

Council meeting 12 April 2012

04.12/C/14

Public business

Appointments Committee annual report

Purpose

To note the Appointments Committee annual report

Action required

The Council is asked to note the Appointments Committee annual report at Appendix 1.

*Elizabeth Filkin
Chair Appointments Committee
29 March 2012*

Appendix 1**Appointments Committee Report 2012****Membership of the Statutory Committees**

The current membership of the statutory committees is as follows –

Fitness to Practise –	Investigating –	Appeals –
- 1 chair	- 1 chair	- 1 chair
- 6 deputy chairs	- 2 deputy chairs	- 2 deputy chairs
- 11 lay members	- 2 lay members	- 3 lay members
- 20 registrant members	- 5 registrant members	- 6 registrant members
- 8 reserve members	- 3 reserve members	- 3 reserve members

Hearing Panels

In the past year there have been three resignations from the Fitness to Practise Committee. These members were a reserve registrant member who was appointed in 2010, and two deputy chairs first appointed to the Health Committee in 2007 and transitioned to the Fitness to Practise committee in 2010.

The Rules require recruitment to fill these vacant chair and deputy roles but because the committee workload has reduced this process has not started. As you have discussed today the Council is seeking an amendment to the Rules to change this requirement. If this increased flexibility is agreed it will allow the numbers to fit the workload. In the meantime, the Scheduling and Hearings Manager, is scrutinising the empanelment procedures, to assess the need for additional members.

Listings Process

The new empanelment procedure for the Fitness to Practise Committee hearings has improved the arrangements. In the first three months of 2012 all hearing panels have been quorate, cancelled hearings have been significantly reduced and all panels have been mixed gender. Members are also being given more notice of dates in the second quarter of 2012.

Performance Management

The performance review process for members of the Statutory Committees includes the collection of performance feedback from members and the Hearings Management Team after every hearing and a formal one-to-one annual appraisal meeting. I appraise the chairs and deputy chairs. Prior to the appraisal meeting I attend a hearing to observe them performing their roles, read some determinations and occasionally transcripts. Appraisees complete self-appraisal forms. All of the available information from the year is collated for review prior to the meeting.

The appraisals of the Fitness to Practise and Investigating Committees chairs and deputy chairs started in June 2011 and I have completed 9 of 10; I am waiting to observe the 10th before scheduling the appraisal. The Appeals committee sits

infrequently and I will appraise the Chair and Deputy Chairs of Appeals when I have observed them and they have done more work.

The chairs and deputy chairs in turn appraise their fellow committee members. This process follows the same format but in place of observation members are assigned for appraisal to a chair or deputy chair with whom they have sat the most frequently. In the Fitness to Practise Committee 7 appraisals have been completed with 24 still to be scheduled. In the Investigating Committee 6 appraisals have been completed, 2 are scheduled for April and 2 remain to be scheduled.

Training and Committee Meetings

At the beginning of 2011 I and the chairs and deputy chairs of the committees attended appraisal training. This covered the principles and best practice in performance appraisal.

The Fitness to Practise chairs and deputy chairs met during May 2011 to discuss committee business. The Head of Regulatory Operations at the time also attended this meeting. The listings process and anticipated workload were discussed because members were critical of the arrangements and the lack of work. The committee agreed the indicative sanctions guidance for consultation prior to sign off.

The Investigating Committee met in May 2011, at their request, for a training session. They discussed the IC referral criteria, the 'real prospect test' and undertakings. The Chairs met in September 2011 with the Monitoring Manager to discuss the undertakings process.

Training for committee members took place between January and March 2012. The Fitness to Practise Committee attended two days in January or February with the Appeals Committee and members of the General Dental Council committees joining them for one day. One of these days covered skills such as questioning and decision making, and equality and diversity. The second day included a legal update and a refresher on learning points that had arisen during the year. The Investigating Committee attended legal update training on 27 March and the Appeals on 23 March. The Investigating Committee will attend equality and diversity training alongside members of the Visitors' team and the Appointments Committee in May.

I am now exploring with the executive other forms of training and development opportunities for committee members, including the use of role-play and/or forum theatre as training tools.

Feedback and learning points

I am in the process of finalising with the executive, a protocol for providing feedback and learning points for committee members. These may flow, for example, from the internal quality review group or learning points from CHRE.

Statutory Committees Succession Planning

The term of office for members of a Statutory Committee is 4 years with the option of reappointment for a second term. The maximum length of time someone can sit on a committee is 8 in any 20 years. All of the current appointments began on, or shortly after, the transition in September 2010 which means that they will all end in 2014. To

ensure that we have a continuous bank of knowledgeable and experienced committee members, from which to draw panels, the Appointments Committee will ensure succession planning by staggering second terms.

We expect to test through assessment centres and role-play.

Equality, Diversity and Inclusion

The Statutory Committees strive to promote equality, diversity and inclusion when performing their regulatory functions. To do this, and to be seen to be doing this, the Appointments Committee and the scheduling staff try to ensure that the people appointed and allocated to the fitness to practise, investigating and appeals committee panels are both of high calibre and reflect the public and the professions. At present the members do not sufficiently reflect the registrants or witnesses appearing before panels, or the public to whom registrants provide services. The Appointments Committee is aware that more needs to be done to attract high calibre applicants from underrepresented groups and is working to improve this. Equality impact analysis will be built in to succession planning and recruitment.

Appointments Committee Recruitment

As you know the term of office for two members of the Appointments Committee ends in September 2012. The recruitment schedule to replace these members has been arranged, with the advertisement to be placed at the end of April and interviews during the first two weeks of June. The appointment panel will be Council members Soraya Dhillon, a registrant member, Judith Worthington, a lay member and me.

Suspension

Pending the outcome of an investigation, a member of a committee is currently suspended, in accordance with the relevant procedure.

Elizabeth Filkin
29 March 2012