



**Council**  
**5 May 2016**  
**Review of allowances**

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| <b>Classification</b>                        | Public  |
| <b>Purpose</b>                               | For decision  |
| <b>Issue</b>                                 | Review of allowances and expenses   |
| <b>Recommendations</b>                       | <ol style="list-style-type: none"><li>1. To introduce a reading fee for PCC/HC hearings to be paid at the discretion of the Head of Regulation.</li><li>2. To amend the cancellation fee policy as set out in paragraph 10.</li><li>3. To amend the subsistence policy to exclude the purchase of alcoholic drinks.</li></ol> |
| <b>Financial and resourcing implications</b> | Some minor savings are expected to accrue from these proposals.   |
| <b>Equality and diversity implications</b>   | A fair system of remuneration and expenses for non-executives is a key factor in facilitating the involvement of people from a wide diversity of backgrounds.   |
| <b>Communications implications</b>           | None  |
| <b>Annex</b>                                 | Examples of how the cancellation fee policy would apply   |
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## Background

1. The Remuneration and Appointments Committee's terms of reference include a requirement to review the remuneration and expenses of non-executives annually and make recommendations to Council.
2. At its meeting on 17 March the Committee agreed a number of recommendations to Council as set out within the paper.

## Discussion

### *Reading fees*

3. GOsC Investigating Committee (IC) members are entitled to claim a reading fee of £75 per day. This fee reflects the fact that IC members are required to undertake a substantial amount of pre-reading of case papers in preparation for an IC meeting. Currently, a reading fee is not payable to Professional Conduct or Health Committee members (PCC and HC). This is because these Committees were provided with the case papers to read on the first day of a hearing.
4. However, since January 2016, following the success of the electronic case papers project in 2015, all committee members are now expected to read case papers in advance of the first day of the hearing. This change in our processes has necessitated a review of the existing reading fees payable to the PCC and HC members. In conducting this review, we have had regard to the approach of other healthcare regulatory bodies to reading fees. The information we have collated is detailed in the table below:

| <b>Healthcare Regulator</b> | <b>Reading fee</b>  |
|-----------------------------|---|
| GMC/MPTS                    | £50 per day for interim order tribunal hearings. No fee for final hearings or review hearings.<br><br>Note: bundles for MPTS interim order hearings can run to thousands of pages.          |
| NMC                         | £100 per event (not per day) where 'significant' pre reading is required. £50 for resumed hearings where a transcript is required pre reading.  |
| GOC                         | No set fee given to hearing panel members but ad hoc fee in the range of between £50-100 can be authorised by the Director of FtP (this usually applies where the bundle exceeds 500 pages) |
| HCPC                        | No reading fee is payable   |

5. We are proposing that, in parity with the reading fee payable to IC members, both PCC and HC Committee members will be entitled to claim a reading fee of £75 per event (not day) where there is likely to be a significant burden on committee members in undertaking the required pre-reading. Council should note that the size of bundles for individual hearings can vary from tens to hundreds of pages, depending on the type and complexity of the case under consideration. It is also difficult to set a precise number of pages at which point the allowance should apply; this will depend on the individual bundle, for example a bundle that includes lengthy transcripts is qualitatively different from one consisting largely of brief emails.
6. The Head of Regulation will have the discretion on a case-by-case basis to pay a reading fee and, in conjunction with the Chief executive and committee chairs, will keep the approach under review to ensure that it is fair and equitable

*Fitness to practise committee and legal assessor cancellation fees*

7. The current cancellation policy states that where fitness to practise committee members and Legal Assessors are scheduled to attend a meeting of the Investigating Committee or the Council, or a hearing before the Professional Conduct or Health Committees, and that meeting or hearing has to be cancelled, the GOsC will reimburse committee members and legal assessors as follows:
  - No fees will be paid where GOsC notifies the Committee (or legal assessor) of the cancellation more than 10 working days before the date of the meeting or hearing.
  - 50% of the fee will be paid where the GOsC notifies the Committee (or legal assessor) of the cancellation 6 to 10 working days before the date of the meeting or hearing.
  - The full fee will be paid where the GOsC notifies the Committee (or legal assessor) of the cancellation less than 6 working days before the date of the meeting or hearing.
8. While we endeavour to provide as much notice as possible of cancellations, sometimes this is not possible because of developments outside of our control. Additionally, a review of the cancellation policy of other healthcare regulators shows that the GOsC's current policy is generous in comparison to the others.
9. We are therefore proposing that the full fee is payable only where the GOsC notifies the Committee (including the Legal Assessor) of the cancellation of the event the day before the date of the meeting or hearing or where this takes place during a hearing. In all other cases, 50% of the fee will be paid for each day of the cancelled hearing where notification of the cancellation is given less than five working days before the date of the meeting or hearing. The current and proposed approach is set out in the table below.

| <b>Current<br/>(all circumstances)</b>      | <b>Proposed<br/>(prior to hearing)</b>     | <b>Proposed<br/>(during hearing)</b>       |
|---|--|--|
| 0-5 working days notice:<br>full fee        | 0-5 working days notice:<br>half fee       | 0-1 working days notice:<br>full fee       |
| 6-10 working days<br>notice: half fee       | More than 5 working<br>days notice: no fee | 2-5 working days notice:<br>half fee       |
| More than 10 working<br>days notice: no fee |  | More than 5 working<br>days notice: no fee |

10. Examples about how the new policy would work in practice can be found at the Annex.
11. It is acknowledged that the successful implementation of this policy relies on the Executive seeking to minimise the number of hearings that are cancelled or postponed, and the policy will need to be kept under review.

#### *Expenses*

12. The current expense policy allows for non-executives to claim up to £30 in subsistence for an evening meal which may include the purchase of alcohol. As far as we can tell, this policy has been in place since the establishment of the GOsC and (other than the £30 figure) has not been reviewed for at least six years.
13. Other regulators, for example the GMC and HCPC, have policies that exclude the purchase of alcohol from subsistence claims. It appears to be an oversight that we have not incorporated this into the GOsC's policy and it is difficult to justify its continuance.

#### **Recommendations:**

1. To introduce a reading fee for PCC/HC hearings to be paid at the discretion of the Head of Regulation.
1. To amend the cancellation fee policy as set out in paragraph 9.
2. To amend the subsistence policy to exclude the purchase of alcoholic drinks.

### Examples of how the cancellation fee policy would apply

#### Example 1

Six day final hearing scheduled for 2-9 May 2016 before the Professional Conduct Committee has been adjourned by the Committee on day 1.

The current cancellation policy would be as follows: The committee members and the legal assessor would be entitled to full attendance fees for days 2-6 at a total cost of **£7,590** in cancellation fees (representing £306 per committee members per day for five days and £600 per day for five days for the legal assessor).

The new cancellation policy would be as follows: The committee members and the legal assessor would be entitled to a full attendance fee for day 2 and half day fees for days 3-6. The total cancellation fees would be **£4,554** (representing £306 per committee member for day 2 and £600 for the legal assessor for day 2. Each committee member and legal assessor would be entitled to half day fee for day 3-6 at £153 and £300 per day respectively).

#### Example 2

Three day final hearing scheduled for 2-4 May 2016 has been adjourned following an application by the Registrant that he cannot attend the hearing because he is scheduled for an operation on 3 May 2016. The decision to adjourn was made by the chair of the PCC on 25 April 2016. The PCC and Legal Assessor are informed of this by the Regulation team on the same day.

The current cancellation policy would be as follows: The committee members and the legal assessor would be entitled to full attendance fees for Monday 2 May and half day fees for 3 and 4 May. The total in cancellation fees would be **£3,036** (representing £306 per committee member per day for one day and £600 for one day for the legal assessor and half day fees for each committee member and the legal assessor for the remaining two days).

The new cancellation policy would be as follows: The committee members and the legal assessor would be entitled to a half day attendance fee for Monday 2 May only. The total cancellation fees would be **£759** (representing £153 per committee member for day 1 and £300 for the legal assessor for day 1).