

COUNCIL

Council appointment campaign

Meeting: 14 November 2018

Status: for decision

Lead responsibility: Nicola Ebdon (Head of Governance)

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Purpose

1. For Council to agree the recommendations from the Nominations committee (Nomco) regarding the process of appointment for one lay Council member to succeed Selina Ullah who will have served her maximum term of office on 31 August 2019.

Recommendations

2. Council are asked to **agree**:
 - 2.1 Nomco's recommendation that there are no specific competency gaps to be filled by this campaign (paragraph 10);
 - 2.2 the competences to be sought (paragraph 11);
 - 2.3 the timetable for the campaign (paragraph 13);
 - 2.4 the role profile (annex two);
 - 2.5 the Selection Panel membership (paragraph 15);
 - 2.6 the eligibility and disqualification criteria and how actual or perceived conflicts will be managed (paragraphs 17-22); and
 - 2.7 the advertising strategy (paragraph 26) in particular which 'paid' advertising Council wishes to undertake.

Strategic objective

3. This work forms part of the 2018/19 Business Plan, specifically, member support – managing Council and committee member appointments, reappointments, appraisals and development and evaluation of performance.
4. [Nomco's term of reference](#) provide for the committee to consider and recommend to Council '*plans for Council member appointments as specified in the Council and committee appointment process (including the timetable for appointments, role description, selection criteria (competences) and members of selection panels)*' prior to an Advance Notice being sent to the Privy Council.

Risks

5. Nomco oversight of succession planning and following the process of appointments and reappointments mitigates the risk relating to being able to

appoint a diverse membership with the required level of skills and experience to undertake the roles and ensure quorate decision making. The proposals in this paper are compliant with relevant legislation/guidance and are in line with our published member appointment process.

Background

6. Selina Ullah will have served her maximum term as a Council member on 31 August 2019. We therefore seek one lay Council member to succeed Selina as of 1 September 2019.

Analysis

Evaluating vacancy requirements

7. A skills analysis of Council was undertaken in September 2018 and discussed by Nomco in October 2018. The analysis shows the following areas of knowledge are the lowest ranked from those included in the skills audit, however at least half of Council assessed themselves as having expertise in each area:
 - 7.1 **Legal** – six members not an area of expertise;
 - 7.2 **Accounting** – five members not an area of expertise;
 - 7.3 **Audit Management** – four members not an area of expertise;
 - 7.4 **IT hard/software** – four members not an area of expertise;
 - 7.5 **IT GDPR** – four members not an area of expertise;
 - 7.6 **HR** – three members not an area of expertise;
 - 7.7 **Political Awareness** – three members not an area of expertise; and
 - 7.8 **Regulation** – three members not an area of expertise.
8. In Nomco's opinion there are no specific competency gaps which need to be sought via this campaign, however Nomco do consider that Council would benefit from someone with skills in either a) financial work within a complex or charitable organisation, including managing budgets/ resources (but without a financial qualification) and/or b) risk management or audit work in a complex organisation. This has been appropriately reflected in the proposed competences.

Competences

9. The current competences for lay Council members are shown in **annex one**. These competences were agreed by Council in May 2018. Council should note that the PSA '[Good practice in making Council appointments](#)' guidance advises that essential competences for Council members must be applicable to all members. Nomco propose that we seek the following competences:
 - 9.1 Essential: E1, 2, 3, 4, 5, 6, 7, and 10; and
 - 9.2 Desirable: D1 and 8 a (without the need for a financial qualification) and/or b only.

Timetable

10. Nomco proposes the draft timetable below. We are anticipating a high number of applications for this role based on previous campaigns (lay 2016: 89; lay 2014: 71).
11. In order to meet the requirements of the PSA the process will include anonymous applications. This is the first campaign that to be undertaken where we accept and consider applications in this way. Taking this into account we have built additional contingency into the timetable, particularly in relation to pre-sifting and shortlisting which may take longer as Panel members settle in with new processes:

	TASK	Deadline
Q3 2018/19	Council approval of appointment documentation (inc. final competences as a result of the skills analysis)	14 Nov 2018
	Advance Notice to Appoint submitted to PSA	w/c 19 Nov 2018
	PSA clearance of Advance Notice (three weeks)	w/c 10 Dec 2018
Q4 2018/19	Advertising Launch (five weeks)	Mon 7 Jan 2019
	Application deadline	Mon 11 Feb 2019
	Pre-sifting (three weeks)	11 – 28 Feb 2019
	Dip-sifting (two weeks)	4 –15 Mar 2019
	Shortlisting (three weeks)	18 Mar – 8 Apr 2019
Q1 2019/20	Selection Panel teleconference	11 Apr 2019
	Due-diligence & references	w/c 15 Apr 2019
	Interviews (two interview days) in London	w/c 29 Apr 2019
	Recommendation to Council	15 May 2019
	Submission of reports to PSA for scrutiny / Privy Council approval (three weeks)	29 May 2019
	Appointment confirmed and announced	w/c 24 Jun 2019
Q2 2019/20	Induction (inc. observe July Council)	Jun, Jul & Aug 2019
	Appointment start	01 September 2019

We have avoided the following dates due to holidays: Fri 19 Apr 2019 (Easter); Mon 22 Apr 2019 (Easter); Sun 5 May to Tues 4 Jun 2019 (Ramadan); Mon 6 May 2019 (Bank Hol); Mon 27 May 2019 (Bank Hol) & Mon 26 Aug 2019 (Bank Hol).

Role profile

12. Nomco proposes no changes to the profile which is attached at **annex two**. It will be included in the candidate pack, which will be subject to Selection Panel approval.

Selection Panel membership

13. Nomco proposes a panel of four members in order to ensure there is sufficient diversity and provision in case of absence:
 - 13.1 Gareth Hadley, Chair of Council and Chair of Nomco;
 - 13.2 Rosie Glazebrook, lay Council member and Nomco member;
 - 13.3 Josie Forte, registrant Council member; and
 - 13.4 Chris Dearsley (independent assessor).

Term of office

14. It is recommended the new member is appointed for an initial four year term.

Eligibility and disqualification criteria

15. The criteria for disqualification from appointment as a Council member is set out in the [General Optical Council Constitution Order 2009](#). Additionally, as Council members are also trustees they are also subject to the [Charity Commission Automatic Disqualification Rules](#). The online application form will make specific reference to these criteria and ask candidates to confirm if any apply to them.

Actual or perceived conflicts of interest

16. Guidance produced by the Professional Standards Authority of Health and Care (PSA) states that candidates should not be eliminated from the selection process on the basis of actual, potential or perceived conflicts of interest until they have been given an opportunity to propose how they would manage or eliminate the conflict.
17. Examples of conflicts, which will be included in the candidate pack, that are likely to require the candidate to give up their existing role for a period of at least two years include:
 - 17.1 GOC employees including case examiners; and
 - 17.2 independent members of the GOC non-statutory advisory committees (i.e. Audit and Risk, Remuneration and Nominations Committee).
18. Examples of conflicts, that will require the candidate to give up their existing role with immediate effect include:
 - 18.1 GOC Education, Standards, Registration, Companies and Investigation committee members (although once appointed the new Council member

- will be able to sit on the committees in their role as a Council member (with the exception of the IC);
- 18.2 GOC Hearing Panel members; and
- 18.3 GOC Education Visitor Panel members.
19. Those who have been a GOC Council member for the maximum permissible term (eight years) during the last 20 years will not be eligible to apply.
20. The online application form will provide candidates with the opportunity to disclose any actual, potential or perceived conflicts of interest.

Monitoring forms

21. NomCo is responsible for ensuring that information is collected from all applicants to monitor efforts to ensure diversity. We will insert our current diversity monitoring form into the online application form.
22. Monitoring information will not be made available to the Selection Panel at any point during the selection process. Aggregated equality and diversity monitoring information will be provided as part of the annual monitoring report. Applicants will be advised how this information will be used in the candidate pack.

Advertising

23. The draft advert will be circulated for approval by the selection panel ahead of launching the campaign. It will include: a brief description of the GOC's role; an overview of the role profile; expected time commitment; remuneration; office tenure and start date; details on how to apply (including application deadline); interview dates, headline competences and our commitment to equality and diversity.
24. It is proposed that the advert is placed:
- 24.1 on the GOC website, via Twitter and via email to all our current lay members and those where we have obtained consent for us to send them details of future lay member campaigns;
- 24.2 Guardian online OR Times online – cost is circa £1,000 for the six weeks of advertising required (Nomco have expressed a preference for the Guardian which provided 48 per cent of applicants for the previous lay Council member campaign);
- 24.3 [NedonBoard](#) This is free of charge, however 'enhanced' advertising is available (which includes a one week LinkedIn promotion, higher candidate reach, featured vacancy on their homepage and newsletter) for £250 + VAT;
- 24.4 [Women on Boards](#) This is free of charge, however 'enhanced' advertising is available (highlighting as "position of the week" in a weekly email to

subscribers and corporate members: £200 or emailing of their members alerting them individually about the role: £300);

- 24.5 [Indeed.co.uk](https://www.indeed.co.uk) This is free of charge;
- 24.6 circulated to our established a list of diverse organisations who promote vacancies with their members/ mailing lists; and
- 24.7 circulated to a mailing list of stakeholders who have submitted their interest in GOC lay member vacancies.

Impacts

- 25. There are no implications in relation to budget, reserves, resources, Human Rights Act or sustainability.
- 26. The recommendations in this paper are made in line with our published Appointments Process, GOC legislation and Rules and relevant equality legislation. Our duties in relation to EDI are embedded in our appointment and reappointment activities and considered throughout the paper.
- 27. The Governance team will monitor the processes used to appoint members to ensure processes are compliant with relevant legislation.
- 28. In constituting the selection panel, due regard has been given to relevant EDI considerations and to: eliminating unlawful discrimination; advancing equality of opportunity; and fostering good relations.
- 29. We intend to embed EDI best practice into the planning and implementation of this campaign by:
 - 29.1 ensuring our appointment process is professional and based on fair, honest and transparent decision-making;
 - 29.2 appointment advertising strategies are inclusive and accessible, in order to attract the widest pool of suitable candidates;
 - 29.3 sifting and selection processes are barrier-free and suitable adjustments are made where necessary;
 - 29.4 staff involved in the appointment process are conversant with latest EDI practices;
 - 29.5 flexible scheduling throughout the process to match work/life patterns and other EDI considerations; and
 - 36.6 'equalities proofing' all our advertising and candidate materials, to make them as accessible as possible to all participants.
- 30. Our aim is to provide a truly diverse field of candidates, in terms of skills and career background (as well as protected characteristics). There is no indication that this selection campaign would have a disproportionately negative impact on persons of any protected characteristics.

Devolved nations

31. We will be looking to ensure diverse applications for our Council member campaign. This appointment campaign does not require us to seek a candidate from any particular devolved nation.

Communications

32. We will communicate with proposed selection panel members to confirm their availability for shortlisting and interview dates.
33. We have set out in the body of the report how we propose to advertise the positions.

Timeline for future work

34. The timeline for this appointment campaign is set out in the body of this paper.

Attachments

The following annexes are attached to this paper:

- Annex one – Council competences; and
- Annex two – Council role profile.

ESSENTIAL COMPETENCES

Applicable to all members of Council

E1: Demonstrable commitment to equality, diversity and inclusion – dealing with people and issues honestly, fairly and with respect.

E2: Ability to analyse and interpret complex information and evidence, demonstrating impartiality, intellectual flexibility and sound judgment.

E3: Ability to build supportive relationships and work as a team – welcoming and showing regard to the views and advice of others and supporting collective decision making.

E4: Ability to listen, communicate and influence effectively – articulating clear reasoning.

E6: Ability to operate strategically, be held accountable and hold others to account – contributing positively to the GOC in a non-executive capacity.

E7: Ability to articulate patient and consumer issues and/or the interests of service users who are especially vulnerable.

E8: Capacity and skill to understand stakeholder priorities – inspiring confidence and support amongst stakeholders.

Applicable to all members but not the Chair

E10: Understanding of corporate governance and corporate performance management.

Applicable only to the Chair

E13: Experience of leading an organisation with a significant budget of comparable complexity through periods of organisational development &/or cultural change.

E14: A portfolio of 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.

E16: Ability to build successful, constructive and supportive working relationships with stakeholders.

DESIRABLE COMPETENCES

Applicable to all members of Council

D1: Understanding of professional regulation and its impact on public protection

Applicable to 1+ members and the Chair

D3: Specialist expertise relating to the work of the GOC in a field such as: legal, patient safety, patient advocacy, public involvement, human resources, fitness to practice and/or service delivery

Applicable to 1+ members only

D8: Ability to articulate issues relating to:

- a) financial work in a complex or charitable organisation, including managing budgets/ resources (preferably with a financial qualification);
- b) risk management or audit work in a complex organisation;
- c) higher education, learning and development; and/or
- d) technology as a driver/facilitator of transformational change

Applicable to the Chair only

D10: Strong media and communication skills to deliver messages to and influence a range of audiences

Role Profile

Council is made up of registrant and lay members with different backgrounds and skills, knowledge and experience all of whom share the same duty of public protection and oversee the range of regulatory processes.

Members share corporate responsibility for:

- providing strategic direction and making policy and strategic decisions in the interests of public protection;
- ensuring the Council's statutory functions are delivered effectively and efficiently by holding the Executive to account, monitoring performance and ensuring equality of opportunity, accountability, openness and transparency;
- delegating authority to the Registrar, Executive and committees of the Council where appropriate;
- defining policy on important issues relevant to the Council, including standards of education, conduct and performance and structuring of indicative sanctions guidance;
- ensuring compliance with relevant legislation;
- setting registration fees;
- being a forum for public debate on important issues;
- accounting for its performance to Parliament, the Charity Commission and the Professional Standards Authority for Health and Social Care (PSA) and publishing an annual report;
- appointing members and the Chief Executive and Registrar;
- exercising oversight of the Council's activity through financial stewardship;
- ensuring effective communication with the public, registrants, professional bodies, government, and other interested parties; and
- promoting public confidence in regulation and enhancing the Council's reputation.