Suspension and removal procedure for statutory committee members

Purpose
To consider the procedure for the suspension and/or removal of a member of a statutory committee, and the removal of a person from the reserve list, on the grounds set out in the GPhC (Statutory Committees and their Advisers) Rules 2010.

Action required:
The Council is asked to agree the proposed procedure for the suspension and/or removal of statutory committee members or persons on the reserve list at Appendix 1.

1.0 Introduction

1.1 The Council established the Appointments Committee pursuant to its powers in article 4(7) of the Pharmacy Order 2010 for the purpose of exercising the functions conferred on it by the GPhC (Statutory Committees and their Advisers) Rules 2010 (“the Rules”) and other functions delegated to it by the Council.

1.2 These functions include overseeing the training, development, performance review and appraisal of members, and where appropriate the suspension and/or removal of members, including chairs and deputy chairs, of the statutory committees.

1.3 The procedure for the suspension and/or removal of a member of a statutory committee, and the removal of a person from the reserve list is to be drafted by the Appointments Committee and submitted to Council for approval.
2.0 **Key Considerations**

2.1 The procedure aims to ensure that complaints/allegations made against members of a GPhC statutory committee or persons on the reserve list are dealt with efficiently and effectively.

3.0 **Equality and diversity implications**

3.1 The procedure aims to ensure that all members of a GPhC statutory committee or persons on the reserve list are dealt with equally and fairly.

4.0 **Communications implications**

4.1 A copy of the procedure will be provided to every member of a statutory committee or person on the reserve list.

5.0 **Resource implications**

5.1 Should the Appointments Committee receive a compliant/allegation about a member of a GPhC statutory committee or a person on the reserve list then there are likely to be implications for GPhC resources, in particular if a meeting of the Appointments Committee is required to deal with the matter. However, existing resources will be utilised where possible, for example using the inspectorate to investigate such matters on behalf of the Appointments Committee if necessary and appropriate.

It is envisaged that such complaints/allegations (and the necessity for the Appointments Committee to hold a meeting to deal with the complaints/allegations) will be rare.

6.0 **Risk implications**

6.1 It is imperative that the integrity of the statutory committees is maintained and the proposed procedure will ensure that those individuals that are no longer fit to be a member of a GPhC statutory committee member or on the reserve list are dealt with appropriately and in accordance with a procedure that is fair, open and transparent.

**Action required:**

The Council is asked to agree the proposed procedure for the suspension and/or removal of statutory committee members or persons on the reserve list at Appendix 1.
Imogen Kelly HR Assistant OD and Associates
General Pharmaceutical Council
Imogen.kelly@pharmacyregulation.org 0203 365 3579

Gerard McEvilly – Head of Legal Advice and Hearings Management
General Pharmaceutical Council
Gerard.mcevilly@pharmacyregulation.org
0203 365 3551

19 August 2011
Suspension and Removal Procedure for Statutory Committee Members

1.0 Purpose
This document sets out the procedure for the suspension and/or removal of a member of a statutory committee, and the removal of a person from the reserve list, on the grounds set out in the GPhC (Statutory Committees and their Advisers) Rules 2010 (“the Rules”).

2.0 Introduction

2.1 The Council established the Appointments Committee pursuant to its powers in article 4(7) of the Pharmacy Order 2010 for the purpose of exercising the functions conferred on it by the GPhC (Statutory Committees and their Advisers) Rules 2010 and other functions delegated to it by the Council.

2.2 These functions include overseeing the training, development, performance review and appraisal of members, and where appropriate the suspension and/or removal of members, including chairs and deputy chairs, of the statutory committees.

3.0 Suspension and removal

3.1 The Appointments Committee must remove from a statutory committee any member who resigns, whose term of office has expired, or who, in the case of a registrant member, has ceased to be entered in the Register.

3.2 The Appointments Committee must also remove from a statutory committee any member who in the opinion of the Appointments Committee:

- Has ceased to be an appropriate person to be a member of a statutory committee (for example, by reason of misconduct or a criminal conviction);
- Has seriously or persistently failed to meet the standards of performance, conduct, attendance or participation in training required of a member of a committee in the ordinary course of a member’s duties;
- Is unable to perform the duties of a member because of ill health;
- Has improperly disclosed confidential information obtained by the
member in the course of membership of a statutory committee;
- Has brought the Council into disrepute;
- Has failed to comply with the code of conduct for statutory committee members; or
- Should no longer continue to be a member of a statutory committee in the public interest.

The Appointments Committee must remove from the reserve list any person who requests removal from the reserve list or in the case of a potential registrant member, has ceased to be entered in the Register.

Furthermore, the Appointments Committee must also remove from a statutory committee any member who in the opinion of the Appointments Committee:
- Has ceased to be an appropriate person to be a member of a statutory committee (for example, by reason of misconduct or a criminal conviction);
- Is unable to perform the duties of a member because of ill health;
- Has brought the Council into disrepute;
- Should no longer remain on the reserve list in the public interest.

4.0 Procedure for suspension and removal

4.1 Initial action in respect of an allegation(s)

On receipt of an allegation(s) against a member of the committee (or a person on the reserve list), the chair of the Appointments Committee shall consider the matter and decide on the appropriate course of action. This may include:

- Dismissing the allegation/complaint(s) and directing that no further action is required;
- Formally offering advice or a warning to the member or reservist about their future conduct;
- Referring the matter for investigation by the Registrar (or his appointee) and considering (in the case of members) whether in all of the circumstances of the case suspension should be considered by the Appointments Committee.

4.2 Suspension

Rule 14(3) states that the Appointments Committee may suspend a member of a statutory committee while investigations are being undertaken into that
member’s suitability to remain as a member of that statutory committee.

In considering whether to exercise the power to suspend the member while investigations are ongoing the chair of the Appointments Committee shall consider the nature and gravity of the allegations received and whether the failure of the Appointments Committee to suspend the member has the propensity to bring the Council into disrepute.

If the Appointments Committee determines that suspension pending investigation is necessary and appropriate then the member should be promptly notified of the decision to take such action and of the fact that the investigation is ongoing and they will be notified in due course of the outcome of such investigation.

No appeal lies from a decision of the Appointments Committee to suspend a member whilst investigations are ongoing.

4.3 Investigation

If the chair of the Appointments Committee determines that the allegation(s) requires investigation, then the matter should be referred to the Registrar for such investigations to be undertaken.

The member or reservist should be promptly notified of the allegation(s) made and the fact that the matter is being investigated by the Registrar, unless the Registrar believes that notification at that stage is (or may be) likely to prejudice the investigation.

Once the investigation is complete, provide details of the evidence obtained by the Registrar and offer the member or reservist the opportunity to make written or oral representations on the allegation(s) before the Appointments Committee;

4.4 The meeting

Rule 14(4) states that the Appointments Committee must afford any member of a statutory committee, or any person on the reserve list, who is under investigation the opportunity to make written and oral representations before reaching a decision on whether to remove that member from the statutory committee or that person from the reserve list.

The Appointments Committee will be required to meet to consider the evidence presented on behalf of the Council and the member or reservist and reach a decision on whether or not to remove that member from the statutory committee.
or that person from the reserve list.

The Appointments Committee must have a minimum of three members and voting should be done by simple majority. If a member of the Appointments Committee abstains from a vote at a meeting then the member’s abstention must be treated as a vote against the motion that has been put to the vote.

The conduct of the meeting (and the procedures to be adopted) is to be determined by the Appointments Committee on a case-by-case basis, subject to nature and complexity of the allegation(s), any representations received from the member or reservist, the requirements of fairness and the rules of natural justice.

Following its consideration of all of the evidence in the case and any representations received from the parties the Appointments Committee may:

- Dismiss the allegation/complaint(s) and directing that no further action is required;
- Formally offer advice or a warning to the member or reservist about their future conduct;
- Directing that the member or reservist should be removed from the statutory committee or from the reserve list.

The member or the reservist should be notified of the decision of the Appointments Committee within 14 days. No appeal lies from the decision of the Appointments Committee which shall be final.

**Appointments Committee**

Reference: [To be allocated when the procedure is approved]

Effective date: [Insert date]

Review date: [Insert date]