

The Hearing Aid Council
 Minutes of the 144th Ordinary Meeting of the Hearing Aid Council
 Held in OPEN Session at
 70 St Mary Axe, London EC3A 8BD
 On Wednesday 23rd January 2008 at 11.30 am

Present:	Christopher Hughes	Chairman
	Denise Yates Tony Corcoran Professor Deepak Prasher John Oates Christopher Raine Peter Ormerod Professor Norma Brook CBE Mark Georgevic Michael Bishop Huw Vaughan Thomas Professor Gerald Armstrong-Bednall	
Apologies:	None	
In Attendance:	Sandra Verkuyten Chris O'Leary Janet Hawthorne Justin Parfitt Stuart Holland Sarah Cottis	Chief Executive and Registrar Director of Policy & Communication Director of Legal Services Director of Resources Modernisation and Transfer Manager Executive Assistant (minute taker)

Council Meeting
23rd January 2008

1. APOLOGIES FOR ABSENCE

1.1 There were no apologies.

2. MINUTES OF THE LAST MEETING

2.1 The minutes (non-confidential) of the 143rd meeting of the Council held on 14th November 2007 were signed as a true record.

3. MATTERS ARISING

3.1 Council noted that subject to the points listed below all matters arising from the last Council meeting had been actioned.

3.2 3.2 not actioned. This was not discussed but will be on a future agenda as guidance was needed outside of the Investigating Committee. ACTION

3.3 4.4 actioned. The Director of Resources (DoR) recommended that guidelines for claiming expenses for a reading day as follows:
1 day reading for each Investigating Committee
1 day reading for each Disciplinary Committee.

3.4 A member proposed amending this to only allow a reading day for full disciplinary hearings not for fast track cases.

3.5 Agreed Following a discussion the Council agreed to the guidelines for claiming expenses as follows:
1 day reading for each Investigating Committee
1 day reading for each full Disciplinary Committee, not fast track cases.

3.6 3.5 not actioned due to budgetary constraints. The Director of Policy and Communications (DoPC) reported that the legislative mapping is on the website.

3.7 3.6 not actioned. This will be going to the Strategy Executive Committee at a later stage. Action

3.8 7.2 Actioned. The DoPC reported that the document was on the website and reference to it will be made in the letter sent out for the retention fee.

4. DECLARATION OF INTEREST

4.1 Huw Vaughan Thomas declared an interest that his wife has recently become a member of the National Consumer Council.

4.2 Chris Raine declared an interest as a trustee of two charities.

4.3 Peter Ormerod declared an interest as a Director of a National Training Company and as a Registered Hearing Aid Dispenser.

- 4.4 Gerald Armstrong-Bednall declared his interest as a HEI employee, as a Registered Hearing Aid Dispenser, his position as the director of a small hearing aid company and a meeting with BSHAA to take over their Education and Training.
- 4.5 Mark Georgevic declared an interest as the President of BSHAA; as a Registered Hearing Aid Dispenser; and as the Director of a National Training Company.
- 4.6 Prof. Deepak Prasher declared an interest as an employee of a HEI.
- 4.7 Tony Corcoran declared an interest as a manager of an NHS audiological department.
- 4.8 John Oates declared all his interests were on the register.
- 4.9 Michael Bishop declared an interest of work with the RNID

5. CHAIRMAN / CHIEF EXECUTIVE & REGISTRAR BRIEFING

- 5.1 The Chairman reported that the Hearing Aid Council (HAC) had received correspondence from Sir Brian Bender and Gareth Thomas MP following the letters sent from the Chairman and the Chief Executive & Registrar (CEO). The correspondence confirm that the expected abolition date for the HAC is the 31st March 2009.
- 5.2 The CEO reported meetings had been held with consumer organisations including the new Chief Executive of the RNID. It was reported that the consumer organisations were happy with the work the HAC has been doing and would strongly oppose any reduction in investigating complaints and if the HAC did reduce investigating complaints then they would lobby government and MP's.
- 5.3 The Chairman reported there had been a meeting with the professional bodies on the 10th January to discuss the idea of a polluter pays model for the retention fee. The feedback on the day from all organisations was positive with an understanding of the problems the HAC faced with when dealing with complaints. However after the meeting the HAC received a response from one of the professional bodies criticising the work of the HAC and its members without addressing the issue of how the industry would deal with complaints.
- 5.4 The CEO reported that this was not the first type of communication that the HAC has received from this professional body. It was reported following the first letter the CEO wrote to the President of the professional body stating that this information was factually inaccurate. It was also reported the latest letter had not been communicated to the Council members as the CEO had sought legal advice due to the contents of the letter and was advised not to release this document to the members or the public, however the professional body subsequently circulated the document. It was reported that an email from the Chief Executive of the Professional body was received stating that he had issued the document without consulting anyone else.

- 5.5 Mark Georgevic left the meeting.
- 5.6 The Chairman confirmed that he will be writing to the professional body expressing the HAC's concerns and asking if they wish to withdraw it.
- 5.7 The CEO reported that the government had been contacted due to the seriousness of the letter.
- 5.8 Mark Georgevic returned to the meeting.
- 5.9 Mark Georgevic in his capacity as President of BSHAA reported he was not aware of the document and that it had been circulated to Council members and reported that if any part of the letter was defamatory then BSHAA would withdraw that part.
- 5.10 The Council endorsed the actions of the CEO and Registrar.

Agreed
6.

REPORTS FROM COMMITTEES

6.1 STRATEGY EXECUTIVE COMMITTEE

- 6.1.1 Council received a verbal report from the Chair of the Strategy Executive Committee (SEC) of the meeting held on the 10th January 2008. The SEC reported it had considered 4 items at the last meeting
- Update on abolition timetable and the debate that occurred in the House of Lords
 - Budget and where costs could be saved
 - Retention Fee and the possibility of a polluters pay model. The idea was supported but Counsel's view since the meeting has advised against this type of retention fee.
 - HAC Exams and code of practice changes that need to occur to allow students on the Foundation degree to be registered as notified trainees.
- The SEC agreed to continue the 2008 (1) exams as normal and hold the 2008 (2) exams with a re-sit for the practical and a re-sit for the theory. It was also reported that the SEC agreed the last date the HAC could register someone as a notified trainee to sit the HAC exams would be 31st March 2008. It was reported the SEC approved the changes for the Code of Practice, but the government require a decision by Council before they could consider the changes.
- 6.1.2 After declaring an interest Professor Gerald Armstrong – Bednall excused himself from the decision.
- 6.1.3 The Council agreed to the proposal that the 2008 (2) exams would be the last exams and would contain a re- sit for both the practical and the theory.
- 6.1.4 The Council agreed that any increase in cost for running the extra written re-sit will be passed on to the candidates through the examination fees

6.1.5 The DoPC was instructed to write to all trainees advising them that the 2008 (2) exams were the final exams the HAC would run. Action

6.1.6 The DoPC presented a paper outlining the changes that were required to change the Code of Practice.

6.1.7 After declaring an interest Professor Gerald Armstrong – Bednall excused himself from the decision.

6.1.8 The Council agreed to all changes proposed in the paper.

Agreed

6.1.9 DoPC was instructed to create a business case to submit to the Department of Business Enterprise & Regulatory Reform (BERR) to gain the Minister's agreement to change the code of practice. Action

6.2 AUDIT COMMITTEE

6.2.1 Council received a verbal report from the Chair of the Audit Committee of the meeting held on 8th January 2008. Council noted that the Audit Committee focused on the internal audit plan and the external audit.

6.2.2 It was reported the Audit Committee had considered in depth the risk register and in particular issue of staff retention.

6.2.3 A member asked if the risk register investigated if there was enough cover with regards to the abolition of the criminal offence.

6.2.4 The DoPC reported a letter had been sent to the Medical & Healthcare Regulatory Body asking for advice on the definition of a hearing aid and the HAC is waiting for their response. It was also reported that if it was felt there was not enough protection then the minister could be asked to create a replacement criminal offence.

6.2.5 The Chair of the Audit Committee reported that he was scheduled to meet with the NAO and there was a planned meeting without the executive team as stated in the corporate governance.

6.2.6 The Chair of the Audit Committee requested a paper be prepared outlining the strategy for supporting HAC staff through the changes. Action

6.3 EDUCATION AND TRAINING

6.3.1 None of the Education and Training Committees have met since the last Council meeting therefore there is nothing to report.

6.4 INVESTIGATING COMMITTEE

- 6.4.1 Council received a verbal report from the Chair of the Investigating Committee (IC).
Council noted the committee met in December and looked at 35 cases. 18 cases were closed, 9 cases were referred to a Disciplinary Committee (DC), of which 4 are fast tracks and 5 are full DCs. 3 Cases were referred to the Advertising Standards Authority (ASA), 1 case was referred to the Information Commission and 4 cases were closed.
- 6.4.2 The Director of Legal Services (DoLS) reported that the IC had been conducting a market review of press information and adverts and it was agreed that the ASA had more powers than the HAC to deal with these cases. The results of this review will be passed to the ASA to deal with.
- 6.4.3 The DoLS reported that some of the cases were regarding log books and guidance would be issued instead of taking them to disciplinary hearings.
- 6.4.4 The Council noted that there were more repeat offenders coming through the cases and one case has been referred to the police after they were dispensing without being registered.

7. CORPORATE GOVERNANCE FRAMEWORK

- 7.1 The DoPC presented a paper regarding the changes to the corporate governance that would need to happen to enable the Council to hold future meetings in private.
- 7.2
Agreed The Council agreed the changes to the Corporate Governance as laid out in the paper, with the addition to 3.10 the second sentence to say "The Chief Executive needs to receive questions regarding items not on the agenda, in writing, ten working days before the Council meeting and the Chief Executive Shall be able to decide that a question should not be accepted."
- 7.3 The DoPC presented the current terms of reference for the Education and Training Committee.
- 7.4
Agreed Following a discussion it was agreed to combine the Education & Training, CPD, Futures and Examining Body Committee into one committee known as Education & Training and Examining Body Committee.
- 7.5
Agreed It was agreed that since there was no longer a Futures Committee there will be no co-opted members.
- 7.6 CEO to write to the co-opted members to inform them of the new committee structure and they are no longer required. Action
- 7.7
Agreed It was agreed the terms of reference for the new committee to remain the same except increase the number to 6 members, which must

- include 2 dispensers.
- 7.8
Agreed The Council agreed that new members on the committee will be:
- Peter Ormerod (Chairman)
 - Prof. Gerald Armstrong-Bednall
 - Prof. Norma Brook
 - Christopher Raine
 - Prof. Deepak Prasher
 - Tony Corcoran
- 7.9 The DoPC was instructed to make the changes to the Corporate Governance as agreed and publish on the website. Action
- 8. REPORT ON LEGAL COSTS**
- 8.1 The DoR presented a paper on legal costs.
- 8.2 The DoR stated where possible costs were reduced.
- 8.3 The CEO stated that there have been many meetings with the industry to encourage them to reduce the number of complaints, but to date they have not taken on board the complaints protocol.
- 8.4
Agreed Following a discussion Council agreed that relevant controls were in place to control legal costs.
- 9. MANAGEMENT ACCOUNTS**
- 9.1 The Council noted the month 10 accounts as presented by the DoR.
- 10. DRAFT BUDGET 08/09**
- 10.1 The DoR presented the draft budget paper.
- 10.2 The DoR presented the proposed retention fee of £750 which would cover the costs of the deficit, running the HAC and the close down costs of the HAC.
- 10.3 The CEO reported that the Government has agreed to make a payment to the HAC of £116,245. This would reduce the current deficit. The condition to this money is that the retention fee should not exceed £700.
- 10.4 After declaring an interest Mark Georgevic left the meeting.
- 10.5
Agreed Following a discussion it was agreed not to reduce the budget for the CPD contract.
- 10.6 Mark Georgevic returned to the meeting.
- 10.7
Agreed Following a discussion it was agreed to increase the budget for legal costs by £20,000 to cover the extra work that will occur due to the rise in complaints and the need to finalise cases before the transfer to the Health Professions Council.
- 10.8
Agreed Following a discussion it was agreed to set the retention fee at £695.

10.9 It was agreed that when the retention fee letters are sent out it states Action
Agreed the reason for the fee was due to the level of complaints and close
down costs. The letter will also state that if the complaints improve
then the retention fee may fall next year if the HAC needs to set
another fee.

11. CLOSE OF THE MEETING

11.1 There being no further business to discuss, the Chairman closed the
meeting.

Actions arising from the Council Meeting held in open session 23.01.08

ITEM	ACTION REQUIRED	PERSON RESPONSIBLE	DATE
3.2	3.2 not actioned. This was not discussed but will be on a future agenda as guidance was needed outside of the Investigating Committee.	Director of Legal Services	ASAP
3.7	3.6 not actioned. This will be going to the Strategy Executive Committee at a later stage.	Director of Policy and Communications	13th March 2008
6.1.3	The DoPC was instructed to write to all trainees advising them that the 2008 (2) exams were the final exams the HAC would run.	Director of Policy and Communications	ASAP
6.1.6	DoPC was instructed to create a business case to submit to the Department of Business Enterprise & Regulatory Reform (BERR) to gain the Minister's agreement to change the code of practice.	Director of Policy and Communications	ASAP
6.2.6	The Chair of the Audit Committee requested a paper be prepared outlining the strategy for supporting HAC staff through the changes.	Operations Manager	27th March 2008
7.6	CEO to write to the co-opted members to inform them of the new committee structure and they are no longer required.	Chief Executive & Registrar	ASAP
7.9	The DoPC was instructed to make the changes to the Corporate Governance as agreed and publish on the website.	Director of Policy and Communications	ASAP
10.9	It was agreed that when the retention fee letters are sent out it states the reason for the fee was due to the level of complaints and close down costs. The letter will also state that if the complaints improve then the retention fee may fall next year if the HAC needs to set another fee.	Director of Policy and Communications	18th February 2008

Agreement arising from the Council Meeting held in open session 23.01.08

ITEM	DECISIONS AGREED
3.5	Following a discussion the Council agreed to the guidelines for claiming expenses as follows: 1 day reading for each Investigating Committee 1 day reading for each full Disciplinary Committee, not fast track cases.
5.10	The Council endorsed the actions of the CEO.
6.1.3	After declaring an interest Gerald Armstrong – Bednall excused himself from the decision. The Council agreed to the proposal that the 2008 (2) exams would be the last exams and would contain a re- sit for both the practical and the theory.
6.1.4	The Council agreed that any increase in cost for running the extra written re-sit will be passed on to the candidates through the examination fees
6.1.8	After declaring an interest Gerald Armstrong- Bednall excused himself from the decision. The Council agreed to all changes proposed in the paper.
7.2	The Council agreed the changes to the Corporate governance as laid out in the paper, with the addition to 3.10 the second sentence to say “The Chief Executive needs to receive questions regarding items not on the agenda, in writing ten working days before the Council meeting and the Chief Executive Shall be able to decide that a question should not be accepted.
7.4	Following a discussion it was agreed to combine the Education & Training, CPD, Futures and Examining Body Committee into one committee known as Education & Training and Examining Body Committee.
7.5	It was agreed that since there was no longer a futures committee there will be no co-opted members.
7.7	It was agreed the terms of reference for the new committee to remain the same except increase the number to 6 members, which must include 2 dispensers.
7.8	The Council agreed that new members on the committee will be: <ul style="list-style-type: none"> • Peter Ormerod (Chairman) • Prof. Gerald Armstrong-Bednall • Prof. Norma Brook • Christopher Raine • Prof. Deepak Prasher • Tony Corcoran
8.4	Following a discussion Council agreed that relevant controls were in place to control legal costs.
10.5	Following a discussion it was agreed not to reduce any money for the CPD contract.
10.7	Following a discussion it was agreed to increase the budget for legal costs by £20,000 to cover the extra work that will occur due to the rise in complaints and the need to finalise cases before the transfer to the Health Professions Council.

10.8	Following a discussion it was agreed to set the retention fee at £695.
10.9	It was agreed that when the retention fee letters are sent out it states the reason for the fee was due to the level of complaints and close down costs. The letter will also state that if the complaints improve then the retention fee may fall next year if the HAC needs to set another fee.