

Health Professions Council – 3 July 2008

Revised Council standing orders

Executive summary and recommendations

### **Introduction**

In line with good practice regarding the regular review of governance documents the Executive has reviewed the Council standing orders. As part of this review the Executive has taken into consideration amendments made to other governance documents and also suggestions from members.

### **Quorum**

The Education and Training Committee recently revised the quorum set out in its standing orders to bring it into line with the standing orders of the other committees. The quorum is now 'not less than half of the members of the Committee for the time being'.

Following suggestions from members it is proposed that the Council revises its standing orders along the same lines.

### **Emergency Procedure**

The Executive recently undertook a disaster recovery exercise. During the exercise it became apparent that if there was a real disaster a number of urgent decisions, which would normally require the agreement of the Council, would have to be made.

The standing orders have been amended to take account of this.

Additions to the document are indicated in italics, words that have been deleted have been crossed through.

### **Decision**

The Council is asked to agree the proposed amendments to the Council standing orders.

**Background information**

Council Code of Conduct

The Executive has also considered whether the agreement of an amended members' code of conduct at the May Council meeting required any changes to the standing orders but concluded that no amendment was required.

**Resource implications**

none

**Financial implications**

none

**Appendices**

Appendix one – Revised Standing Orders

**Date of paper**

23 June 2008

## HEALTH PROFESSIONS COUNCIL

### STANDING ORDERS

These Standing Orders, together with the provisions of the Health Professions Order 2001 (the 2001 Order), establish the basic rules about how the Council conducts its proceedings.

Paragraph 13(1) of Schedule 1 to the 2001 Order requires certain procedures to be provided for in the Standing Orders and those procedures have been incorporated.

Unless the context otherwise requires, terms used in the Standing Orders have the same meaning as in the 2001 Order.

Where a procedural point arises which is not covered by either the Standing Orders or the 2001 Order, the common law rules concerning the conduct of meetings will apply.

#### Meetings

1. The Council shall meet in ordinary session (Ordinary Meeting) not less than four times in each year and at such other times as the Council shall decide.
2. In addition to Ordinary Meetings, a special session of the Council (Special Meeting) may be convened by the Secretary upon the written request of the President, the Chairman of a Statutory Committee or any eight members of the Council.
3. A written request for a Special Meeting to be held shall include details of the business to be transacted at that meeting.
4. A Special Meeting shall take place within 14 days of the Secretary receiving the request for the meeting to be held.

#### Notice of Meetings

5. The Secretary shall give members not less than seven days written notice of a meeting and the notice shall set out the time and place of, and agenda for, that meeting.
6. Failure to send notice of a meeting to a member shall not invalidate the proceedings of that meeting.

## The President

7. The President shall preside at any meeting of the Council.
8. If the President is absent from, or otherwise unable or unwilling to preside at, a meeting the members present shall, as the first business of the meeting, elect one of their number to preside at that meeting.
9. In these Standing Orders references to the "President" include any other member presiding at a meeting in place of the President.

## Quorum

10. The quorum at any meeting of the Council shall not be less than half the members of the Council for the time being ~~and of the members which constitute that quorum the number of registrant/practitioner members shall not exceed the number of lay members by more than one~~<sup>+</sup>.
11. If a quorum is not present within 15 minutes of the time appointed for a meeting to commence, all business which should have been transacted at that meeting shall stand over until the next Ordinary Meeting and shall take precedence over the business of that Ordinary Meeting, unless a Special Meeting is called in the meantime for the transaction of that business.

## Minutes

12. The Secretary shall keep minutes of each meeting which shall include a record of the members in attendance at that meeting.
13. At each meeting the minutes of the preceding meeting shall be confirmed (or confirmed as amended) and be signed by the President as a true record of that meeting.
14. The signed minutes of a meeting shall, unless the contrary is proved, be conclusive proof of the proceedings at that meeting.

## The Secretary

15. The Registrar shall be the secretary to the Council and of any Committee or Sub-Committee established by the Council.
16. The Registrar, with the consent of the Council, may appoint another officer or employee of the Council to act as secretary to the Council or any Committee or sub committee which it has established.

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~~<sup>+</sup> i.e. based on current numbers the quorum would be 13 members, 7 registrant/practitioner and 6 lay members~~

17. In these Standing Orders references to the "Secretary" mean the Registrar or, where a person has been appointed in accordance with Standing Order 16, that person.

### **Conduct of meetings**

18. The order of business at a meeting shall follow that set out in the agenda unless it is varied by the President with the consent of the Council.
19. A member may only initiate a debate or move a motion on a matter which is not on the agenda with the consent of the Council.
20. Subject to Standing Order 11 meetings shall start at the time set out in the notice of meeting and shall normally continue until all the business on the agenda has been disposed of but the duration of a meeting may only exceed three hours with the consent of the Council.
21. The President may, with the consent of the Council, adjourn a meeting, but no business shall be transacted at an adjourned meeting other than the business which had not been disposed of when the adjournment took place.
22. If a meeting is adjourned for more than seven days (but not otherwise) notice of the adjourned meeting shall be given as if it was an Ordinary Meeting.

### **Voting**

23. Except where the 2001 Order specifies a different requirement, and subject to Standing Order 25, any question at a meeting shall be decided by a majority of the members present voting by a show of hands.
24. The election of the President shall be by secret ballot. Members who are eligible to vote but are unable to attend a meeting at which a ballot is to be held may vote by post or appoint another member to act as their proxy and to vote in that ballot on their behalf.
25. In the event of any equality of votes, the President shall be entitled to an additional casting vote (except where the question is the determination of an appeal in accordance with Article 37 of the 2001 Order) or the election of the President.

### **Approval of resolutions without meeting**

26. A resolution which, with the consent of the President, is circulated to, and approved in writing or electronic form by, not less than three quarters of the ~~registrant/practitioner members and not less than three quarters of the lay~~ members entitled to receive notice of and attend a meeting of the Council shall be as valid as if it had been passed at such a meeting.

## **Emergency Procedure**

**26A. In an emergency, where a decision must be made by the Council which cannot wait until its next meeting, the powers and duties of the Council may be exercised by the President.**

**26B. Before exercising any power or duty under Standing Order 26A the President must consult the Chief Executive.**

**26C. Except where it is impracticable to do so, the Chief Executive shall make reasonable efforts to inform all members of the Council that it is proposed to take a decision under Standing Order 26A but a decision shall not be invalidated by this not having been done. If it is not practicable to communicate with members before a decision is taken, they shall be informed as soon as possible afterwards of that decision.**

**26D. Any decision taken under Standing Order 26A must be reported to the next meeting of the Council.**

**26E. For the purpose of Standing Order 26A "emergency" means circumstances in which:**

- 1) HPC will be unable to discharge its statutory functions or exposed to a significant level of risk if urgent action is not be taken; or**
- 2) action must be taken to prevent loss, damage or significant disadvantage to HPC;**

**and, for the avoidance of doubt, a matter is not an emergency simply because it has been omitted from inclusion in the Council's agenda on a particular occasion.**

**26F. The powers of the President and Chief Executive under Standing Orders 26A to 26C may be exercised by such other members of the Council and the Executive respectively as the President and Chief Executive respectively may nominate in writing.**

## **Rules of Debate**

27. A member must speak to the subject under discussion. The President may call attention to any irrelevance, repetition, unbecoming language, breach of order, or breach of the Council Members' Code of Conduct on the part of a member and, where the member persists in that conduct, may direct that member to cease speaking.

28. A ruling by the President on any question of order, whether or not provided for by the Standing Orders, shall be final and shall not be open to debate.

### **Disorderly Conduct**

29. The President may order a member to withdraw from a meeting if, in the opinion of the President, that member has persistently disregarded the ruling of the President or is behaving improperly, offensively or in a manner which is obstructing the business of the meeting.
30. In the event of a general disturbance which, in the opinion of the President, prevents the orderly conduct of business, the President may adjourn the meeting for such period as the President consider appropriate.
31. If a member of the public interrupts the proceedings at any meeting the President may order that person to be removed from the meeting or may order that part of the room which is open to the public to be cleared.

### **Members' education, training and performance**

32. The Council shall establish standards of education and training for members and, as part of those standards, shall provide for members to undergo training to assist them in their performance of their duties.
33. The Council shall establish standards of attendance and performance for members, including a system of annual performance appraisal.
34. Members shall comply with the standards established by the Council under Standing Orders 32 and 33 and shall not, without reasonable excuse, refuse to participate in the training or appraisal processes.

### **Codes of conduct**

35. Members shall comply with the Code of Conduct adopted by the Council and with the seven principles of public life established by the Committee on Standards in Public Life (the Nolan Principles)

### **Interests of members**

36. Members shall make a declaration of their personal interests in accordance with the Members' Interests Registration Scheme established by the Council and shall be under a duty to ensure that the details of their interests set out in the Register of Members' Interests maintained by the Council are accurate and up to date.
37. A member who has a personal interest in any matter under consideration at a meeting, whether or not declared in the Register of Members' Interests, shall promptly disclose that interest to the meeting and, unless the Council determines otherwise, the member shall withdraw from the meeting until the Council has concluded its consideration of that matter.

### **Attendance and Other Allowances**

38. Claims for payments, attendance allowances or expenses shall be made by members strictly in accordance with the Members' Payments Scheme approved by the Council.

### **Removal of members**

39. Where any information or allegation comes to the attention of the Council that a member may be in breach of Paragraph 9(2) of schedule 1 to the 2001 Order (which sets out the grounds for removing a member of Council from office) or that the Council member may have committed a deliberate, serious or continued breach of the Code of Conduct, the Council shall instruct the Registrar to send a notice to that member:
  - 3) setting out brief details of the information or allegation and the relevant provisions of the 2001 Order;
  - 4) advising the member that, if the information or allegation is true, that the member is liable to be removed from office;
  - 5) informing the member that the Council proposes to consider that information or allegation and that the member has a right to be heard before the Council; and
  - 6) providing the member with 14 days in which to respond.
40. Where, following the service of a notice under Standing Order 39, a member responds to the Registrar expressing a wish to be heard by the Council, the Registrar shall convene a Special Meeting of the Council as if the response from the member was sufficient notice under Standing Order 2 but the only business to be considered at that shall be whether or not to remove that member from the Council.
41. The procedure in Standing Orders 39 and 40 shall not apply in respect of a member of the Council who is removed from office under Paragraph 9(2)(a) of Schedule 1 by a decision of the Privy Council or who is disqualified under Paragraph 9(2)(e) of that Schedule by virtue of an order made by a Practice Committee.

### **The Registrar, officers and advisers**

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

### **Common Seal**

44. The Common Seal of the Council shall be kept in safe custody by the Registrar or another officer appointed by the Registrar.
45. The Common Seal shall only be affixed to a document with the consent of the Council or of a committee to which that power has been delegated and where the seal is affixed to a document it shall also be signed by the Registrar and by a member of the Council:

### **Suspension of Standing Orders**

46. Any Standing Order (other than one prescribed by the 2001 Order) may be suspended with the consent of the Council

### **Committees of the Council**

47. The Council may appoint such committees or sub-committees as it thinks fit and, subject to the 2001 Order or any other enactment, may delegate to or confer upon a committee or sub-committee such functions as it may determine.
48. A member of the Council shall be appointed to be the chairman of any committee established by the Council.
49. Except where all the members of a committee or sub-committee agree to waive notice, not less than seven days notice shall be given of an Ordinary Meeting of a committee or sub-committee and not less than three days notice shall be given of a Special Meeting of a committee or sub-committee.
50. The quorum at any meeting of a committee or sub-committee shall, unless another number is fixed by the Council, be one third of the members of that committee or sub-committee but in no case may the quorum of any committee or sub-committee be less than two members (one of whom shall be the chairman).

### **Standing Orders to apply to Committees etc.**

51. Unless the Council makes express provision to the contrary<sup>2</sup> these Standing Orders shall apply, with any necessary modification, to meetings of committees and sub-committees

### **Public access to meetings**

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<sup>2</sup> In accordance with Paragraph 17 of Schedule 1 to the 2001 Order the Council has approved separate standing orders for the Education and Training Committee. The Investigating Committee, Conduct and Competence Committee and Health Committee do not have standing orders but operate according to statutory rules made under the 2001 Order

52. Meetings of the Council, its committees and sub-committees shall be open to the public unless the business under consideration concerns:
- 1) information relating to a registrant, former registrant or applicant for registration;
  - 2) information relating to an employee or officer holder, former employee or applicant for any post or office;
  - 3) the terms of, or expenditure under, a tender or contract for the purchase or supply of goods or services or the acquisition or disposal of property;
  - 4) negotiations or consultation concerning labour relations between the Council and its employees;
  - 5) any issue relating to legal proceedings which are being contemplated or instituted by or against the Council;
  - 6) action being taken to prevent or detect crime or to prosecute offenders;
  - 7) the source of information given to the Council in confidence; or
  - 8) any other matter which, in the opinion of the President, is confidential or the public disclosure of which would prejudice the effective discharge of the Council's functions.

~~Updated at 29 March 2007 Council Meeting~~