



Council
10 May 2022

Chairs Report: appointments and reappointments

Classification	Public
Purpose	For decision
Issue	To provide an update on the appointment activity which has occurred since the February 2022 Council meeting.
Recommendation(s)	<ol style="list-style-type: none">1. To note the update on the appointment of a Council member, Northern Ireland.2. To agree to a closed reappointment process for two members of Council who are eligible for reappointment from 1 April 2023.3. To note that Council agreed, outside of its normal meeting cycle, the recommendation to appoint Sue Ware to the position of lay member of the Professional Conduct Committee for a period of four years from 1 April 2022.4. To note that Council agreed, outside of its normal meeting cycle, to change the name of the Remuneration and Appointments Committee to People Committee and to update its Terms of Reference.
Financial and resourcing implications	Costs associated with appointments and reappointments were included in the budget approved by Council in February 2022.
Equality and diversity implications	Matters related to equality and diversity are considered by the Remuneration and Appointments Committee at all stages of the appointments and reappointments process.
Communications implications	The decision of Council to choose either an open or closed appointment process for two members of Council will be communicated to the Professional Standards Authority as part of the Scrutiny Process.
Annex(es)	Terms of Reference for the People Committee
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Key messages from paper:

- The reopened campaign to appoint a new Council member, Northern Ireland, is going well with 15 full applications received. Shortlisting has taken place and in-person interviews are scheduled for the end of May 2022.
- Two members of Council are eligible for reappointment for one additional year. Council is required to decide whether it wishes to follow an open or closed appointment process.
- The Remuneration and Appointments Committee considered the advantages of an open and closed appointment process. It concluded that it would recommend Council agrees to a closed process.
- The decision of Council to choose either an open or closed appointment process for the two members of Council will be communicated to the Professional Standards Authority as part of the Appointment/Reappointment Scrutiny Process.
- We will shortly be commencing a recruitment process to appoint our next Council Associate from 1 April 2023.
- Council are asked to note that the recommendation to appoint Sue Ware as a Lay Member of the Professional Conduct Committee, was agreed by email outside of the normal meeting cycle.
- The Remuneration and Appointments Committee met in March 2022 and recommended a change in committee name to People Committee as well as amendments to its Terms of Reference. The change in name and amendment to the Terms of Reference were approved by Council electronically outside of the normal meeting cycle.

Background

1. During 2022-23 we will be running a number of appointment and reappointment processes. This paper provides an update on those processes.

Discussion

Council member, Northern Ireland

2. Council members will know that we were unable to make a recommendation to the Privy Council for appointment of a lay Council member, Northern Ireland in the business year 2021-22 and a new campaign was subsequently launched.
3. The new campaign generated a much greater level of interest with 15 full applications received. The selection panel has undertaken its shortlisting activity and interviews will be held in-person at the end of May 2022. We are confident that we will be able to make a recommendation to the Privy Council after the interview process.

Council member, reappointment

4. The following Council members' term of office ends on 31 March 2023:

Member	Position	First appointed	End date	Second appointment	End date
Dr Denis Shaughnessy	Lay	1 April 2016	31 March 2019	1 April 2019	31 March 2023
Sarah Botterill	Lay	1 April 2016	31 March 2019	1 April 2019	31 March 2023

5. Both Denis Shaughnessy and Sarah Botterill are eligible for reappointment for a further term of office of one year to 31 March 2024. Both have indicated that they would like to seek reappointment.
6. Any reappointment process would be subject to PSA scrutiny following their guidance document 'Good practice in making council appointments'. Three aspects of the PSA guidance will be relevant in making the decision as to whether reappointments should be made without open competition. They are:
 - 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.
 - 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.
 - In designing the process for agreeing a recommendation for reappointment, we need to demonstrate the candidate for reappointment has been appraised and has satisfactory performance. We also need to obtain third party and key stakeholder feedback.
7. The Remuneration and Appointments Committee met in March 2022 and considered this matter. The recommendation of the committee was for a closed process recognising the need for continued stability of Council following a period of significant uncertainty, and that both members of Council will have recently taken the Chair of the Audit Committee and Remuneration and Appointments Committee respectively.

8. In making this decision, the Committee had regard for the advantages of an open and closed process being:

Open competition	Closed competition
Increases the potential for improving the diversity of Council.	Allows for continuity of membership during a period of uncertainty (regulatory reform, possible sector reconfiguration and vacancy on Council of a member from Northern Ireland).
Provides the opportunity to freshen the Council discussions by introducing new voices/perspectives into the meetings.	Both Council members have performed well in their roles and are the Chairs of the Audit Committee and Remuneration and Appointments Committee (from 1 April 2022).
Allows Council to address any specific skills gaps within existing Council team.	Would allow the next Chair of Council to select their own Council members (from 1 April 2024).

9. Council is asked to agree to a closed recruitment process for both members. If this is agreed, the Executive will commence activity on the PSA scrutiny process. In previous years, the reappointment process has included:
- A standard GOsC application for reappointment form, which includes an opportunity for the candidate to provide a statement setting out their 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.
 - A completed appraisal form, including report on attendance.
 - Due diligence checks.
 - Feedback from senior managers and relevant stakeholders.
10. At the conclusion of this process, a recommendation as to the reappointment of the two members of Council is sent to Privy Council, who will make the final reappointment decision. We will keep Council informed of progress as this process continues.

Council Associates

11. We will shortly be commencing activity on recruitment for our next Council Associate to take office from 1 April 2023. We would encourage all members of Council to promote this developmental opportunity so that we attract a wide range of diverse registrant applicants.

Professional Conduct Committee

12. At the February 2022 Council meeting, members were advised that the decision to appoint a lay member to the Professional Conduct Committee would need to be taken outside of the normal meeting cycle.
13. Members of Council approved the appointment of Sue Ware as lay member of the Professional Conduct Committee for a period of four years from 1 April 2022. The decision of Council has been captured within this report so there is a written record.

People Committee

14. At the February 2022 Council meeting, members were advised the Remuneration and Appointments Committee would be considering its Terms of Reference to reflect the change in Charing arrangements. Additionally, the committee was to consider whether a change in name would better describe its activity.
15. The Committee met in March 2022 and commended to Council a change in its name to the People Committee as well as some minor amendments to the Terms of Reference - attached at Annex A - around membership, quoracy and making some activity, such as wellbeing, more explicit.
16. The amended Terms of Reference were approved by Council electronically outside of the normal meeting cycle. The decision of Council has been captured within this report so there is a written record.

Recommendations:

1. To note the update on the appointment of a Council member, Northern Ireland.
2. To agree to a closed reappointment process for two members of Council who are eligible for reappointment from 1 April 2023.
3. To note that Council agreed, outside of its normal meeting cycle, the recommendation to appoint Sue Ware to the position of lay member of the Professional Conduct Committee for a period of four years from 1 April 2022.
4. To note that Council agreed, outside of its normal meeting cycle, to change the name of the Remuneration and Appointments Committee to People Committee and to update its Terms of Reference.

People Committee (effective from 1 April 2022)

Terms of Reference (last reviewed March 2022)

The People Committee oversees appointment, performance and remuneration policy in relation to Council, non-executives¹ and staff of the GOsC and makes recommendations to Council. To do this it will:

- a. Advise Council on the arrangements for the appointment, induction and performance review of the Chair and members of Council in accordance with the PSA's standards.
- b. Appoint the panel, including independent members, for appointing the Chair and members of Council.
- c. Provide assurance of high standards in the appointment and performance review of all other Council appointees including non-Council members of committees and other Council appointees.
- d. Advise Council on its structure, composition and competences.
- e. Make arrangements for the performance review process for Council as a whole.
- f. Make arrangements for the appointment of the Chief Executive and make a recommendation to Council.
- g. Following appointment, make arrangements for the formal review of the probation period of the Chief Executive and Registrar to be informed by feedback from Council, staff and stakeholders.
- h. Advise Council that the formal review of the probation period of the Chief Executive and Registrar has been completed and clarify whether the probation period has been successfully passed or whether the probation period has been extended.
- i. If required, oversee a performance management process for the Chief Executive and Registrar, which will ensure feedback is provided to them by the Chair of Council supported by two members of the People Committee.
- j. If appropriate, make recommendations to Council concerning the removal of the Chief Executive and Registrar.
- k. Consider and approve the remuneration of the Chief Executive on an annual basis.
- l. Receive an annual report from the Chief Executive on HR strategy.

¹ Non-executives are defined as members of Council, statutory and non-statutory committees and any other individuals, other than the Chief Executive and the executive team, appointed from time to time to undertake tasks on behalf of Council.

Annex to 5

- m. Consider and approve recommendations of the Chief Executive in relation to pay, performance and reward of all other staff.
- n. Consider any issues in relation to the remuneration of non-executives (including the requirements of the Charity Commission), review the remuneration of non-executives annually and make recommendations to Council.
- o. Consider any issues in relation to the performance review of non-executive members and make recommendations to Council.
- p. Consider the Equality, Diversity and Inclusion Framework as it relates to GOsC staff and non-executives.
- q. Consider issues of health and wellbeing as they relate to Executive and Non-Executives.
- r. Make an annual report to Council on the work of the Committee.

Meeting Frequency

Four times yearly or more frequently if required. Some business may be appropriately conducted out of committee. Any such activity will be reported formally to the next meeting of the committee with a record made in the minutes.

Membership

Two lay members and two osteopath members of Council and one external lay member with appropriate expertise.

There are no co-opted members.

Quorum

Three members - two lay members (Council or external) and one osteopath member.