

The Hearing Aid Council
 Minutes of the 148th meeting of the Hearing Aid Council
 Held in CLOSED Session at
 70 St Mary Axe, London EC3A 8BE
 On Wednesday 28th January 2009 at 10.30pm

Present:	Christopher Hughes OBE	Chairman
	Professor Gerald Armstrong-Bednall Peter Ince Denise Yates Christopher Raine Huw Vaughan Thomas Michael Bishop Mark Georgevic John Oates Peter Ormerod Tony Corcoran	
Apologies:	Professor Deepak Prasher	
In Attendance:	Sandra Verkuyten OBE Chris O'Leary Janet Hawthorne Justin Parfitt Stuart Holland Christine Suett Amicie Knowles Paul McGee Sarah Cottis	Chief Executive and Accounting Officer Registrar and Director of Policy Director of Legal Services Managing Director and Director of Resources Modernisation & Transfer Manager Operations Manager Executive Assistant Administrative Assistant Executive Assistant (minute taker)

Council Meeting
28th January 2009

The Chairman paid tribute to Professor Norma Brook CBE who passed away on the 31st December 2008. The Council noted Norma will be sorely missed and stood in her honour.

A Council member on behalf of the Council and staff congratulated the Chairman on receiving his OBE.

1. Apologies for Absence

1.1 The Chairman received apologies from Deepak Prasher.

2. Minutes (Closed) of the Last Meeting Held on 12th November 2008

2.1 A member stated minute 3.2 has a typographical on line 5. Action

2.2 The minutes of the 147th meeting of the Council held on 12th November 2008 were signed with the amendment as agreed in 2.1.

3. Matters Arising

3.1 Agreed 3.3 The Registrar and Director of Policy (RDoP) reported that it was unlikely the Department of Business Enterprise and Regulatory Reform (BERR) were going to provide legal advice for the paper on Unfair Commercial Practices Directive (UCPD). The Council agreed to leave the paper and if advice is received from BERR then the RDoP will review and report to Council.

3.2 3.4 The RDoP reported advice on amplifiers has been received from the Medical Healthcare Regulatory Authority (MHRA) and was presented to the Strategy Executive Committee (SEC). The SEC have given instructions to contact distributors if appropriate.

3.3 7.3.2 and 7.3.4 the RDoP reported the future of aptitude exams is on the agenda of Education and Training & Examining Body (ETEB) on 25th February.

3.4 7.4.3 and 10.3 have been actioned

3.5 Action 8.2 to provide packs at the end of the Hearing Aid Council (HAC) is ongoing

4. Declaration of Interests

4.1 All declarations of interest are as the register except for the below.

4.2 Chris Hughes OBE declared his appointment to a tribunal to the Department for Environment, Food and Rural Affairs.

5. Chairman/ Chief Executive and Accounting Officer Briefing

- 5.1 The Chairman confirmed that following the meeting with the Minister of BERR on 29th October, correspondence has been passed between him and the Minister for the Department of Health (DoH) and both ministers are committed to transferring the HAC by the 31st March 2010.
- 5.2 The Chairman reported a further quadripartial meeting was held with the DoH, BERR and the Health Professions Council (HPC) and the draft S60 order and consultation document have been produced.
- 5.3 The Chairman reported that on the instruction of the SEC, the Chairman and CEO met with the Royal National Institute for Deaf (RNID) and other stakeholders regarding the current judicial review against the HAC. The Chairman confirmed the case was heard in the High Court on the 13th January and the judge found in the HAC's favour. The CEO reported a call has been arranged with the HAC's lawyer on what steps the HAC need to take next.
- 5.4 The CEO reported a letter has been received from the claimant in the judicial review requesting a meeting. The Council agreed the CEO should not agree to the meeting at the moment.

6. Committee Structure and Appointments

- 6.1 Changes to committee membership were agreed as follows: Action
Agreed
- Mark Georgevic be appointed to SEC
 - Peter Ince be appointed to Audit committee
 - John Oates be appointed to ETEB

7. Reports from Committees

7.1 Strategy Executive Committee

- 7.1.1 The Chair of the SEC reported that he was unable to attend the last SEC and Michael Bishop acted as chair.
- 7.1.2 The Acting Chair of the SEC gave a verbal report on the issues discussed which were:
- Judicial Review and media handling
 - Transfer and the work programme to abolition
 - Contracts
 - SEC endorsed the budget

7.2 AUDIT COMMITTEE

- 7.2.1 The Chair of the Audit Committee reported on the issues discussed:
- Internal audit gave a strong control environment
 - Transfer and the final accounts
 - The risk register
 - Data handling
 - Staff retention
 - Contracts

7.3 Education and Training & Examining Body Committee

7.3.1 Council received a verbal report from the Chair of the ETEB stating no meeting had been held since the last Council meeting. The CPD consultation will end on the 31st January. It was reported the final practical exams took place on Monday 26th January and there was a 50% pass rate. It was reported these issues will be discussed in the next meeting to be held on the 25th February 2009.

7.3.2 The Council agreed for the Chairman to write to the examiners, invigilators and the moderator for the exams to thank them for their hard work. Action

7.4 Investigating Committee

7.4.1 The Council received a verbal report from the Chair of the Investigating Committee (IC). It was reported the IC met once since the last Council meeting where they:

- closed 3 cases.
- requested more information on 4 cases.
- referred 2 cases to the Disciplinary Committee (DC).
- at the end of December there were 26 open cases.

7.4.2 The Council noted a training session for all IC and DC members will take place before the next Council meeting. Action

7.4.3 The Director of Legal Services (DoLS) reported the number of cases the HAC received was lower, but does vary from month to month.

8. Management Accounts

8.1 The Council received the Month 8 management accounts.

8.2 The Council noted the current status of the DC debtors and the work the HAC are undertaking to recover as many debts as possible.

8.3 The Managing Director and Director of Resources (MDDoR) reported the number of exam candidates was significantly less than expected, therefore the income from exam fees was lower than expected. It was reported the HAC made significant savings with the exam costs.

9. Contracts 09/10

9.1 After declaring an interest Janet Hawthorne and Justin Parfitt Left the meeting.

9.2 Due to commercially sensitive information this section is confidential.

9.3 Janet Hawthorne and Justin Parfitt returned to the meeting.

10. Budget 09/10 and Retention Fee

10.1 The Council received the budget for 09/10.

- 10.2 The MDDoR reported the budget included funds to hold exams for aptitude candidates which was equal to the income for the exams. Provisions for staff retention including; a London weighting allowance, bonus retention closely related to performance and an inflationary pay rise of three percent. It was reported the costs for DC and IC cases were based on the number of cases received this year. It was reported there will be a small surplus but this is to mitigate the high risk associated with DC debtors.
- 10.3 Council noted there will be no funds available from the Government except in extreme circumstances. It was reported the HAC will have no powers to request further funds from the registrants after the transfer of powers to the HPC, the retention fee for 2009/10 must cover expenditure until final close down, expected to be July 2010.
- 10.4 A Council member proposed using the surplus and possible costs recovered from the judicial review to lower the fee to £660. The proposal was seconded by another member.
- 10.5 Following discussion, the proposal was put to a vote by a show of hands. The proposal was not agreed following a vote of three for and seven against.
- 10.6 The Council agreed the budget as set out in the paper and set the retention fee for 09/10 at £695 per registrant. Action
Agreed
- 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 closed session 28.01.09

ITEM	ACTION REQUIRED	PERSON RESPONSIBLE	DATE
2.1	A member stated minute 3.2 has a typographical on line 5.	HAC Administration	ASAP
6.1	Changes to committee membership were agreed as follows: <ul style="list-style-type: none"> • Mark Georgevic be appointed to SEC • Peter Ince be appointed to Audit committee • John Oates be appointed to ETEB 	HAC Administration	ASAP
7.3.2	The Council agreed for the Chairman to write to the examiners, invigilators and the moderator for the exams to thank them for their hard work.	Chairman	ASAP
7.4.2	The Council noted a training session for all IC and DC members will take place before the next Council meeting.	HAC Administration	10 th March 2009
9.4	Following a discussion of the issues the Council agreed the value for money panel's recommendation to offer the financial contract to Parfitt and Co.	Chief Executive and Accounting Officer	ASAP
9.5	Following a discussion of the issues the Council agreed the value for money panel's recommendation to enter post tender negotiations around the investigating element of the legal services contract with Iodem, the disciplinary element of the contract to Kingsley Napley and the role of Legal Director and Solicitor to the Council to Bircham Dyson Bell. This is subject to negotiating the price with Iodem. If a satisfactory price is not agreed the CEO is to negotiate with Kingsley Napley to undertake both investigating and disciplinary elements of the contract.	Chief Executive and Accounting Officer	ASAP
9.6	The Council requested once the negotiations have been completed the CEO write to Janet Hawthorne to thank her for her work as the Director of Legal Services.	Chief Executive and Accounting Officer	ASAP
10.6	The Council agreed the budget as set out in the paper and set the retention fee for 09/10 at £695 per registrant.	Registrar and Director of Policy	27 th February 2009

**Agreements arising from the Council Meeting held in exempt session
28.01.09**

ITEM	DECISIONS AGREED
3.1	3.3 The Registrar and Director of Policy (RDoP) reported that it was unlikely the Department of Business Enterprise and Regulatory Reform (BERR) were going to provide legal advice for the paper on Unfair Commercial Practices Directive (UCPD). The Council agreed to leave the paper and if advice is received from BERR then the RDoP will review and report to Council.
5.5	The CEO reported a letter has been received from the claimant in the judicial review requesting a meeting. The Council agreed the CEO should not agree to the meeting at the moment.
6.1	Changes to committee membership were agreed as follows: <ul style="list-style-type: none"> • Mark Georgevic be appointed to SEC • Peter Ince be appointed to Audit committee • John Oates be appointed to ETEB
7.3.2	The Council agreed for the Chairman to write to the examiners, invigilators and the moderator for the exams to thank them for their hard work.
9.4	Following a discussion of the issues the Council agreed the value for money panel's recommendation to offer the financial contract to Parfitt and Co.
9.5	Following a discussion of the issues the Council agreed the value for money panel's recommendation to enter post tender negotiations around the investigating element of the legal services contract with Iodem, the disciplinary element of the contract to Kingsley Napley and the role of Legal Director and Solicitor to the Council to Bircham Dyson Bell. This is subject to negotiating the price with Iodem. If a satisfactory price is not agreed the CEO is to negotiate with Kingsley Napley to undertake both investigating and disciplinary elements of the contract.
9.6	The Council requested once the negotiations have been completed the CEO write to Janet Hawthorne to thank her for her work as the Director of Legal Services.
10.6	The Council agreed the budget as set out in the paper and set the retention fee for 09/10 at £695 per registrant.