Competency Framework for Statutory Committee Members

Purpose
To consider adopting the Royal Pharmaceutical Society of Great Britain’s (RPSGB’s) Competency Framework for statutory committee members as an interim Competency Framework for the GPhC’s statutory committee members

Recommendation

The Council is asked:

i. to adopt the RPSGB’s Competency Framework attached at Appendix 1.

1.0 Introduction

1.1 All members of the RPSGB’s fitness to practise committees have agreed to be transferred to the GPhC’s statutory committees as provided for under Schedule 5, paragraph 2 of the Pharmacy Order 2010.

1.2 The GPhC is in the process of recruiting a number of new members to its statutory committees.

2.0 Key considerations

2.1 The Council designate agreed in principle (at its December 2009 meeting) to members of the RPSGB’s Appointments Group becoming members of the GPhC’s Appointments Committee, subject to satisfactory appraisal (Paper 12.09/C/07).

2.2 On 14 April 2010, the Council ratified the decision made by the Council
designate at its December 2009 meeting (Ref Council minutes points 7.5, 10 – 12.1 and Paper No 04.10/C/01).

2.3 The GPhC needs to set minimum competencies before any new statutory committee appointments are made so as to comply with the Statutory Committees & their Advisers Rules, which require the Council to set minimum competencies for statutory committee members, having received the Appointments Committee’s advice on such competencies.

2.4 The RPSGB established a Competency Framework, proposed by the Appointments Group, for members of its Fitness to Practise Committees and appointed such members on the basis of this competency framework. All of these members have agreed to be transferred to the GPhC’s statutory committees. This does not prevent the GPhC from issuing its own Competency Framework in due course; however, the impact of doing so in the near future could have a negative impact on the smooth running of GPhC’s statutory committees. The current RPSGB framework is considered to meet the GPhC’s current needs.

3.0 Equality and diversity implications

3.1 There are no immediate equality and diversity implications associated with the adoption of this framework. In the medium and longer term, in the context of substantive GPhC review of the required competencies, the scope for bias of various forms in the formulation and assessment of competencies must be scrutinised.

4.0 Communications implications

4.1 There are no new communications implications associated with the recommendation.

5.0 Resource implications

5.1 The adoption of the RPSGB’s Competency Framework would represent the most efficient use of resources. If this framework were not adopted, it is not clear that sufficient resource would be available to cover the time and costs involved in establishing a new competency framework so as to allow the current recruitment of new statutory committee members to go ahead.

6.0 Risk implications

6.1 The main risk would be to business continuity and the smooth running of the
GPhC’s statutory committees.

Recommendation

The Council is asked:

i. to adopt the RPSGB’s Competency Framework attached at Appendix 1.

Seth Davies, Head of Regulatory Operations
Royal Pharmaceutical Society of Great Britain
seth.davies@rpsgb.org tel 020 7572 2339

6 September 2010
Appendix 1

Appendix A - Competency Framework

Essential Competencies:
For these roles you must be able to demonstrate the following competencies:

Definition of Competency
1. In this Schedule, “competency” means the combination of knowledge, skills, attitudes and behaviours required by a person in order to perform effectively as a member of a Statutory Committee.

Competency Levels
2. Each competency is divided into 2 levels

Level One applies to all members of the Statutory Committees (including the Chairmen of those Committees)

Level Two applies to Chairmen and Deputy Chairmen of the Statutory Committees.

Competency 1: Law and Procedure (including the application of guidance issues by the Society; relevant legislation and application of rules of evidence)

Level One:
1.1 Demonstrates knowledge and understanding of the legal and procedural frameworks which govern the functions of the relevant Committee.
1.2 Understands the subject matter of the jurisdiction of the particular Statutory Committee.
1.3 Demonstrates the ability to participate in reasoned decision making, based on elicited facts and taking account of any relevant guidance issued by the Society.
1.4 Demonstrates ability to formulate clear and adequate reasons for decisions based (where appropriate) upon documents published by the Council.
1.5 Demonstrates familiarity or understanding of the rules of evidence.
1.6 Reviews performance regularly, adapting skills and approach to improve personal and team effectiveness.

Level Two:
1.7 Possesses a detailed knowledge and understanding of the law, practice and procedures relevant to the Committee, including human rights issues, and awareness of recent jurisprudence arising out of S29 referrals to the Administrative Court by the Council for Healthcare Regulatory Excellence.
1.8 Possesses understanding of the role and powers of the CHRE and awareness of Section 29 processes and guidelines issued by the CHRE.
1.9 Demonstrates ability to ensure that members of a hearing panel remain on key issues.

Competency 2: Understanding of Committee function in providing public protection and fair hearings

Level One:
2.1 Displays an understanding of allegations and seeks appropriate points
of clarification.

2.2 Asks fair and relevant questions in relation to the allegations and evidence presented.
2.3 Ability to concentrate for long periods of time.
2.4 Time management and presentation skills and punctuality.
2.5 Ability to understand and assimilate the facts and arguments, and the ability to recall such material speedily and accurately.
2.6 Reads all papers before hearing panels.
2.7 Gives advance warning of his/her absence to the Secretariat in the event of being unable to attend a meeting or hearing panel.
2.8 Recognises and respects the needs of those appearing without representation.

Level Two:

2.9 Ensures that all of the panel members are given the opportunity to address relevant questions and to share views.
2.10 Manages the hearing to facilitate a fair and timely disposal.
2.11 Able to chair meetings, manage agendas, control time, build consensus, summarise outcomes and encourage active participation.

**Competency 3: Working in a collaborative and professional manner**

Level One:

3.1 Upholds confidentiality, honesty and discretion at all times.
3.2 Demonstrates a calm, patient, tolerant and non-confrontational manner, even in the face of provocation.
3.3 Shows a willingness to give and receive constructive feedback and to learn from others.
3.4 Shows appropriate concern for distressed parties and witnesses.
3.5 Makes fair and effective use of adjournments and best use of available resources.
3.6 Demonstrates at all times a level of sensitivity which reflects the serious nature of proceedings.
3.7 Listens to and works collaboratively with other panel members.
3.8 Generates trust, confidence and respect of others.
3.9 Possesses high standards of personal probity, integrity, tact and discretion.

Level Two:

3.10 Establishes rapport with panel members in an authoritative, open and participative style.
3.11 Draws upon the maximum contribution of individual panel members, and where appropriate, the Legal, Clinical or Specialist Adviser.
3.12 Appropriately challenges discriminatory views.
3.13 Maintains the confidence of all parties including other panel members.
3.14 Intervenes when there is inappropriate behaviour on the part of any panel member, representative, respondent, observer or member of the press.
3.15 Participates in training of new panel members.
3.16 Reviews practices and procedures and reports areas for improvement.
3.17 Provides constructive feedback, as appropriate, to the Appointments Group Chairman.
Competency framework for statutory committee members

Competency 4: Decision making

Level One:

4.1 Actively and constructively participates in decision making.
4.2 Observes relevant rules of evidence.
4.3 Exercises discretion fairly and impartially, applying knowledge and experience to decisions, and takes into account relevant case law.
4.4 Considers competing arguments and reasons logically to reach correct and balanced decision.
4.5 Provides comprehensive reasons for outcomes.
4.6 Accepts collective responsibility for decisions reached.
4.7 Ability to recognise any personal prejudices and set them aside.

Level Two:

4.8 Guides hearing panel through each stage of the decision making process in a structured format (seeking the advice of the Legal, Clinical or Specialist Adviser where appropriate).
4.9 Makes sure discussion in retiring room is purposeful and relevant.
4.10 Ensures all procedures are observed and where necessary that decisions are reached by vote.
4.11 Delivers the panel’s decisions and reasons in a clear, concise authoritative and timely manner.

Competency 5: Communication and conduct of hearing

Level One:

5.1 Listens attentively to all evidence and submissions, and understands complex legal arguments.
5.2 Accurately and concisely records relevant points from written or oral evidence and subsequent discussion.
5.3 Asks fair and pertinent questions confidently using plain language.
5.4 Exhibits impartial facial expression, body language and gestures.
5.5 Recognises and discloses any potential conflicts of interest.
5.6 Articulates views clearly and concisely, both orally and in writing.
5.7 Listens actively, avoids assumptions, checks understanding with others and shares information.

Level Two:

5.8 Clearly explains legal and procedural issues in understandable terms and specifies what is expected during and after the proceedings.
5.9 Maintains firm and effective control of proceedings taking into account good case management; identification of issues in dispute; and effective use of time.
5.10 Provides sufficient opportunity for the entire panel to address relevant questions and express individual opinions.
5.11 Calls for additional reports and other evidence where necessary and appropriate.
5.12 Provides guidance to respondents in conjunction with the Legal adviser where appropriate especially where respondents are unrepresented.
5.13 Manages the unexpected appropriately.
5.14 Drafts written decisions (with the advice of the Legal adviser, where relevant) which properly reflect the findings and decisions of a hearing panel, in clear and precise language.
5.15 Ensures that written decisions are delivered expeditiously.

**Competency 6: Equal Treatment**

Level One:

6.1 Is aware of and respects:
   a) Cultural and other differences among all those who appear before the Committee, or who are members of the Committee, or staff who provide secretariat services to the Committee, including differences in age, beliefs, gender, race, religious customs, sexual orientation and life styles or social status.
   b) The particular needs of parties, their representatives, witnesses, members and staff with physical or mental disabilities.

6.2 Presents a fair and balanced view based on all the information presented.

Level Two:

6.3 Facilitates the participation of all parties, representatives and members to promote equal treatment.