

---

## Council appointments, reappointments, and appraisals 2021

---

### Executive summary

This paper seeks the Council's approval to commence a process to appoint three Council members to take office on 1 January 2022.

While the HCPC undertakes the Council appointment process, all aspects are scrutinised by the PSA and the final appointment is made by the Privy Council. It is therefore essential that our process and planning is compliant with the PSA's guidance on good practice in public appointments.

This paper also seeks approval of the panel to consider the reappointment of one Council member and the appointment panel for the independent member of the remuneration Committee.

Finally, the paper presents a revised annual Council appraisal process and form.

**Decision** Council is asked to approve –

- The revised Council member competencies.
- The appointment policy and process to appoint three members of Council, with an expected commencement date of 1 January 2022.
- The appointment and reappointment panel.
- The panel to appoint an Independent Member of the Remuneration Committee in 2021.
- A revised HCPC Council and Committee member appraisal process.

**Previous consideration** None

**Next steps** If approved advance notice will be submitted to the PSA at the end of May with a view to going live at the end of June.

**Strategic aims** Be visible, engaged and informed - We regulate, take and communicate decisions which are informed by a deep understanding of the environment within which our registrants, employers and education providers operate.

Ensuring a diversity of views and experiences around the Council table, which are able to understand and reflect the needs of our stakeholders is a key consideration in Council appointments.

---

Financial and resource implications A budget of £15k has been put aside for all associated processes within this year. This includes advertisement and promotion as well as panel member fees.

Author Claire Amor, Head of Governance  
[claire.amor@hcpc-uk.org](mailto:claire.amor@hcpc-uk.org)

---

## Council appointments, reappointments, and appraisals 2021

### 1. Introduction

1.1 This paper seeks the Council's approval of:

- The revised Council member competencies.
- The appointment policy and process to appoint three members of Council, with an expected commencement date of 1 January 2022.
- The appointment and reappointment panel.
- The panel to appoint an Independent Member of the Remuneration Committee in 2021.
- A revised HCPC Council and Committee member appraisal process.

### 2. Council member appointments 2021

#### Background

2.1 This paper seeks the Council's approval to commence a process to appoint three Council members to take office on 1 January 2022.

2.2 The process of appointing new Council members has to be in line with the requirements of relevant legislation including the Health and Social Work Professions Order 2001 and the Health and Care Professions Council (Constitution) Order 2009.

2.3 The HCPC makes recommendations to the Privy Council for Council member appointments. The final decision, and issuing of any appointment notification, is made by the Privy Council. The process is overseen by the Professional Standards Authority (PSA) which advises the Privy Council as to whether it is satisfied about the process the regulatory body has followed.

#### The roles

2.4 The constitution order requires that the Council is comprised of 6 Registrant and 6 Lay members. Council members Sonya Lam and Stephen Wordsworth, both, registrant members, will demit office on 31 December 2021 having served the full 8-year maximum appointment term. Therefore, two registrant members will be sought. In addition, the Council currently has one Lay member vacancy which we will seek to fill.

#### Four Country requirement

2.5 The requirement to have at least one member resident or working in each of the four countries is maintained in the Council membership and not impacted

by this recruitment, therefore there will be no specific geographical requirement.

### Competency review

- 2.6 The existing Council competencies have been reviewed. Minor changes have been made to aid clarity, but the focus of the competencies remains the same. To assist applicants in understanding what each competency is asking for, examples of positive and negative behaviours have been provided. These behaviours are not shortlisting criteria, and this will be made clear in the candidate pack. An outcome is also included which will assist reflective discussion during the annual performance appraisal for Council members.

### Skill matrix

- 2.7 The Council's skill matrix has been refreshed to support identification of any skills gaps to which we should seek to recruit. This has identified minimal experience and skills in data and intelligence. Additionally, with the departure of Stephen Wordsworth, we will only have one Council member, Kathryn Thirlaway, remaining in the education sector. Therefore, it is proposed that experience of data and intelligence or an education sector background be added as desirable criteria with a clear caveat that those not meeting these criteria should not be discouraged from applying as we have three vacant roles.

### Process review

- 2.8 Amendments are suggested to the appointments process as set out in appendix B. The changes relate to two areas:
- The panel – it is proposed that the panel is formed of the Chair of Council, a Council member nearing the end of their final term and an independent panel member who meets the PSA criteria for independence. Previously an external non independent panel member was included rather than a Council member.
  - Shortlisting – our 2019 appointment campaign resulted in c.300 applications. This was significantly more than previous campaigns and required changes mid campaign to the shortlisting process to make it manageable. It is proposed that these changes be made formally so that if we receive over 50 applications, the shortlisting will be split between the Chair of Council and Council member with the independent panel member then performing sample reviews for assurance on consistency and fairness. The full panel will then meet and agree who to interview, as previously was the process.
- 2.9 The PSA have been consulted on this change and have indicated they would not have concerns about fairness, as long as the sample checking is of sufficient volume and that the full panel agree who is interviewed.

## Appointment panel

2.10 Should the Council agree the change to the composition of the appointment panel, the following membership is proposed

- Christine Elliott – Chair of Council and Chair of the Panel
- Sonya Lam – Council member
- Alistair Gray – Independent Panel Member. Alistair has significant public appointments experience, and regularly works with the judicial appointments committee among other organisations. He took part in a Council member reappointment panel in 2020.

## Application pack and promotion

2.11 Luther Pendragon will assist us in increasing the appeal of our candidate pack and other promotional media. We will advertise across a broad spectrum of online and social media.

### **3. Council reappointment panel**

3.1 One member of Council is eligible for reappointment in 2021 and has confirmed they wish to be considered for a further term. In line with the HCPC's agreed process (no changes in this review) it is proposed that the same panel composition is used to consider this reappointment, being:

- Christine Elliott – Chair of Council and Chair of the Panel
- Sonya Lam – Council member
- Alistair Gray – Independent Panel Member.

### **4. Remuneration Committee Independent Member**

4.1 Separately from the Council member appointment process, we need to appoint an independent member of our Remuneration Committee as the current post holder demits office in September 2021. The Committee has previously recommended that the successor should have pensions and remuneration policy experience. The role profile will make this explicit.

4.2 This is not a Privy Council appointment and the PSA does not provide oversight. It is proposed that the selection panel be formed of the Chair of Remuneration Committee, Sonya Lam, along with the remaining member of the Committee, Stephen Cohen.

### **5. Council performance review policy**

5.1 In reviewing the competencies, we have also reviewed the annual appraisal process as it has been a number of years since the last review. It is proposed that the process be amended to require a reassessment against the competencies in the year before a reappointment decision. Currently the process requires this every year. Instead, we want the process in a non-reappointment year to be focused on the impact of the member in the

performance year and development opportunities in the year ahead. The policy also now makes explicit that feedback from relevant Committee Chairs should be sought as part of the Chair's preparation for the discussion.

## 6. Risk

- 6.1 The most relevant strategic risk for Council appointments is Strategic Risk 4 - *We do not understand our stakeholder's needs and so are unable to be the regulator they (the wider system) need*. This is because this risk includes the aspects of understanding stakeholders needs and promoting diversity. Ensuring a diversity of views and experiences around the Council table, which are able to understand and reflect the needs of our stakeholders is a key consideration in Council appointments.
- 6.2 In terms of risk appetite, the open appetite for 'people' is relevant here, which states we are eager to be innovative. The Council has demonstrated this to date through the Apprentice scheme, the Executive will work with Luther Pendragon to pursue new promotional approaches.
- 6.3 Operationally, the risk of non-compliance with the PSA's requirements has been mitigated through prior engagement on process changes, and a number of years of experience of running compliant appointment campaigns.

## 7. Decision

- 7.1 Council is asked to approve
1. The revised competencies and the addition of data and intelligence expertise or education sector background as a desirable criteria (appendix A)
  2. The revised HCPC appointment process for Council members and other associated processes (appendix B)
  3. The Council member appointment and reappointment panel (paragraph 2.10 and 3.1 of this paper)
  4. The Remuneration Committee independent member appointment panel (paragraph 4.2 of this paper)
  5. The revised Council and Committee member appraisal process (appendix C)

## 8. Appendices

- A – Council member competencies
- B – HCPC appointment process for Council members and other associated processes
- C – Council Appraisal process and form

For shortlisting	Examples to help applicants understand the competency NOT used for shortlisting, will be presented in a way to make this clear		
Competence	Positive behaviours	Negative behaviours	Outcome
<p><b>A - Capacity and skill to understand the priorities of HCPC stakeholders.</b></p> <p>1 - A demonstrable commitment to public protection and supporting confidence in public services.</p> <p>2 - Knowledge and understanding of the diversity inherent in the work of the HCPC and differing priorities and viewpoints of our stakeholder groups.</p> <p>3 - Knowledge and understanding of the wider health, social, political, and educational landscape in which regulation sits.</p>	Understanding the HCPC and what we are trying to achieve and acting as an ambassador for HCPC. Proactively seeking positive connections with HCPC stakeholders.	Not investing in positive working relationships with stakeholders resulting in a limited network.	Council Member is well informed about the wider system in which the HCPC and regulation sits. They are sensitive to the complexity and varied priorities of the HCPC's stakeholders.
	Believing that working with stakeholders is essential and facilitating it happening.	Discouraging partnership working and interdependency with other organisations due to territorialism and mistrust.	
	Thinking laterally to see the range of people who may be affected by decisions.	Being dismissive of stakeholders and giving a poor impression of the HCPC through your interactions with them.	
	Consulting before making decisions that may impact stakeholders.	Being defensive about the HCPC and its performance.	
<p><b>B - Ability to contribute to strategic direction</b></p> <p>1 - Understands the relationship between the purpose and values of an organisation and its strategic direction.</p> <p>2 - Knowledge and experience of strategic planning and delivery.</p> <p>3 - Experience of contributing to the achievement of objectives within time and resource constraints.</p>	Leading by example by demonstrating our values and a commitment to our mission and vision.	An inward focused mindset and a lack of curiosity or questioning the status quo.	Council Member actively contributes their skills and experience to assist the HCPC in setting and achieving an appropriate Strategy.
	Taking proper account of professional advice and expertise and using best practice to support the hcpc to learn and supporting an organisational learning culture.	Not obtaining or disregarding professional advice and expertise.	
	Remaining focused on the 'bigger picture' of the HCPC's vision and mission and not seeking to become involved in operational matters..	Too detail minded or over-analytical at the expense of timely and strategic decision making.	
	Weighing up all aspects, thinking creatively, analytically and contributing constructively to timely collective decision-making.	Failing to make timely decisions or making important decisions without considering all the facts.	
	Being realistic about objectives and targets and monitoring progress towards them.	Not preparing for or participating in Council and Committee meetings or using meetings to address personal or political priorities.	
	Being financially aware astute and responsible and seeking to ensure the HCPC is financially secure. Seeking assurance on risk management.	Lacking focus, direction, pace or sense of urgency.	
	Preparing thoroughly and asking probing questions		
<p><b>C - Ability to explore accountability of self and others.</b></p> <p>1 - Ability to lead by example and by demonstrating the HCPC's values of being fair, compassionate, inclusive and enterprising.</p> <p>2 - Understands of the role and importance of good governance in public bodies.</p> <p>3 - Ability to constructively challenge to help achieve the best outcomes for the organisation.</p>	Being willing to accept responsibility and to be held accountable for personal decisions and accept shared responsibility for Council decisions.	Using power, position or authority in inappropriate ways, for personal gain or to intimidate others.	Council Member upholds high personal and professional standards for themselves and encourages high standards in others in a positive way.
	Supporting the Executive team whilst holding them to account for their performance.	Hiding or making excuses for errors or failure.	
	Following the HCPC's policies and processes and taking conduct and probity issues seriously.	Avoiding transparent discussions and being unwilling to challenge poor behaviours or performance.	
	Acting as a role model by displaying the HCPC's values and the seven principles of public life at all times.	Putting personal gain or agenda ahead of the interests of the HCPC and its stakeholders.	
	Being trustworthy and keeping promises.	Promoting a blame culture and being critical without being constructive.	
	Ensuring your skills and knowledge remain up to date and seeking and acting on feedback to improve personal effectiveness.		
<p><b>D - Demonstrable commitment to equality, diversity and inclusion.</b></p> <p>1 - Able to explore and work with values of being fair, compassionate and inclusive and what these might mean in a regulatory setting.</p> <p>2 - Demonstrates cultural intelligence and is committed to meaningful participation of all groups.</p> <p>3 - Awareness that equality and diversity issues are of key importance throughout any organisation.</p>	Supporting a culture where people can be themselves and say what they mean without fear.	Showing favouritism to those you like or those who don't challenge you.	Council Member champions excellent equality diversity and inclusion practice in the organisation and leads by example by treating everyone with respect and consideration
	Encouraging and enabling real participation by involving and including others in a decision making process to achieve the best outcome.	Maintaining unsupported views of others based on personal feelings and biases rather than evidence.	
	Treating others with dignity and respect and being sensitive to others experiences and feelings	Only considering visible diversity and not seeking to understand others.	
	Changing your view in the light of new information or dialogue	Treating others disrespectfully or tolerating observed disrespect.	
	Respecting the differing views of others.	Placing additional expectation on colleagues with diverse characteristics to represent their community.	
<p><b>E - Ability to listen and communicate effectively.</b></p> <p>1 - Good communication skills and the ability to put views across clearly and sensitively in the most appropriate style for the intended audience.</p> <p>2 - Ability to inspire confidence and support amongst HCPC stakeholders including service-users, patients and members of the public.</p> <p>3 - Awareness of, and acceptance, of diverse views.</p>	Actively seeking out and reflecting on diverse points of view and listening and contributing constructively to debates and decision making.	Being impatient with other people's ideas, interrupting others or seeking to close down a debate before it is fully explored.	Council Member forms positive working relationships with stakeholders and values and seeks out the views of others.
	Tailoring your communication style to your audience to maximise your effectiveness.	Acting in an aggressive or submissive way to force resolution of issues.	
	Delivering very clear and consistent messages about the HCPC's values, mission and vision.	Not adapting your communication style and being too complex and using jargon.	
	Checking back that you have heard and understood the other person's view accurately.	Communicating in a negative way that does not inspire others.	
<p><b>F - Ability to work effectively as part of a team</b></p> <p>1 - Ability to take a constructive and active part in group discussions and decision making.</p> <p>2 - Understanding and ability to uphold the boundaries between the executive and non-executive role, whilst being able to effectively work with the Executive to achieve the HCPC's aims.</p> <p>3 - Ability to build and maintain effective and positive relationships at all levels.</p>	Accepting disappointments as learning opportunities being able to share blame or criticism.	Being personal or public in unconstructive feedback or challenging for the sake of challenge.	Council Member works positively with, and values, other Council Members and the Executive.
	Recognising and celebrating success thanking people for their efforts.	Seeking to point score or gain influence or power through the withholding or sharing of information for personal gain.	
	Fully utilising the range of skills and experiences within the Council and Executive. Sharing your expertise at the same time as being able to recognise expertise in others.	Undervaluing or ignoring skills and experiences within the Council and Executive, as well as being willing to seek external expertise where needed.	
	Taking personal and collective action to review performance and identify improvements.	Failing to observe the distinction between non-executive and executive roles.	
	Passing on knowledge and information to other Council and Executive members.	Treating fellow Council members or HCPC employees with suspicion or unnecessarily over ruling employees decisions.	

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

**Contents**

1. Introduction .....	2
<b>Appointment of Council members</b>	
Stage 1 - Preparation .....	3
2. Selection panel .....	3
3. Preparation of paperwork.....	4
Stage 2 – Assessment and Selection .....	5
4. Launch of advertising strategy .....	5
5. Receipt of application forms and shortlisting.....	6
6. Due diligence .....	7
7. Interviews.....	7
Stage 3 – Appointment recommendation .....	8
8. Appointment recommendation .....	8
9. Post appointment process .....	9
10. Diversity monitoring .....	10
11. Complaints .....	10
<b>Reappointment of Council members or the Council Chair</b>	
12. Reappointment of Council members or the Council Chair .....	11
<b>Extensions and Emergency Appointments</b>	
13. Extensions and Emergency Appointments .....	12

## 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 October 2012 and subsequently updated, most recently~~ in March 2019<sup>7</sup>.
- 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 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;
- ~~Strategic Intent~~; [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 ~~each~~ the panel member(s) undertaking shortlisting for each candidate and then returned to the Secretariat 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 ~~Under the 'two ticks' scheme,~~ 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 ~~Head of Governance~~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 ~~by the Partner manager~~ 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 (~~i.e. whether it comprises group discussion, presentation and formal 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 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.~~

8.45 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;

8.56 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;

8.67 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.

8.78 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.'

8.89 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 Secretariat 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](mailto: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 ~~& Senior Clerk~~, 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.

DRAFT

## Council and Committee members annual appraisal process

### 1. Introduction

This document outlines the process for Council and Committee members' annual appraisal. It provides guidance to those taking part in the process.

The annual review is an opportunity for Council and Committee members to reflect on what went well in the previous year and their individual contribution to team working. It also provides time to discuss where, on reflection, things could have gone better and what to do the next time to ensure this.

All HCPC employees undergo an annual performance review process and it is important for Council and Committee members to lead by example in engaging positively with the annual process. Active participation in an annual appraisal is also a requirement in the code of conduct

The aims of the appraisal process are to:

- Acknowledge positive contributions to the work of Council and Committees;
- Provide constructive feedback on areas for development
- Encourage and appraise personal and professional development;
- Provide space for a reflective discussion on Council effectiveness
- Create clear expectations;
- Maintain best practice and continuous improvement;
- Identify areas for improvement in HCPC's training and processes;

### 2. Council members

#### 2.1 Appraisal in a non-reappointment year

The focus of the review is a reflection on the member's effectiveness and impact in the previous year as well as areas for development and focus in the year ahead. Ahead of the review the Chair of Council will consult any relevant Chairs of Committees for their reflections on member's contribution to committee work.

#### Process

1. Governance team populates form with attendance records. Form issued to member
2. Member completes self-reflection sections, forwards these to the Chair of Council
3. Chair of Council seeks feedback from any relevant Committee Chairs

4. Chair of Council and member meet for reflective conversation
5. Chair of Council writes summary of conversation and any agreed development for the year ahead
6. Chair of Council shares final form with Member for agreement. Once agreed this is forwarded to the Governance Team for member records.

## **2.2 Appraisal ahead of reappointment consideration**

For members who are in the last year of their current appointment term and are eligible to be reappointed for another term, a fuller self-assessment exercise will be undertaken.

This is to provide assurance that the member can demonstrate they continue to meet the competencies for Council members and to provide any reappointments panel with a key piece of evidence as part of a reappointment submission. The PSA has an oversight role in reappointment decisions and look for evidence that the regulator has satisfied themselves that the Council member continues to meet its requirements and needs.

The fuller assessment will include third party feedback from internal and external stakeholders (where appropriate). The Chair of the Council will, with the Head of Governance, identify the input needs. Members can provide suggestions of stakeholders that they feel can provide insight into their performance.

### **Process**

1. Head of Governance formally asks member if they wish to be considered for reappointment (if they do not, the non-reappointment year process is followed).
2. Governance team populates form with attendance records. Form issued to member.
3. Member completes competencies and self-reflection sections and forwards the form to the Chair of Council.
4. At the same time the Chair of Council and Head of Governance agree the third party inputs needed and seek this feedback. As a minimum this is expected to be the Chairs of relevant Committees and the Chief Executive and their team, wider inputs may be appropriate given the activities of the member in question.
5. Chair of Council and member meet for reflective conversation. The Chair will share any third-party feedback at this meeting.
6. Chair of Council writes summary of conversation and any agreed development for the year ahead.
7. Chair of Council shares final form with Member for agreement. Once agreed this is forwarded to the Governance Team for member records.

At the end of the appraisal process the reappointment process will commence as set out in the HCPC's Council appointment policy.

### **3. Council Chair**

#### **3.1 Appraisal in a non-reappointment year**

The appraisal of the Chair of Council is undertaken by the Senior Council Member in a non-reappointment year. The Senior Council Member is free to seek feedback from any relevant third parties as they deem necessary to inform the appraisal discussion. As a minimum feedback should be sought from the Chief Executive due to the significance to the HCPC of that working relationship.

##### Process

1. Governance team populates form with attendance records. Form issued to Chair.
2. Chair completes self-reflection sections, forwards these to the Senior Council Member.
3. Senior Council Member feedback from any relevant third parties.
4. Senior Council Member and Chair of Council and member meet for reflective conversation.
5. Senior Council Member writes summary of conversation and any agreed development for the year ahead.
6. Senior Council Member shares final form with Chair of Council for agreement. Once agreed this is forwarded to the Governance Team for member records.

#### **3.2 Appraisal ahead of reappointment consideration**

The PSA requires that, ahead of a reappointment recommendation for a Chair, regulators must conduct a formal 360° appraisal process, conducted by an independent person or panel. The 360° appraisal process must seek the views of other stakeholders, and may include:

- related professional and service-user organisations
- the professional and policy leads in government health departments
- the Chief Executive and Registrar and the wider executive team
- other council members

The Senior Council Member has a formal role in providing oversight of the reappointment process for the Chair and as such will be engaged in the planning of the independent review.

##### Process

1. Head of Governance and Senior Council member identify a suitable independent candidate to undertake the review and make the proposal to Council for agreement.
2. Once agreed the appraiser is provided an overview of the HCPC to include key information such as our stakeholders and strategy.

3. List of required third party inputs agreed with appraiser who seeks this feedback directly.
4. Governance team issues the appraisal form to the Chair of Council
5. Chair of Council completes self-reflection sections and forwards to the appraiser.
6. Appraiser provides chair with a summary of the feedback received.
7. Appraiser and Chair of Council meet to undertake the review.
8. Appraiser writes up the review and submits to the Chair of Council, Senior Council Member and Head of Governance.

At the end of the appraisal process, the reappointment process will commence as set out in the HCPC's Council appointment policy.

#### **4. Independent Committee members**

The annual appraisal process for Independent Committee members is the same as that for Council members. Where the process refers to Council Chair, this should instead be read as the relevant Committee Chair.

#### **5. Failure to Agree**

In the event that a Council or Committee member does not agree with the summary of the discussion provided by the appraisee, or if they feel they have been treated unfairly, they may submit their comments in writing to the Head of Governance and if appropriate the Senior Council Member. These comments are placed on the Council (or Committee) member's file with a copy of the appraisal form.

#### **6. Confidentiality**

The specific content of an appraisal will be kept confidential and only shared with the appraisee, the Governance team (for administration) and any relevant reappointment panel (as evidence of a suitable performance record). All paperwork relating to performance appraisals will be kept on the Council member's respective file, which will be maintained in a secure environment, and destroyed according to the HCPC document retention policy.

## Council member annual review form

<b>Name of member:</b>		<b>Review location:</b>	
<b>Date of review:</b>		<b>Contact number:</b>	

### Self-reflection

Please provide your reflections on how you have contributed to the work of the Council in the performance year

Please provide your reflections on how you have demonstrated the HCPC's values in the performance year

**Attendance**

<b>Council attendance</b>														
<b>[Committee 1] attendance</b>														
<b>[Committee 2] attendance</b>														

**Learning and development**

Please record your conclusions from core seminar and workshop sessions for this year for Council and Committees (if appropriate): [Please rate 1-5: 1: Poor, 2: Fair, 3: Average, 4: Good, 5: Very good]

<b>Title of session</b>	<b>Rating</b>	<b>Comments</b>

Please tell us about any development needs you want to address in the coming year.

**Summary of discussion with Chair of Council**

Signatures

Council member ..... Date:.....  
(I have seen this form and have discussed it with the Chair)

Council Chair ..... Date:.....  
(I have seen this form and have discussed it with the above Council member)