Council meeting 20 October 2010  

Public business

Fitness to practise task and finish group

Purpose
To consider the draft terms of reference for the establishment of a Fitness to Practise appointments task and finish group.

Recommendation

The Council is asked:

i. to discuss and agree the terms of reference for the establishment of an appointments task and finish group - draft attached at Appendix 1

ii. to agree a mechanism for the appointment of members to the task and finish group, as proposed in paragraph 2.7.

1.0 Introduction

1.1 Council has previously agreed in principle to set up a task and finish group to make recommendations for future arrangements for the appointment of statutory committee members. This paper proposes terms of reference for the group, and a mechanism for identifying members to serve on the group.

2.0 Key considerations

2.1 The Council (in its then designate form) agreed in principle at its December 2009 meeting that members of the RPSGB’s Appointments Group should become members of the GPhC’s Appointments Committee, to ensure business continuity (Paper 12.09/C/07). The original focus of the task and finish group idea was to ensure that this transitional arrangement did not last longer than necessary, with the group assisting the GPhC Council to develop its own policy and practice.
2.2 Whilst that exercise remains valid and necessary, Council may want to consider widening the scope of the group, with a view to addressing a number of related questions.

2.3 Council’s previous, informal, discussions of these issues might have been shaped by an implicit assumption or expectation that the GPhC’s own policy would be a further transitional step along the path to a definitive prosecution-adjudication split, with the establishment of the Office of the Health Professions Adjudicator (OHPA). Subject to the results of a recent consultation, this option may not be available in the future.

2.4 In addition to considering the implications of the OHPA decision, GPhC policy development on this subject could usefully re-visit some of the underlying principles, or assumptions, about how appointments of this kind should be governed.

2.5 In order to ensure that future policy is built on firm foundations, the review could explore the extent to which legal and policy considerations require or permit a particular degree of separation between the Council and the appointments mechanism. Whilst the Council can delegate the implementation of policy, it cannot delegate away its governance responsibilities for the adjudication function any more than it can – or would want to do so – in relation to any aspect of the Council’s work.

2.6 One of the Council’s aims in using task and finish groups rather than standing policy committees is to ensure that work remains focused on the issues which Council wishes group work to address, enabling the Council to exercise fully its own strategic role. With this aim in mind, with a piece of work relating to such a complex area of work as fitness to practise, it will be helpful to be clear about the limits of the group’s scope. The draft Terms of Reference (Appendix 1) seek to do this.

2.7 When establishing the task and finish group, Council will need to determine the most appropriate mechanism for identifying members to serve on the group. A practical approach is for the Chair to seek expressions of interest from members, to take soundings amongst other colleagues, and then to identify three or four members to work on the group. The group should include lay and registrant Council members.
3.0 **Equality and diversity implications**

3.1 The draft terms of reference require the task and finish group to have regard to equality and diversity implications.

4.0 **Communications implications**

4.1 There are no new communications implications associated with the draft terms of reference themselves, although please refer to paragraph 6.2 below.

5.0 **Resource implications**

5.1 The work of the group will be delivered and supported within existing resources, with information and options papers and information-gathering, including organising external input and contributions as required.

6.0 **Risk implications**

6.1 At the point of implementing a new system, one area of risk would be to business continuity and the efficient running of the GPhC’s statutory committees in the transition. This risk can be managed with appropriate planning.

6.2 Policy and political risks with wider strategic implications may arise if GPhC policy develops in isolation from the wider regulatory policy context. This risk can be managed with appropriate communications.

**Recommendation**

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ii. to agree a mechanism for the appointment of members to the task and finish group, as proposed in paragraph 2.7

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5 October 2010
Fitness to Practise Appointments Task-and-Finish Group

Draft terms of reference

1. To review the advantages and disadvantages of the current transitional arrangements for the appointment of members of statutory committees by the Appointments Committee, and to learn any lessons from those arrangements and those of other health professions regulators.

2. To identify how much latitude Council has, within the current statutory framework and applicable legal principles, to develop its own policy and practice for the appointment of statutory committee members.

3. In the light of future clarity about the existence and remit of the Office of the Health Professions Adjudicator (OHPA), to learn any lessons from the work done to date by and on behalf of OHPA, relevant to the appointment of statutory committee members.

4. To explore the scope and case for joint working between GPhC and other health professions regulators in relation to these issues, including the case for joint or shared arrangements.

5. In considering “appointment” of statutory committee members within these terms of reference, to consider in parallel issues relating to induction, training, discipline, performance monitoring and improvement, training, and removal of statutory committee members.

6. In relation to these issues, to consider how future arrangements can model good equality and inclusion practice and can deliver a membership for statutory committees which is notable for its diversity.

7. To make recommendations to Council on these matters.