

Council member and Chair appointments and reappointments

GPhC0050 Version 1.1

This policy sets out our approach to managing and recommending Chair and Council member appointments and reappointment



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Introduction

This policy sets out our approach to managing and recommending Council member and Council Chair appointments and reappointments.

Purpose

It is designed to ensure that we follow a consistent approach to all appointments and reappointments, in line with relevant legislation¹ and other best practice. This includes the Professional Standards Authority's '*Good practice in making Council appointments*', which sets out the principles, guidance and the scrutiny process for regulators recommending appointments, subject to section 25C scrutiny². See the associated documents list below for more information.

Scope

This policy applies to all Council member appointments and reappointments, including the Chair of Council.

Exclusions

This policy does not cover any other types of appointments or reappointments, for example, appointments of statutory committee members, or external members of the non-statutory committees.

Responsibilities

Below are the key roles and responsibilities across the process:

- **Privy Council:** the power to make appointments to the GPhC Council rests with the Privy Council. In doing so, the Privy Council acts in accordance with legislation setting out, amongst other things, who may and may not be appointed to the Council and for how long they may serve³. In most cases, the Privy Council's decision will be informed by advice from the Professional Standards Authority.
- **Professional Standards Authority (PSA):** the role of the PSA is to advise the Privy Council on the processes used to select the candidates recommended for appointment. It is important for the Privy Council to have confidence in the process used by the regulators to make these recommendations before it makes its decision. The PSA scrutinises each appointments process carefully and advises the Privy Council whether it can have confidence in that process. The PSA is not a decision-maker and looks solely at the process undertaken by a regulator to make a recommendation.
- **Regulators (including the GPhC):** the role of the regulator is to assist the Privy Council to make the appointments. Regulators are responsible for managing the processes to identify suitable candidates and recommending these candidates to the Privy Council for appointment. This

¹ This includes the Pharmacy Order 2010, the General Pharmaceutical Council (Constitution) Order 2010, as well as the Equality Act 2010

² Section 25(c) of the National Health Service Reform and Health Care Professions Act 2002

³ The Constitution Order sets out the criteria by which individuals are disqualified from appointment to the council. This disqualification criteria is tightly prescribed. Individuals must also meet other relevant eligibility criteria.

includes recommending the Privy Council reappoint or extend the term of existing Council members.

- **GPhC Council:** the Council is responsible for ensuring that the appointments process is undertaken appropriately and in a timely manner, and for allocating sufficient resources to it. This includes approving the overall approach to recommending appointments and reappointments, in line with this policy.
- **Governance team:** the governance team is responsible for ensuring that the need to plan and initiate the process is brought to the Council's attention in good time, and for managing the day to day work. This includes preparing all evidential submissions to the PSA, liaising with the Privy Council on timetabling and working with any external recruitment agency to support the overall process, including designing the candidate packs, advertising strategies and interview processes. The team also provide support and advice on governance matters within the process such as due diligence and conflicts of interest.

Guiding principles

The Council has agreed the following guiding principles to underpin the process for recommending appointments and reappointments to the Privy Council:

1. appointments and reappointments must comply with the requirements of the Pharmacy Order 2010 and the Constitution Order 2010
2. all aspects of the process must comply with the Equality Act 2010, as well as the GPhC's commitment to equality, diversity and inclusion more widely
3. all aspects of the process must adhere to the PSA principles of a good appointments process: merit, fairness, transparency and openness and inspiring confidence
4. generally, Council member vacancies will be filled using a combination of open competition⁴ and reappointments⁵ (for each appointments round, Council will be asked to confirm, in advance, whether the vacancies will be filled using a combination of open competition and reappointment, open competition only, or by reappointment only)
5. in deciding whether to use open competition, reappointments or a combination of both, the Council will consider:
 - 5.1 the current and future needs of the Council in relation to particular skills, background or experience
 - 5.2 the balance within registrant membership (pharmacist and pharmacist technician) as well as the mix of pharmacy sector or setting experience

⁴ An open competition is when candidates are appointed to Chair or member posts following a publicly advertised competitive selection process.

⁵ Reappointments occur when sitting Council members or Chairs are appointed for a further consecutive term, following a formal process to assess whether their skills and expertise continue to meet the needs of the council but without having to go through a further open competition.

- 5.3 the diversity of backgrounds within the existing Council's membership, specifically that the Council should reflect the diversity of the public it serves and the pharmacy professions it works with
 - 5.4 the balance between continuity and refreshment of the Council's membership (the aim should be to produce a degree of change which minimises the risks of stagnation, on the one hand, and instability and delays, on the other)
 - 5.5 any other relevant external factors, for example, any anticipated changes to the constitution of the Council
- 6. new member recruitment will generally be supported by an external executive search agency, with suitable expertise in attracting diverse and experienced candidates for non-executive roles. This helps to avoid any direct, associative, perceptive or indirect discrimination and to increase the diversity of the candidate talent pool.
 - 7. communications and advertising strategies will be designed to ensure broad appeal and to identify a diverse field of candidates (which includes encouraging applications from particular groups, where appropriate) and promoted through diversity-focused channels and networks.
 - 8. candidate packs and other supporting materials will be produced in accessible formats, with clear, positive and welcoming messages about our commitment to equality, diversity and inclusion.
 - 9. a diverse selection panel for new appointments will be convened in line with the PSA guidance, including the requirement for an external independent panel member (see section 8 below for more information).
 - 10. selection and decision-making processes will be objective, fair and unbiased with robust independent quality assurance.
 - 11. diversity data will be collected and monitored at all stages of the process, including initial application, longlisting and shortlisting (please note data is not used in the individual selection process and will only be used for statistical purposes, and to help us review our performance in relation to our equality, diversity and inclusion responsibilities).

Selection criteria and competencies

The selection criteria and competencies used for Chairs and Council members should reflect the current and expected future needs of the Council.

To ensure that it continues to reflect these needs, the Council will approve the selection criteria ahead of each appointments process. As part of this, the Council will consider the current mix of skills and expertise, with a view to filling any gaps.

Essential criteria should be common to all Council members, while skills that are not essential for them all may be included as 'desirable' criteria.

When developing selection criteria, it is important to remember that Council members are not 'representatives' of any organisation, or profession, group or viewpoint.

The Council needs to be credible through its performance and the mix of background, knowledge and skills of the members, not because members individually are representatives of particular interests or constituencies. However, it is critical that a diversity of life experiences, ideas and perspectives inform

our decision-making at Council level and that our Council reflects the diversity of the public that it serves and the pharmacy professions it works with.

When setting the selection criteria and competencies, the Council will consider the diversity of the current council at this point and decide whether it may be desirable actively to seek applications from particular under-represented groups⁶.

The Council will ensure that the selection criteria does not create any unnecessary barriers and supports diversity in membership more widely. It must not directly or indirectly discriminate against, or deter applications from, any group.

Selection panels

A diverse selection panel will be convened for new appointments in line with PSA good practice guidance and other governance requirements.

The panel's main task is to assess candidates against the published criteria, in accordance with the published process, and decide who to recommend for appointment.

It is important to highlight that panels are required to make recommendations about appointments in the public interest. In order to do so, panel members should not consider themselves or be treated as representatives of any particular group or organisation in particular registrant membership bodies.

In line with PSA guidance, panel members should have experience in public appointments or transferable skills in the recruitment of leaders, and a range of different backgrounds, both professionally and personally, bringing different perspectives and inspiring confidence of different groups. The PSA guidance provides detailed guidance on panel constitution, including the need for an independent panel member, who can bring a credible, impartial perspective.

Selection panels must not include members of the GPhC staff. This is a strict requirement within the current PSA guidance.

Once established, we will ensure that the selection panel demonstrates a commitment to equality, diversity and inclusion throughout the process. The Chair of Council will raise awareness of our commitment to equality, diversity and inclusion with all new selection panel members in advance of the recruitment process starting and outline clearly what is expected from panel members throughout the process.

Terms of office

Council member appointments should be staggered, where possible, so that a full appointments process (through open competition) does not need to be run every year. Ideally, this should be no more than every 2 years.

When recommending terms of office, the following factors will be considered:

⁶ While positive discrimination, whereby an individual is chosen purely because they fall within a particular group, is illegal, positive action is now permitted under the Equality Act 2010. Examples of positive action in this context might include encouraging applications from certain groups through express statements in job adverts, hosting an open day for certain groups, or favouring a candidate from an under-represented group when two candidates are as qualified as each other.

- the likelihood of change in the Council's need for particular skills and expertise during the term being contemplated
- the balance between continuity and change within the Council's membership
- the wishes of the member concerned (this applies to reappointments only, as new appointments are advertised along with the specific terms of office dates)
- any other relevant information, for example, likely legislative or strategic change during the term being contemplated.

Council member reappointments

Overall approach

Reappointments occur when sitting Council members or chairs are appointed for a further consecutive term, following a formal process to assess whether their skills and expertise continue to meet the needs of the Council but without having to go through a further open competition.

Where there are Council members or chairs whose terms are ending, and who are eligible to remain, the Council should decide whether reappointments without open competition will be considered in principle and ascertain which eligible members would like to seek reappointment.

Reappointments are not automatic but can be an alternative to running an open competition if individuals' performance during their first term has been satisfactory and their skills and experience continue to meet the Council's needs. This is made clear to members at appointment and again when terms are due to end.

Individuals may be reappointed only if they continue to meet the eligibility and term-length criteria specified in Constitution Orders or other relevant legislation.

All reappointments must be made via recommendation or open competition – there must not be a mixture of the two, with some members recommended for re-appointment and others required to go through open competition. If an open competition is run, all sitting members who desire (and are eligible for) a further term must go through the open competition. This is in line with guidance from the PSA.

Below is the approach we take where Council agrees to the use of reappointments for a particular recruitment round (subject to the criteria set out above).

Reappointments procedure

Generally, reappointments should not be made more than six months before they are due, so as to ensure that evidence of the member's performance is current and relevant.

Members seeking a further term will be asked to provide a brief statement of their case for reappointment, including a number of declarations.

The Chair of Council will decide whether to recommend a member for reappointment and, if so, the recommended term of the reappointment. In doing so, the Chair should assess whether the member seeking reappointment continues to meet the Council's requirements and is likely to continue to do so during a further term, bearing in mind the current context of the Council's work and any anticipated changes.

The Chair will consider the following factors:

- total period in office and eligibility for a further term⁷
- continued eligibility for the role (including the member's declaration that they continue to meet the eligibility criteria)
- overall performance in the role (including the member's appraisal records)
- attendance record (including attendance at all Council, Committee or other working group meetings)
- the member's willingness and ability to commit the time required to the role
- any conflicts of interest or potential conflicts of interest
- anything in the member's professional or personal background which could cause embarrassment to the GPhC or the Privy Council
- any complaints received about the member
- the results of any other due diligence checks (e.g. fitness to practise history)
- the statutory requirement to have at least one Council member living or working in each of England, Scotland and Wales.

Each case will be considered on its own merit, bearing in mind the current and future needs of the Council.

As part of this decision-making process, the Chair will take soundings from one or more of the Chairs of the Audit & Risk, Remuneration, or Finance & Planning Committees. In the event that this is not appropriate, or there is a conflict or perceived conflict of interest, the Chair may take soundings from one or more external members of the sub-Committees referred to above.

The Chair will also seek third party and key stakeholder feedback, in particular from the Chief Executive and Registrar, or, should this not be possible other members of the regulator's senior team.

No Council member should be involved in any matter affecting their own reappointment.

The Chair will provide the Notice of Reappointment Recommendation to the Authority with the following information (with the name of the member redacted):

- statement of case for reappointment from the Council member concerned
- recommendation from the Chair (please note if the competencies required of Council members have changed since the member was first appointed, the Chair should outline how the member has demonstrated that they continue to meet these)
- summary of the member's most recent appraisal, including the outcome of the appraisal and any areas of concern
- up-to-date profile of other Council members
- recommendation for term of reappointment and explanation

⁷ Council members may not hold office for more than an aggregate of 8 years within any 20-year period

- any other information relevant to the reappointment.

Council Chair reappointments

The process for reappointing the Chair of Council will be the same as the process for Council members except that:

- The Chief Executive & Registrar will discuss with the Chair whether they intend to seek a further term.
- If so, the Council will assess its current and future needs.
- The Chair will be asked to provide a broader statement in support of their potential reappointment, including their ideas and approach to a further term.
- The Council will nominate two Council members (one lay, one registrant) to oversee the collation and assessment of evidence in the same way that the Chair of Council does for a member seeking reappointment, and to submit the recommendation of reappointment to the PSA.
- The Council should select members with appropriate skills and experience who are impartial and will be perceived to be so. These members would be expected to provide a written declaration that they do not intend to seek a further term of office.
- The appraisal reports for the Chair of Council will be based on a 360° appraisal process, including third party feedback.
- The Council will decide whether to recommend a Chair for reappointment and, if so, the recommended term of office.
- In doing so, the Council will take account of the current and future needs of the regulator, as assessed. The Council should also reflect on other relevant information including: the GPhC's annual report, accounts and strategic plan; media and reports in the public domain, and proposed changes in the regulatory environment.

Monitoring and compliance

The Council is responsible for agreeing the overall approach to appointments and reappointments.

Associated documentation

This policy should be read alongside the following supporting documents:

- **PSA Good Practice in making Council appointments** available on the PSA website.
- **Annex A: Example Chair role description and essential criteria**
- **Annex B: Example Council member description and essential criteria**.

(As specified above, **role specifications and selection criteria** are reviewed and approved by the Council in advance on each appointments process).

Annex A: Role of the Chair and essential criteria (example only)

The Chair is responsible for:

Leading Council

- Providing strong non-executive leadership to develop a focused Council who work collectively and that each Council Member puts the interests of the GPhC above their own, upholding the public interest at all times.
- Promoting the public interest and fostering an environment of openness, transparency, and accountability in the activities of the Council and of the GPhC more broadly.
- Leading Council in overseeing and scrutinising the development and delivery of realistic business plans and budgets, monitoring performance and examining proposals for change to arrive at proportionate and targeted decisions in line with corporate objectives, with the ability to withstand public scrutiny.
- Leading Council in holding the Executive to account for performance, delivery of the business plan, governance, risk and financial management.
- Chairing Council meetings effectively, to facilitate wide debate, listen to discussion carefully, summarise areas of consensus prior to decision making and articulate clear actions (this includes working with the Executive to ensure an effective and efficient annual programme of Council meetings with appropriate agendas).
- Communicating effectively with Council Members between meetings to ensure that business is taken forward, and effective contributions are made by utilising the appropriate skills of Council members.
- Providing leadership to develop a positive culture at the GPhC and within the Council, promoting equality, diversity and inclusion throughout all of our work.

Governance

- Maintaining appropriate governance and ensuring that the GPhC's code of conduct and other relevant policies and procedures are adhered to by all Council Members.
- Handling any complaints or concerns about Council Members in line with agreed procedures.
- Lead the appointments process for Council Members in line with the relevant legal and governance frameworks, agreed procedures and good practice guidance.

Stakeholder engagement

Playing a key role in representing the GPhC, developing and managing positive, productive, collaborative and influential relationships at all levels, including relationships with key senior stakeholders within and outside of the professions and accounting for GPhC performance to key senior stakeholders and its oversight body.

Working with the CEO and Senior Leadership Group

- Establishing and maintaining a close working relationship with the Chief Executive & Registrar, Senior Leadership Group and other staff, as appropriate; and providing a sounding board for discussion of emerging issues for the Executive

- Developing the critical friend relationship with the Chief Executive & Registrar and holding them to account for the performance of the organisation.

The essential criteria

Candidates will need to demonstrate that they have the necessary skills, knowledge and experience for this role. Candidates should provide specific examples to demonstrate how they meet the essential criteria for this role, including how they personally contributed to or achieved specific outcomes.

All candidates will be required to show how they meet the following criteria:

- **E1:** Proven ability to chair a complex and high-profile organisation [or an outstanding leadership record in a substantial, national or high-profile role]
- **E2:** ability to operate strategically, respond effectively to future challenges in healthcare regulation, be held accountable and hold others to account – contributing positively to the GPhC in a non-executive capacity.
- **E3:** High level governance and organisational skills including strategic planning, financial management, risk management, corporate and senior executive performance management and service delivery in a regulated environment with experience of non-executive work, understanding the boundaries between executive and non-executive responsibilities
- **E4:** Ability to lead and chair the Council in effective decision-making, interpreting complex information, identifying key issues, handling conflicting views, building consensus where possible and delivering concrete decisions to deliver the organisation's objectives.
- **E5:** Outstanding interpersonal and stakeholder management skills with a proven record of building effective and positive strategic relationships, so as to command credibility, confidence and support of a wide and complex range of interested parties at national level and ability to navigate a complex political environment.
- **E6:** Ability to build supportive relationships and work successfully as a team - welcoming and showing regard to the views and advice of others and supporting collective decision making.
- **E7:** Commitment to equality, diversity and inclusion – dealing with people and issues honestly, fairly and with respect, and promoting equality, valuing diversity and being inclusive.

Desirable criteria

[To include any desirable criteria as agreed by the Council during the planning of the appointments process and subject to an assessment of its needs. Desirable criteria may not necessarily be required for every appointments round]

On this occasion, we are looking for candidates who can demonstrate **one or more** of the following areas of specific interest/experience:

- (example) Understanding of professional regulation and its impact on public protection
- (example) Strong media and communication skills to deliver messages to and influence a range of audiences.
- (example) Ability to articulate patient and consumer issues and/or the interests of service users.

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Please note that candidates will need to provide examples of evidence to demonstrate their ability to be effective in relation to all of the essential criteria listed above, as well as the desirable criteria, where relevant.

Annex B: Council member role specification and criteria (example)

What GPhC Council members do

The Council has a governance and assurance role, overseeing rather than carrying out the GPhC's regulatory work. All Council members (including the chair of the Council) share a collective responsibility for carrying out the work of the Council and for the good governance of the organisation.

To do this effectively your duties will include:

- setting the strategic direction of the organisation – reviewing and revising its vision and purpose as needed
- making sure that the GPhC carries out all its statutory functions in an appropriate way
- making sure the financial management of the organisation is sound and its activities are cost effective
- delegating appropriate authority to the chief executive and registrar and to the committees of the Council
- making sure systems are in place to monitor the organisation's performance and hold the chief executive and registrar to account, making sure the organisation is run properly and follows current employment practice
- taking an active part in Council meetings and other internal and external meetings, and working effectively with the senior leadership group
- understanding who the GPhC's key interest groups are and their priorities
- keeping up to date with the changing nature of independent professional regulation and how it contributes to society
- taking part – when needed – in induction, learning and development, and performance reviews
- being available to the GPhC for the amount of time needed
- carrying out Council work in line with values, etc.
- acting as an ambassador for the GPhC, representing the Council to stakeholders.

The experience and knowledge Council members need to have

Candidates will need to demonstrate that they have the necessary skills, knowledge and experience for this role. Candidates should provide specific examples to demonstrate how they meet the essential criteria for this role, including how they personally contributed to or achieved specific outcomes.

All candidates will be required to show how they meet the following criteria:

Essential criteria

E1 Working within a framework

- An appreciation of and commitment to protecting, promoting and maintaining the health, safety and well-being of patients and the public.
- Experience of working within, either professionally or in other ways, a set of rules, guidance, policies or other boundaries.

E2 Good governance

- An understanding of and commitment to good governance, upholding the recognised principles of public life and understanding the role of governance in public bodies
- Clear appreciation of the non-executive role, and how executives should be held to account through constructive and positive challenge
- Ability to contribute to an organisation at strategic level, be held accountable and hold others to account – contributing positively to the GPhC in a non-executive capacity.
- Capacity to understand and contribute to the organisational and business issues with which the Council deals.

E3 Analytical and decision-making skills

- The ability to identify problems, options and solutions, considering the risks, consequences and impact.
- Ability for forward thinking and to see the bigger picture.
- Knowledge and experience of analysing different types of information and situation.
- A willingness to reconsider or change your thinking in light of new information.

E4 Working collaboratively and communicating professionally with others

- The ability to work with others, to challenge, listen and question constructively
- Good communication skills and ability to put views across clearly, persuasively and sensitively.
- Influencing and persuading others, using well-reasoned arguments, experience of participating in group discussions and working effectively with a team
- Understanding and being open to different points of view
- Ability to inspire confidence and support from GPhC stakeholders, including service-users, patients and members of the public.

E5 Integrity and respect

- A commitment to equality, diversity and inclusion – dealing with people and issues honestly, fairly and with respect, and promoting equality, valuing diversity and being inclusive
- Gaining the trust of others, principles, and values-based actions
- Taking an ethical approach to your work and being open and honest, including when things go wrong.
- Ability to reflect on own behaviour and impact on others.

Additional essential criteria for registrant applicants only

E6 Pharmacy professional practice

Up to date knowledge and understanding of the practice of pharmacists or pharmacy technicians and an awareness of the factors and issues that influence it.

Desirable criteria (examples)

On this occasion, we are seeking candidates with **one or more** of the following:

- knowledge and/or experience of patient advocacy or the patient voice (lay)
- clinical and/or prescribing skills in one or a range of settings (registrant)
- experience of technology developments in healthcare (lay or registrant)
- an understanding of academic and vocational education and training (lay or registrant)

In addition, we are seeking XX candidate(s) who lives or works primarily in England/Scotland/Wales (lay or registrant).

