

## Council Member Reappointments

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<b>Type of business</b>	For decision
<b>Purpose</b>	To review and approve the process of reappointment of three Council Members.
<b>Issue</b>	Three members of Council are due to finish their current terms of office in 2021. All members have expressed an interest in being considered for a further term of office. The Council is asked to approve the proposed process for the reappointment of Council Members for 2021, following recommendation by the Remuneration and Nomination Committee.
<b>Recommendation</b>	The Council is asked to approve the Council Member reappointment process.

### 1. Key considerations

- 1.1 Three Council Members will complete their current terms of office in 2021. These members are:
  - a. Anne Heal – Council Member and Member of the Finance and Performance Committee, Remuneration and Nomination Committee and Chair’s Strategy Group. Anne will have served one term of office between 1 October 2017 – 31 September 2021 (four years).
  - b. Jeyanthi John – Council Member and Member of the Remuneration and Nomination Committee. Jeyanthi will have served one term of office between 1 October 2017 – 31 September 2021 (four years).
  - c. Terry Babbs – Senior Independent Council Member and Chair of the Finance and Performance Committee. Terry will have served two terms of office (due to his first term being an emergency appointment); between 6 October 2016 – 30 September 2017 and 1 October 2017 – 30 September 2021 (five years).
- 1.2 All three individuals have expressed that they would like to be considered for further term of office, subject to a satisfactory appraisal and the appropriate reappointment process.
- 1.3 In addition to the reappointment process, the organisation will be running an appointment process for one new Council Member, and to appoint a new Chair, as individuals in those posts currently are due to demit office in September 2021.

- 1.4 Council Members are able to serve up to eight years of office during any 20-year period.<sup>1</sup> None of the Council members seeking reappointment have exceeded this limit, nor will they, should reappointments be made as a result of this process.
- 1.5 The Remuneration and Nomination Committee is responsible for scrutinising the process for recruitment and reappointment for Council Members and providing its assurance to the Council. The Committee reviewed the process by correspondence in August and is recommending it to the Council for approval.

## 2. Overview of Council Member reappointment process

- 2.1 The Privy Council makes reappointments to the Council and will seek the assurance of the PSA in relation to the reappointments process. The PSA has published "*Good practice in making council appointments*" (the Guidance) which includes guidance on the process.
- 2.2 The Guidance sets out that, if there are candidates eligible for reappointment, their views on continuing in their role should be sought early enough to allow an open competition to be run, if necessary.
- 2.3 In August 2020, the three Council Members who are due to finish their current terms of office were consulted by the Chair of Council about their intentions and each has confirmed that they would be interested in seeking reappointment to the Council.
- 2.4 The Guidance makes it clear that reappointments cannot be automatic, but they do not require an open competition to be run if an individual's performance during their first term has been satisfactory and their skills and experience continue to meet the Council's needs. If there is more than one reappointment proposed, candidates must all be treated equally.
- 2.5 In order to provide assurance, a number of steps have already been or will be taken, including seeking the views of Council Members, the Chief Executive and Registrar and any relevant third parties. Subject to the Council's approval of the process, appraisals will be held in October and November and a confidential report (**Appendix 1**) on each Council Member will be presented to the Council in December 2020, when the Council will be asked to take a decision regarding recommendation for reappointment. This report will also include assurance that the skills and experience of the Council Members being recommended for reappointment, as assessed as part of the skills audit conducted earlier this year, continues to meet the requirements of the Council and the Committee on which the Members sit.
- 2.6 The reappointments process has not been changed from the exercise that was conducted in 2019-2020 which was recommended by the, then, Remuneration Committee in September 2019 and approved by the Council in December 2019. The PSA confirmed that it had confidence in this reappointments process and the Privy Council made the recommended reappointments.
- 2.7 A detailed timeframe of the work involved in this process is set out at **Appendix 2**.

## 3. Legal, policy and national considerations

- 3.1 In accordance with the GDC's legislative framework, the Privy Council makes appointments to the General Dental Council. The framework sets out the number of Council members (12), and the criteria which must be satisfied in making appointments, including having at least one Council member from all four nations of the UK and the requirement for both lay and registrant members. The legislation also puts a limit on the length of term of office for Council members.

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<sup>1</sup> Section 3(2) of the GDC Constitution Order 2009

3.2 The GDC is responsible for managing the process of reappointment, and for providing the names of suggested appointees to the Privy Council. In accordance with section 25C of the Health and Social Care Act (2012), the Professional Standards Authority (PSA) provides assurance to the Privy Council in relation to the robustness of the process for suggested appointments used by all of the healthcare regulators, including the GDC.

#### **4. Risk considerations**

4.1 There is a risk that, following reappointments being recommended by the Council, the Privy Council do not reappoint the members, or the PSA do not find confidence in our process. This is not considered to be a material risk as the process has been designed to follow the PSA guidance on appointments and reappointments. The process has been planned to allow for enough time for additional vacancies to be incorporated into the Council Member recruitment process to be run in 2021 should it be necessary.

#### **5. Resource considerations and CCP**

5.1 The resource implication has been considered and the work will be completed as part of business as usual.

#### **6. Development, consultation and decision trail**

6.1 The Remuneration Committee reviewed and recommended the existing reappointments process in September 2019 and this was approved by the Council in December 2019. No changes were proposed to the Remuneration and Nomination Committee as that process ran smoothly and the PSA confirmed that it had confidence in the GDC's processes and, accordingly, reappointments were made to the Council.

6.2 Following the review by the Committee in August 2020, it found that it was content with the process and is recommending it for approval by the Council.

6.3 The Remuneration and Nomination Committee will receive updates with regards to the progress of the reappointments throughout the process.

#### **Appendices**

- a. Appendix 1 - Summary of information for confidential report
- b. Appendix 2 - Schedule for reappointment

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## Appendix 1

**Summary of information for Confidential Report**From the Governance team:

- Details of the Member's attendance at Council and Committee meetings and whether or not any attendance requirements have been met;
- Details of any complaints made against the Council Member;
- Details of any conflicts of interest that have arisen and how they have been handled;
- Confirmation that all legislative provisions have been complied with and that none of the disqualification criteria apply.

Assurance of skills and experience aligns with the objectives of the Council and Committees on which the members sit

From the Chair of Council:

- Confirmation that the Council Member wishes to be reappointed and can give time to the role;
- A review of the competencies used when the Council Member was appointed;
- An assessment as to whether the Council Member continues to meet the competencies and is performing at the required level. This assessment would take account of information from the Council Member's previous appraisals and the appraisal in November 2020;
- The outcome of the skills audit and an assessment of whether the Council Member will be able to meet the anticipated future needs of the Council;
- For registrant members only – whether any Fitness to Practise concerns have been raised;
- An overview of feedback from other Council Members, third parties and the Chief Executive and Registrar;
- An overall conclusion as to whether or not the Council Member should be recommended for reappointment.

## Appendix 2

## Schedule for Reappointment

<b>Stage</b>	<b>Lead</b>	<b>Date</b>
Discuss reappointment with candidate	Chair of Council	August 2020
Seek views of candidates from Council, Chief Executive and third parties	Chair of Council with support from Secretariat Manager	August 2020
Appraisal of candidates	Chair of Council	October - November 2020
Preparation of confidential report	Chair of Council with support from Secretariat Manager	December 2020
Council to take a decision regarding recommendation for reappointment	Chair of Council	December 2020
Submit Notice of Reappointment Recommendation to PSA [Three weeks needed]	Secretariat Manager	December 2020
Privy Council to consider and make the reappointment [Two weeks needed]	Secretariat Manager	January 2021
Notify candidates, Council and organisation of results	Chair of Council	January 2021