

Notes of discussion on the future governance of Council held at the Council meeting on Thursday 5 July 2007 at Park House, 184 Kennington Park Road, London, SE11 4BU

Present:

Anna van der Gaag (President)
 Paul Acres
 Karen Bryan
 Mary Clark-Glass
 Robert Clegg
 Morgwn Davies
 Helen Davis
 Peter Douglas
 Elizabeth Ellis
 Christine Farrell
 Daisy Haggerty
 Tony Hazell
 Morag MacKellar
 Pat McFadden
 Alan Mount
 Keith Ross
 Pam Sabine
 Graham Smith
 Annie Turner
 Diane Waller

Apologies: Sheila Drayton, John Harper, Jeff Lucas, William Munro, Barbara Stuart

In Attendance:

Colin Bendall - Secretary to Committees
 Sophie Butcher - Secretary to Committees
 Michael Guthrie - Policy Manager
 Simon Leicester – Director of Finance
 Sam Mars - Policy Officer
 Niamh O’Sullivan – Secretary to Council
 Marc Seale – Chief Executive and Registrar

Introduction

1. The Group noted that the February Council workshop had provided an opportunity for initial debate, the March meeting of Council had been concerned with considering some specific elements of the White Paper's proposals and the May meeting was to consider each of the 8 proposals detailed in the White Paper more closely.

2. Today's meeting had been convened to achieve the following objectives:

- to agree the size of Council
- to consider specific and generic skills of Council
- consider a model for recruitment of professional members
- consider how to populate the committees

3. For clarification, the President reported that she had provided the spectrum model for Council in Appendix 2 to the papers circulated for the meeting. This model illustrated the range of skills and experience that the professions might be could be mapped against; from psycho- social interventions at one end to scientific/ technical interventions at the other. This model was one option when considering the recruitment of professional members of the new Council.

4. A number of Council members offered the following comments: was the Council was clear enough on the strategy that the HPC should pursue, and in particular its vision and values.

5. The HPC did not need to make a commitment to any decisions until after the away day in October 2007. Suggestions therefore needed to be made based upon a clearly agreed rationale.

6. The HPC needed to start with the composition of the Council followed by how members were selected by skills etc.

Group 1

Professor Tony Hazell
Miss Morag MacKellar
Ms Pam Sabine (Facilitator)
Professor Graham N Smith
Professor Diane Waller

1. Recruitment and appointment process

The Group made the following points:

- HPC lay member specification was lengthy but included all necessary detail.
- HPC should avoid specifying specific skills but should require members to commit to the seven principles of public life. The Skills for Justice documentation offered helpful generic skills.
- HPC should avoid a "big bang" where all council members stepped down at the same time as this would risk losing corporate memory, be costly and create a lot of work. Members should be subject to reappointment in small groups as per the current terms of office.
- Specify maximum representation for each part of the register.
- Ensure that members have a mixture of backgrounds - especially, there was a need for members with experience of current practice (this could be done by specifying that Council would have a minimum percentage of members in current practice - perhaps 50%). The appointments process would also need to pay due regard to the different arenas in which registrants practice.
- Advertising for new members should be as wide as possible, e.g. more than one mainstream newspaper, professional bodies' journals, HPC website, professional bodies' websites, all electronic means possible. One member suggested a directing mailing to the registrant group affected as not everyone used the internet, but other members disagreed due to cost and risk of some registrants not getting the letter.
- Appointments process should be as per the existing Appointments Commission process.

2. Committee structure

- Suggestion that alternates could have a staggered leaving period to ensure some continuity and to populate committees. There was a need to get the mix right on committees
- Committees should always be chaired by a non-executive member (a Council member) as this had governance, communication and reporting advantages when reporting to Council

- The Council should have a board-like approach but the terminology should not be changed.
- Non-Council Committee members should be appointed via the same process as Council members.
- Skills required for Audit Committee: Monitor and evaluate behaviour and activities, ask questions, it was useful to have a co-opted member with financial background and this should continue.
- Skills mix for each committee could be selected from the skills listed by Skills for Justice.
- Education and Training Committee currently worked well, with a range of skills and backgrounds but there should be no requirement for a representative of each profession.
- There was a need for a broad brush mix of skills, but HPC needed to make sure every profession could contribute. There was a suggestion that perhaps HPC could draw on professional expertise via the existing PLG system, which worked well.
- Education and Training Committee members would need to include those with knowledge/experience of education but this should span the academic side and practice side

3. Council size

- Minimum size of 20. 22 members would be ideal, 24 would be the maximum.
- Supernumerary President.
- Opposed name change of HPC but there was a need to distinguish between the governing body and the administration/operational side when using the term "HPC".

Group 2

Professor Karen Bryan
 Ms Helen Davis
 Mrs Daisy Haggerty
 Mr Marc Seale
 Professor Annie Turner (Facilitator)

1. Composition of Council

The Group made the following points:

- A diverse range of Council members was important
- high risk of going off into the ether if the criteria was wrong and not having suitable skills
- avoid gulf between Council & Registrant members
- external perceptions were important
- keep Council grounded
- experience of range of professionals but acknowledged difficulties of getting right people to be released from work to attend meetings
- danger of losing clinical currency on Council
- changes to the Scheme of Delegation would need to be made
- anticipation that the Education and Training Committee would get bigger and the Council would reduce in size. The HPC was currently actively engaged in the European health professional debate and this was where it was important to have registrant Council members.
- there were currently 7 extra professions waiting in the wings to be regulated by the HPC – how was HPC going to cater for their representation on a newly formed Council?
- there was a need for members that were currently working in multi-disciplinary professions as they had invaluable influencing and negotiating skills.
- Spectrum model was problematic in that the profession didn't necessarily address the expertise required of a Council member. Less than 1% of registrants voted in the HPC elections, therefore how important was professional representation?
- structure that HPC would end up with had to be defensible. Every profession could take their turn on Council on a term by term basis, however if you appointed someone based upon their skills and expertise then some professions might never be represented.
- Fitness to practise cases could be affected by lack of professional representation on Council and come under criticism
- NHS and Private practitioners – need members from both spectrums
- need Educationalists who are professionals

- need to analyse why Council members resign?
- need to be wary of losing a vast amount of knowledge which was currently contained within Council by advocating the big bang perspective

2. Skills and experience

Generic and core skills

- senior committee experience / non-executive experience
- governance and professional standards
- ability to deal with complex issues and debates with commitment and diplomacy
- working at a strategic level
- health and social care delivery experience
- education (Higher Education) (no less than 40%)
- currency of skills and experience

Specific Skills

- Would be an added advantage but not compulsory. A specific skill which was highlighted was service delivery. The additional specific skills given as examples such as finance, audit, higher education, public relations, human resources management, consumerism, legal expertise etc were deemed to be advantageous but not compulsory as the HPC officers would already bring these skills to the organisation in their day to day roles.

Health professional skills needed:

- need a mix of professionals, no more than 1 representative per profession
- preferred balance of 'big' and 'small' professional
- balance of statutory and non-statutory employment
- balance of practice and education
- UK representation

Should the Chief Executive also be a member of Council?

- No, but there should be the mechanism available for dialogue between the Chief Executive and the Council.

Group 3

Morgwn Davies
 Elizabeth Ellis
 Christine Farrell (Facilitator)
 Alan Mount

1. Size of the Council

- After much discussion, the consensus was that the Council should be formed of 16 members which should include the chair. The suggestions for size had ranged from 12 to 18 members.
- The reasons given for the consensus figure were a desire to balance a small council with the need to retain the skills necessary for robust discussion. There also needed for sufficient council members to populate the committees.
- There was also a recognition that 100% attendance may not always be possible and that the size council needed to recognise that often not all members would be able to be present.
- The group agreed a general desire for the Council be more strategic and to have less involvement in operational matters.
- Arguments put forward for a smaller council included the need to pick a size which clearly demonstrated that it was not necessary for all professional groups to be represented – i.e there were concerns that a council of 22 for example would leave only three professions unrepresented and cause difficulties of perception.
- Some argued that a council that was too small would leave to possible antagonism with professional bodies, a lack of breadth of expertise and therefore insufficiently robust discussion.
- There was some discussion about the composition and recruitment of Council members. In particular, there was a general feeling that the spectrum outlined in the papers was not that helpful and that it was preferable to attempt to achieve, through competencies, a spread of skills across the different constituencies.

2. Committee membership

- The group agreed that the committees should be chaired by a council member in the interests of good governance.
- As part of a desire to become more strategic, it was felt that more day-to-day decisions should be taken at committee level.
- It was initially suggested that committees should consist of between 8 and 10 members.
- It was also initially suggested that each committee should have no more than 4 non council committee members (NCCMs) and that they should not form a majority.
- The group discussed whether such numbers were necessary and whether other ways (a reference panel or pool of people with appropriate expertise, etc) could be used to ensure that additional expertise is brought into a committee as and when needed.
- The group agreed that the existing composition of the Education and Training Committee made it unwieldy and that it was not necessary to have a representative from each profession. The group thought that appropriate skills were much more important than expertise could be sought through various avenues (including PLGs) if the Committee needed profession-specific input.

Group 4

Mr Paul Acres
 Mrs Mary Clark-Glass (facilitator)
 Mr Peter Douglas
 Mr Pat McFadden
 Dr Anna van der Gaag

Role of the council

- To set the strategic direction
- Governance responsibility
 - Control and monitoring
- Audit responsibility
- Communication
- Setting values

- The group felt it was important to have a discussion about the role of council and whether this should be operational or more strategic before looking at the specific questions.
- They felt that by looking at and analysing the historical and current skill sets required an informed decision could then be made about the future direction of the council. Once these skill sets and the proportion of people required to meet them had been identified and analysed the group felt it would be possible to apportion out responsibility.
- The group stated that role of the council was to protect the public by directing and controlling the register. The central role of council is to develop faith, trust and belief in the register.

1. Composition of council

- Lay members felt that the composition should be no more than 50/50 lay and registrant. Majority lay preferred. They also stated that the White Paper made clear that the council did not need to have a representative from all the professions and there is a suggestion that the composition should be all lay.
- The registrant members of the group felt that a 50/50 split was appropriate and that the professions represented should be key stakeholders. They argued that health professionals are trusted highly by the public and any movement towards a lay majority should be gradual.
- It was agreed that registrant members were not members of council to look after the interests of their own profession but brought valuable professional insight in to the process of regulation. The links to the professions are in the interest of the public and professionals are served because there is a “buy in” from the professions when they feel represented, one member of the group questioned whether this was “professional protectionism?”. The rest of the group disagreed arguing that without registrant involvement there would be an increase in disenfranchisement and a subsequent absence of self-regulation.
- The group discussed the rationale for having a smaller, “more board like” council. This should include identifying the skills that would be required by council members. They felt that it is important to remember that unlike the other 8 healthcare regulators the HPC is multi-professional
- The group agreed that all council members should meet all the generic skills identified and then have a balance across the other competencies with specific skills for specific committees. The group felt that the best way

to achieve the balance was for all appointments to be made through the public appointment system. The group also felt strongly that the approach to the appointments should not be staggered because it would disadvantage and imbalance the council. The group also agreed that the executive should not sit on the council because it is the role of the executive to implement the strategy of the council and the executive cannot be accountable to itself.

2. Size of council

- The group insisted that there needed to be a scientific rationale to decide the size of council. They felt that to meet all the specific skills and building in a 50/50 lay registrant split would require 20 council members and up to an additional 4 so that the 4 home countries would be represented.
- The group then went on to discuss the composition of committees and the skills required for different committees. The group agreed that there were some specific skills that could be brought into committees from outside the council but that the committees should also be reflective of council so that council would not find it difficult to understand the decisions of committees and feel able to ratify committee decisions from an informed position.

Appointment of the chair

- The group felt that the council chair should be elected by the council rather than by the Appointments Commission. However, if the Commission was to appoint the chair they felt this should be done in a period of 6-12 months before any existing chair finished their period in office, this would allow the incoming chair to ease themselves into the position, bring consistency to the process and to understand the values of the organisation. The group felt that the Chief Executive and President should be involved in any appointment interviews.

Feedback session

Group 1

1. Recruitment process

- HPC lay member specification was lengthy but necessary detail.
- Avoid specifying specific skills but require members to commit to the seven principles of public life. Skills for Justice documentation offered helpful generic skills.

- Avoid a "big bang" where all council members stepped down at the same time as this would risk losing corporate memory, be costly and create a lot of work.
- HPC should specify maximum representation for each part of the register.
- HPC should ensure that members have a mixture of backgrounds - there was especially a need for members with experience of current practice.
- Advertising should be as wide as possible, e.g. more than one mainstream newspaper, professional bodies' journals, HPC website, professional bodies' websites, all electronic means possible. One member suggested a direct mailing to the registrant group affected as not everyone uses the internet, but other members disagreed due to cost and risk of some registrants not getting the letter.
- Appointments process as per existing Appointments Commission process.

2. Committee structure

- Suggestion that alternates could have a staggered leaving period to ensure some continuity and to populate committees.
- Committees should always be chaired by a non-executive member (a Council member) as this had governance, communication and reporting advantages
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Group 2

1. Composition of Council

- There should be no gulf between lay and registrants. Council members need to keep grounded. The external perceptions of Council and its composition were very important. The composition would need to be defensible and with a good rationale.
- HPC needed a range of professionals with currency of experience but it might be difficult to find individuals who could get release from their day job.
- No more than one representative of any one profession
- Preferred balance of big and small professions
- Difficult to use continuum even in one profession
- Balance between statutory and non-statutory services
- Balance between practise and education background
- Need for home country representation

2. Skills

- Generic list was very good starting place
- Some registrants would find it difficult to gain experience of non-executive work; it would be better to say that member should have "senior committee experience"
- Members needed a high reputation amongst their peers
- Needed experience in government, upholding standards, needed experience at some strategic level but this was difficult to define
- Needed a mix of people with health and social care experience
- Minimum of 40% of Council should have education experience
- Needed a mix of people with multi-professional experience
- 40% of registrant members should have current experience in service delivery

Group 3

1. Size of Council

- decided Council of 16, balance between smaller size and balance of skills
- the Council should not alienate professional bodies
- 16 should include chair elected by Council members
- more strategic, less operational

2. Committee membership

- Committees should be chaired by Council members
- about 8-10 members on committees
- make more decisions without reference to Council
- possible equality of non-council members and council members
- bring in expertise to committees using PLG model
- ETC too unwieldy, did not need to have every profession represented, skill set was more important

Group 4

Role of Council: board-like, sets strategic direction, control and monitoring, set values, audit, communicate, set standards

1. Skills

- Should use the tried and tested public appointments system
- Skills for Justice list of skills was useful

2. Composition of Council

- Should not group professions, instead have a range of scientific, technical and psychological skills
- No executive membership
- 10 registrant members, but with requirement for specific skills and four home country representation, minimum of 20 members and maximum of 24 members
- Appointments Commission should be involved in all selection
- Communication to professions was key, we needed to make it clear that not all professions may be represented on Council
- Big bang change was essential to get right skills mix quickly, although existing members could reapply and the expectation would be that many would be re-appointed, based on merit
- Chair might be appointed by Council or a public appointment. If it was a public appointment, could an existing Council member apply? There would be a need for succession planning.
- Could co-opt representatives of registrant groups to make them involved in a situation where there was a smaller Council.

General conclusions

- There was fundamental difference of views on the appointments process between a "big bang" change and gradual change which required further discussion

- Council was moving towards agreement on the number of Council members and skills required, but there was still a big gap between 16 and 22.
- Council agreed that the Executive should not have a place on the new Council

The President concluded by saying that a core aspiration for the new Council would be that it was strong, effective, inclusive and peaceful. There would be discussions with the Appointments Commission before the Council away day in October and following further discussions at the away day a decision paper would be considered at a future Council meeting.