Re-appointment will only be considered where it is in the best interests of the Council for the individual to remain in post. There is no automatic right to reappointment, even where post-holders are eligible for reappointment and even where the incumbent has performed well in the role as the needs of the Council may change over time.
- 12.3 Terms of appointment and the profile of skills held by Council members will be monitored by the Head of Governance.
- 12.4 Following the completion of the annual review process for Council members and the Council Chair, members whose term of appointment is due to come to an end and are eligible to apply for reappointment, will be invited to complete a reappointment application form. This consists of:
- a personal statement, explaining how the candidate's skills and experience continue to be relevant to the business of the HCPC;
 - confirmation of the candidate's eligibility for appointment;
 - declaration of interests and a reaffirmation to the Council code of conduct.
- 12.5 Members who do not wish to be considered for reappointment must confirm this in writing to the Privy Council.
- 12.6 A reappointment panel (who will have been agreed by Council in advance) should be convened to consider the reappointment paperwork. The panel will consist of the Chair of Council together with up to two outgoing members of Council, if appropriate. Should there be no outgoing member of Council then the panel will comprise three members as follows:
- the Chair of the Council;
 - an independent with experience in public appointments; and
 - one other member, drawn from those suitable candidates outlined in the PSA guidance.
- 12.7 When consideration is being given to the reappointment of the Chair, the panel will consist of:
- the Chair of an independent regulator or public authority;
 - an independent with experience in public appointments; and
 - one other member, drawn from those suitable candidates outlined in the PSA guidance.

- 12.8 Recommendations must be made taking into account a member's or Chair's annual review forms, the Council skills profile, the individual's ability to commit the required time to the role and the reappointment reapplication form.
- 12.9 For the reappointment of the Chair, the PSA advises that a formal 360° appraisal process, conducted by an independent person or panel should be carried out. The Senior Council member will work with the Head of Governance to ensure a suitable review process is undertaken.
- 12.9 At the end of the assessment process, and when a decision has been reached by the panel, a reappointment recommendation template form (which can be found on the PSA website) should be completed and submitted to the PSA. This will include the following information:
- Rationale for reappointment;
 - Eligibility and willingness;
 - Basis of recommendation;
 - Third party feedback;
 - Complaints;
 - Conflicts of interest;
 - Compliance with legislation;
 - Supporting documentation.
- 12.10 At the same time as the submission is made to the PSA, the panel recommendations (see template) should be submitted to the Privy Council together with a covering letter.
- 12.11 Once the PSA have completed their process in respect of the reappointments, the Privy Council should write to those Council members who have sought reappointment to outline their decision.

Extensions and Emergency appointments

- 13.1 If a term of office of a member was less than permitted in the Health and Care Professions Council (Constitution) Order 2009, it may be appropriate to consider an extension of the appointment, i.e. if an initial appointment was for three years, but the maximum term is four years, it is possible to ask the Privy Council to extend the appointment up to the maximum term possible.
- 13.2 Circumstances where this may be considered include a review of council membership; or to allow a new chair to consider the needs of the Council going forwards. It should be noted that this is a temporary measure only and must not be seen as a means of circumventing the need to follow a merit-based appointments process.
- 13.3 Any application for an extension must be submitted to the Privy Council; the Privy Council can act without seeking advice from the PSA.