



To: Council
From: Leonie Milliner, Chief Executive
Date: 17 July 2019
Paper: C19/020

Appointments (Investigating Committee & Audit Committee) and reappointments to Council

Classification	Public
Purpose	For approval
Issue	Appointments (Investigating Committee & Audit Committee) and reappointments to Council
Recommendations	<ol style="list-style-type: none">1. To approve appointments to Investigating Committee & Audit Committee2. To note that Council will be asked to consider the appointment of an independent member of Audit Committee by email in late August/early September 2019.3. To approve that the reappointment of three members of Council will be held without open competition4. To approve the process for recommending the reappointment (or not) of Council members to Council
Financial and resourcing implications	None
Equality and diversity implications	None
Communications implications	None
Annexes	Annex A: Summary CVs of new members of the Investigating Committee

Appointments (Investigating Committee & Audit Committee) and reappointments to Council

Investigating Committee

1. Council is asked to approve the following registrant appointments to Investigating Committee:
 - Penny Sawell
 - Jeremy Ruddock
2. The interviews for the registrant members of the Investigating Committee were held on 5 June 2019 and the interview panel comprised:
 - Ian Muir, Independent Member of the Remuneration and Appointments Committee and Panel Chair
 - Brian Wroe, Chair of the Investigating Committee
 - John Chaffey, Registrant member of Council
3. A summary of the CVs for the appointees is given in Annex A.

Audit Committee

4. Council is asked to note that it will be asked to consider the appointment of an independent member of Audit Committee by email, most likely in late August/early September 2019. The advert for Audit Committee is live; closing date for applications is 15 July 2019 with interviews to be held on 12 August 2019. Our aim is for the preferred candidate to be appointed by mid-September in order that training and induction can take place prior to Audit Committee on 24 October. Given the next Council meeting is in November 2019, Council is asked to approve making the appointment of the independent member of the Audit Committee by email shortly after interviews have concluded.

Reappointments to Council

5. The term of office for three Council members (Bill Gunnyeon, Deborah Smith and Joan Martin) ends on 1 April 2020; all three are eligible for reappointment, Bill Gunnyeon and Deborah Smith for further terms of four years until 1 April 2024 and Joan Martin for a further term of two years, until 1 April 2022.
6. Decisions regarding the process for agreeing reappointments to Council are normally made by the Remuneration and Appointments Committee (RaAC). Unfortunately, RaAC when it met on 27th June became inquorate for this issue. The minutes of the Committee (paper C19/034) describe the discussion of those members present (please note that as Deborah Smith was conflicted, she left the room for the duration of this discussion) and their recommendations. Given the need to commence the reappointments process with sufficient time for the Privy Council to make a decision, Council is asked to discuss and agree the

updated process for recommending the reappointment (or not) of Council members to Council.

7. Council is asked to approve the following:
 - a. The reappointment process for three members of Council from 1 April 2020 will be held without open competition for the reasons outlined in paragraph 10.
 - b. The updated process for recommending the reappointment (or not) of Council members to Council (without open competition) as described in paragraphs 12-15.

Discussion

8. The PSA has recently updated its guidance document on making appointments, see: 'Good practice in making council appointments, 'Principles, guidance and the scrutiny process for regulators making appointments which are subject to section 25C scrutiny,' published March 2019.
https://www.professionalstandards.org.uk/docs/default-source/appointments/good-practice-in-making-council-appointments.pdf?sfvrsn=90b57020_20
9. Three aspects of the PSA's updated guidance are relevant in making the decision as to whether reappointments should be made without open competition. They are:
 - a. In considering whether to make a reappointment without open competition, and in the reappointment process, no member should be involved in any matter affecting their own reappointment.
 - b. For those eligible for reappointment, it should be clear that there is no automatic right for a further term. Decisions to recommend individuals for reappointment should be based on an assessment of whether they have performed satisfactorily, and whether their skills and expertise will continue to meet the Council's future needs. Each application should be considered on merit following an assessment of the Council's expected future needs and current skill set.
 - c. In designing the process for agreeing a recommendation for reappointment, we will need to be able to demonstrate that the candidate for reappointment has been appraised and has demonstrated satisfactory performance and that during the process of reappointment third party and key stakeholder feedback is sought, in particular from the Chief Executive and Registrar, and/or other members of our senior team.
10. RaAC's view (albeit at an inquorate discussion) was that it recommends to Council that reappointments to Council should be made without open competition for the following reasons;

- a. Continuity. Six (out of ten) Council members' terms of office ends on 1 April 2020 (Bill Gunnyeon, Deborah Smith and Joan Martin, whose terms of office ends on 1 April 2020 and are eligible for reappointment and Alison White, John Chaffey and Haidar Ramadan, who will have completed their eight-year terms of office in April 2020). For these vacancies (Chair and two Council members) an open competition is about to commence. An open competition for six vacancies rather than three represents a significant disruption in continuity of membership of Council, at a time of change for GOsC. From a continuity perspective, it will also be potentially problematic in 2024, when five out of the six appointments will be eligible for reappointment, and again in 2028 when potentially half of Council will be new appointees.
 - b. Role descriptions. The role description and competence for Council members have remained broadly unchanged since appointments were made in 2014/2016, and the composition and requirement of Council in terms of the skill and competence Council members bring has not changed sufficiently to merit an open competition for reappointments.
 - c. Resourcing. The Chief Executive, with part-time support from Amada Chadwick, GOsC HR Manager and assistance from the Council and Executive Support Officer manages the appointments and reappointments process. If the Council considers the reappointments should be made with an open competition, then the three additional vacancies for Council members will need to be added to the appointment process currently underway for two members of Council, adding significantly to the scale and resourcing required. In addition, to maintain the balance of Council, if an open competition is called, at least one of the appointees would have to live or work in Northern Ireland.
11. If the Council agrees to make reappointments without open competition, the proposed reappointment process is described below. The proposed reappointment process is subject to the scrutiny of the PSA, and the timescale must allow a decision on reappointment to be made early enough to allow an open competition to be run if the outcome of the reappointment process is not to recommend to Privy Council the reappointment of an eligible member to Council.

Proposed Reappointment Process (without open competition)

12. In previous years, the reappointment process has been led by the Chair of Council and has included:
 - a. a standard GOsC application for reappointment form, which includes an opportunity for the candidate to provide a statement setting out the individual's case for reappointment, an assessment of their continuing ability to meet the competencies required for the role, and a confirmation that they can meet the time commitment.

- b. a completed appraisal form, including report on attendance.
 - c. a due diligence check, including complaints, any Fitness to Practise matters and conflicts of interests.
13. In addition, in accordance with the updated PSA advice, the Chair of Council in assessing each candidate's suitability for reappointment must also now seek feedback from stakeholders, relevant third parties, stakeholders and the Chief Executive/ SMT.
14. With oversight from RaAC, we are in the process of developing a feedback form to enable stakeholders and senior managers to provide feedback in confidence, including the Chief Executive & Registrar, Senior Management Team, non-executive members of committees on which the Council member sits or chairs, representative bodies within the profession (iO, NCOR, COIE, OA), the Osteopathic Education Institutions and any other body, organisation or committee on which a Council member may have represented GOSC or attended on GOSC's behalf. Feedback will be aggregated and anonymised, and a report provided to the Chair of Council.
15. The decision as to whether to recommend reappointment will be made by the Chair of Council based on the evidence listed above.

Summary CVs of new appointees

Investigating Committee

Penny Sawell graduated from the British College of Osteopathic Medicine (BCOM) in 1997, and the University of Bedford in 2006. Her years of experience as a practitioner coupled with a keen interest in the profession has led to her working closely with a number of groups in the development of the osteopathic profession and the creation the on-line blog, Osteofm.com, covering a wide range of osteopathy related topics including safety and complaints. Penny now works as a sole practitioner and has recently started lecturing at the College of Naturopathic Medicine.

Jeremy Ruddock graduated from the London School of Osteopathy in 2011 and is a winner of the Dean's Prize for Excellence (Anglia Ruskin University). Starting his career as a personal trainer in the early 2000's he is now the owner and principal osteopath of his practice and a Medical Expert member of the Frenchay Hospital Research Ethics Committee.