Appointments Committee report 2013

Purpose
To inform the Council of Appointments Committee-related activity over the past year.

Action required:

The Council is asked to note this paper.

1.0 Introduction

1.1 The Council established an independent Appointments Committee (AC) to recruit, appoint and performance manage the members of its statutory committees: the Investigating Committee (IC), the Fitness to Practise Committee (FtPC) and the Registration Appeals Committee (RAC). The AC’s remit is set out in more detail at Appendix 1, and includes a duty to report to the Council annually on its work.

2.0 Context

2.1 Amendments to GPhC rules came into force in February 2013 which enable a more flexible approach to committee composition. Committees now have maximum and minimum sizes rather than a defined number; common membership of the FtPC and AC is permissible; and the three committees now share a single reserve list, rather than one per committee. This flexibility will assist the organisation to handle workflow fluctuations and maintain currency of member skills and experience.

2.2 In September last year the GPhC centralised the staff resource and responsibility for recruitment, training & development, QA oversight and
performance management of all associate workers, including those involved in
the work of statutory committees, which should help to ensure consistency, best
practice and shared learning.

2.3 Listings process

2.3.1 The improvements noted in last year’s report in the first three months of 2012 as
a result of revisions to empanelment procedure have continued. A new role, with
responsibility for empanelment arrangements, has been created within the
Hearings Management team as the first point of contact for Committee members.
The aim is to improve communication with members and improve the efficiency
of the empanelment process.

2.3.2 The team is developing new systems which will help to streamline the allocation
of work to committee members, ensuring workload fairness as far as possible.

2.3.3 Although cancellations of hearings are unavoidable, the number of cancellations
has remained low, as members are only booked to sit on scheduled hearings.
The hearings calendar is monitored quarterly throughout the year. During the
last year all panels have been quorate and, with the exception of one
empanelled at short notice, all have been of mixed gender.

3.0 Training & development

3.1 FtPC and AC members received training in October 2012 and a further session
is planned for May 2013. In addition, FtPC received Interim Order training in
June 2012. IC members received training in February 2013.

3.2 The training has been a mixture of corporate/legal updates, specific policy areas
e.g. case study work on e.g. dishonesty or errors causing harm and soft skills
e.g. effective questioning and listening skills. Bespoke training has been
delivered using a mixture of techniques, including forum theatre, on quality
issues identified at the regular FtPC Outcomes Review meetings.

3.3 Statutory Committee members, in common with all associates, have received
Equality, Diversity and Inclusion training over the past year.

3.4 Last autumn the Chief Executive and I attended a meeting of the Chairs and
Deputy Chairs of FtPC and RAC, and a similar meeting of the IC chairs also took
place. These provided opportunities to share feedback on procedure and
explore options for improvement. Chairs’ meetings have been booked for the
coming year.

4.0 Quality assurance
4.1 **Gathering and handling feedback**
Feedback on committee member performance is gathered by a variety of means, e.g. from hearings feedback forms completed by chairs, members and the secretariat and from the regular staff Hearings Outcomes Review meetings. Chairs are requested to raise performance issues with members when they arise and I take up more concerning matters when they occur. A protocol determines whether any concerns raised via these or other methods are dealt with at the time by the chair or staff, or passed to me for action such as a meeting or phone conversation with the member. Whether or not action is necessary at the time, all feedback is logged to inform the appraisals.

4.2 **Annual performance review**

4.2.1 As part of performance management I review the performance of chairs and deputy chairs annually in a formal appraisal meeting, and they review the performance of the members. Prior to the review meeting I observe the chair at a hearing, read some determinations and occasionally transcripts. Those being reviewed are asked to complete self-appraisal forms.

4.2.2 I have completed 2013 annual performance reviews for four of the nine FtPC and IC and deputy chairs and those remaining have been scheduled. RAC sits infrequently but I have conducted two appraisals out of three for the chair and deputy chairs and will conduct the remaining one once that chair has sat.

4.2.3 Each chair is allocated a number of members to review and given a deadline for completion. The bulk of members’ 2012 performance reviews have been completed and the process for 2013 will commence shortly. As IC meetings are booked in advance for the whole of 2013, dates have been fixed for all member reviews. RAC member reviews will be scheduled once the committee sits.

4.3 **External review of performance management arrangements**
An external review of all the ways in which the performance for statutory committee members is managed is being undertaken at present.

5.0 **Committee population**

5.1 Over the past year, there have been four resignations from FtPC and one from IC. You will be aware that a pharmacy technician member of the FtPC and a pharmacist member of the IC have very recently resigned in order to take up their appointment as GPhC Council members (membership of the Council is incompatible with membership of any statutory committee). The other resignations were of a deputy chair, a pharmacist member and a reserve pharmacist member of the FtPC.
5.2 The current committee population, including reserves, can be seen at Appendix 2. The reserves, which are shown on this sheet as being allocated to particular committees, will be merged into a single pool as required by the amended Rules (the Appointments Committee will designate the committees on which each reserve member will be eligible to serve).

5.2 This composition does not conform to the amended Rule requirements in one respect; there are currently two more registrant than lay members of the FtPC, and there should be at least lay parity. Proposals have been submitted to the Appointments Committee for rectifying this, for remodelling the reserve list in accordance with the new rules and for covering one or two areas where resignations during the year have left us with no technical breach of the amended Rules, but where replacement would enhance the Hearings Management Team’s capacity to empanel FtPC Chairs and to ensure lay-registrant and gender balance on panels. The Committee will consider and decide on these at a meeting shortly.

6.0 Appointments Committee recruitment

6.1 Two new members of the Appointments Committee were appointed in September 2012. Contracts for two other members expire in September 2013 and I am currently considering whether their contracts should be renewed.

7.0 Succession planning

7.1 The term of office for members of a Statutory Committee is four years, with the option of reappointment for a second term. The maximum length of time someone can sit on a committee is eight 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 which are offered.

8.0 Equality, diversity and inclusion

8.1 The statutory committees strive to promote and reflect equality, diversity and inclusion when performing their regulatory functions. Appointments are made on merit. The Appointments Committee and the scheduling staff try to ensure that the people appointed and allocated to the statutory committees reflect the diversity of the public they serve, but at present the membership is not sufficiently reflective of this diversity.
8.2 Although the Appointments Committee is very much aware that more needs to
done to attract high calibre applicants from underrepresented groups and
continues to work to address this, suggestions to improve recruitment are most
welcome. Equality impact analysis will be built into the 2014 succession
planning and recruitment exercise; work has already begun on engaging with the
GPhC’s external EDI Reference group, as well as with our counterparts in other
regulators to explore where the barriers for applicants might lie. We shall learn
from the GPhC’s experiences in this area from the recent Council member
recruitment round.

**Action required:** The Council is asked to note this paper.

_Elizabeth Filkin_

*Chair, Appointments Committee*

15 March 2013
Excerpt from Appointments Committee remit

The Council has established an Appointments Committee with the remit set out below.

1. Under delegated powers from the Council and in accordance with the GPhC (Statutory Committees and their Advisers) Rules 2010:
   - To select and appoint appropriate persons to serve as members of the statutory committees including as chairs and deputy chairs;
   - To draft and submit to Council for approval the procedure for the suspension and removal of a member of a statutory committee, or any person on the reserve list;
   - To, where appropriate, suspend or remove from office members, including chairs and deputy chairs, of the statutory committees; and
   - To oversee procedures for the training, development, performance review and appraisal of members, including chairs and deputy chairs, of the statutory committees and, as appropriate, training for persons on a reserve list.

2. To advise the Council on:

   The minimum competencies it considers are required for appointment as a chair, deputy chair or other member of a statutory committee, whilst having regard to best practice on competencies required for membership of quasi-judicial committees, as disseminated by the Judicial Studies Board or the CHRE or any successor bodies;

3. The Appointments Committee must maintain a reserve list of appropriate persons who are eligible to serve as members of each of the statutory committees.

4. Other than as specified above, the Committee has no executive responsibilities or powers.

Accountability and reporting

5. The Committee is accountable to the Council. The Committee reports to the Council annually.
## Appendix 2

### Committee members and reserves in post as at March 2013

#### Investigating Committee

<table>
<thead>
<tr>
<th>Type of Member</th>
<th>Number of Members Allowed</th>
<th>Number in post</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chair (lay)</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Deputy Chair</td>
<td>2 lay deputy chairs</td>
<td>2</td>
</tr>
<tr>
<td>Registrant /Lay members</td>
<td>Not fewer than 3 and not more than 11 (must be at least as many lay, including Chairs, as registrants)</td>
<td>2 lay members 2 pharmacists 2 pharmacy technicians</td>
</tr>
</tbody>
</table>

**Total** 9

Reserves 2 lay reserves 1 reserve pharmacist Total 3

**Total incl. reserves** 12

#### Fitness to Practise

<table>
<thead>
<tr>
<th>Type of Member</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Chair (lay)</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Deputy Chairs (Lay)</td>
<td>No fewer than 3, no more than 8</td>
<td>5</td>
</tr>
<tr>
<td>Members (Registrant /Lay)</td>
<td>Not fewer than 8, not more than 51 (must be at least as many lay (incl chairs) as registrants)</td>
<td>11 lay members 14 pharmacists 5 pharmacy technicians</td>
</tr>
</tbody>
</table>

**Total** 36

Reserves 4 lay reserve 1 pharmacist reserve 1 pharmacy technician reserve | Total 6 |

**Total incl. reserves** 42

#### Registration Appeals Committee

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<tr>
<td>Chair (lay)</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Deputy Chair</td>
<td>2 Lay Deputy Chairs</td>
<td>2</td>
</tr>
<tr>
<td>Registrant /Lay members</td>
<td>Not fewer than 3 and not more than 17 (must be at least as many lay, including rhairs, as registrants)</td>
<td>3 lay members 4 pharmacists 2 pharmacy technicians</td>
</tr>
</tbody>
</table>

**Total** 12

Reserves 1 lay reserve 1 pharmacist reserve 1 pharmacy technician reserve | Total 3 |

**Total incl. reserves** 15