

# Council and Committee Appointments Process

## INDEX

1.	Introduction.....	2
2.	Appointments Process.....	2
2.1.	Role Description and Person Specification.....	4
2.2.	Application Forms.....	4
2.3.	Monitoring Forms.....	5
2.4.	Attracting Applications .....	5
2.5.	Information Packs.....	7
2.6.	Selection Process.....	8
2.7.	Selection Panel.....	8
2.8.	Sifting Process.....	10
2.9.	Interviews .....	11
2.10.	Recommendation Documentation .....	12
2.11.	Candidate Management .....	13
2.12.	Complaints .....	14
2.13.	Due Diligence.....	14
2.14.	Recommendation and Appointment .....	14
2.15.	Reserve Lists .....	15
3.	Reappointments.....	15
4.	Extensions .....	18
5.	Emergency Appointments.....	19
6.	Disqualification, Suspension or Removal.....	20
Annex 1.	Appointment timeline.....	23

Prepared by the GOC Governance Team

Approved by Nominations Committee on 15 July 2013

To be reviewed June 2014 by the Governance Team

# Council and Committee Appointments Process

## 1. Introduction

---

This policy has been drafted based on the Professional Standards Authority (PSA) Good Practice Guidance for making appointments to regulatory bodies and following a review of the UK Corporate Governance Code and the Cabinet Office Making and Managing Public Appointments Guide and the Commissioner for Public Appointments Code of Practice with regard to appointments of Chair and Members. The Commissioner for Public Appointments Code of Practice is underpinned by the Nolan Principles, and ensures that fair, open and transparent processes are in place to ensure the correct appointments are made.

The policy has also given due regard to Guidance from the Equality and Human Rights Commission in ensuring that the GOC is complying with the Equality Duties.

The purpose of this policy is to provide individuals wishing to apply for a vacancy as the GOC Chair, Council or committee member details of the process which the GOC will follow in managing appointments. It also provides details of the process which the GOC will follow in relation to reappointments, extensions, emergency appointments, disqualification, suspension or removal of the GOC Chair, Council members and/or committee members.

The Process is underpinned by the following four principles based on those identified by the Commissioner for Public Appointments as specified by the CHRE:

- Merit – our selection decisions will be based on evidence of merit of skills, experience and qualities which best meet the needs of the GOC.
- Fairness – we believe our selection processes are objective, impartial, applied consistently, promote equality and are free from discrimination, harassment or victimisation.
- Transparency and openness – our appointments will be advertised publicly to attract a strong and diverse field of suitable candidates. We will make information publicly available and provide clear reasoning in our recommendations to the Privy Council; and
- Inspiring confidence – our processes will involve independent scrutiny and are in keeping with our legislative framework.

## 2. Appointments Process

---

When a vacancy (or set of vacancies) arises (which is not an emergency – see section 5) the following appointments process will be followed where each vacancy will be filled through open competition.

## **Council and Committee Appointments Process**

### **Council Chair and members**

Council will evaluate the balance of skills, knowledge and experience on Council and agree a role description and person specification required for a particular vacancy (or set of vacancies).

### **Committee Chairs (excluding Council members) and members**

Council has delegated authority to its Nominations Committee<sup>1</sup> to:

- regularly review the composition (including the skills, knowledge and experience) required of Statutory Committee and Hearing Panel Members (inc legal, clinical and other advisers to the Fitness to Practise and Registration Appeals Committee) and agree any changes; and
- evaluate the balance of skills, knowledge and experience on the Statutory Committees and Hearing Panel and, in the light of this evaluation, approve a role description and person specification required for a particular vacancy (or set of vacancies).

### **Appointment processes**

Council has delegated authority to its Nominations Committee to:

- agree who will sit on the selection panel for a particular vacancy (or set of vacancies) following an assessment of the needs inherent in any vacancy/vacancies. It is anticipated that Nominations Committee members (including an independent assessor) will make up at least half of any selection panel with other members being Council members, Committee chairs/members or external experts as required. In addition if the Committee is considering the appointment of a Council Chair it will include a Chair of another regulatory body on the selection panel;
- be responsible for identifying and nominating for the approval of Privy Council, candidates to fill Council vacancies as and when they arise following the agreed selection process as described in this policy and process;
- be responsible for identifying and appointing candidates to fill Statutory Committee and Hearing Panel vacancies (excluding Council Members) as and when they arise following the agreed selection process as described in this policy and process.

### **Appointment of Council Chair and members**

The selection panel will make a recommendation to Privy Council for approval. The selection panel and the Independent Assessor will provide reports to the PSA on the selection process followed in making the recommendation. The PSA will consider our process against the principles (merit, fairness, transparency and openness and credibility), discussing any queries with the GOC where relevant and inform Privy Council once it is satisfied that our process was compliant with the principles.

---

1

[http://www.optical.org/goc/filemanager/root/site\\_assets/governance/policies\\_procedures\\_and\\_protocols/nominations\\_committee\\_terms\\_of\\_reference\\_-\\_may\\_2013\\_-\\_for\\_the\\_website.pdf](http://www.optical.org/goc/filemanager/root/site_assets/governance/policies_procedures_and_protocols/nominations_committee_terms_of_reference_-_may_2013_-_for_the_website.pdf)

## **Council and Committee Appointments Process**

### **2.1. Role Description and Person Specification**

---

A role description for Council Chair and members vacancy (or set of vacancies) will be approved by Council. A role description for committee Chair and members vacancy (or set of vacancies) will be approved by the Nominations Committee. It will be comprehensive and include any specific issues which are relevant to the role and clearly portray what is expected of the candidate. It will take account of contextual issues such as the agreed role and composition of Council/committee, the GOC's strategy, priorities and future challenges.

Person specifications for Council Chair and member vacancies will be approved by Council. Person specifications for committee Chair and member vacancies will be approved by the Nominations Committee. Each person specification will outline the essential and desirable criteria for the role developed after a review of the experience and competencies of the current membership to ensure that it complements and/or fills any gaps identified and/or meets new requirements identified. It will identify what the GOC specifically wants the candidate to bring including:

- specific professional skills, qualifications or experience;
- an understanding of GOC's stakeholders and/or the optical sector/consumer issues/devolved nations as appropriate in relation to the vacancies;
- specific personal qualities, skills and attributes to complement the current GOC Council/committee; and
- selection criteria against which the application will be assessed including eligibility/disqualification criteria.

The selection criteria in the person specification will be set so that an appropriate volume and diversity of candidates are attracted. The person specification will not contain requirements which are unnecessary or may deter applications. This will ensure equality of opportunity and be non-discriminatory. Person specifications will also include details of remuneration.

### **2.2. Application Forms**

---

The Nominations Committee will decide on the application format – whether to use a CV as well as an application form. The Committee will agree the application form for the vacancy and if CVs are acceptable then the Committee will agree any requirements regarding length and whether supplementary evidence will be allowed and its format. The Committee will review plans for the provision of application forms and information in alternative formats (e.g. large print, Braille and audio) and ensure that those conducting the selection campaign are prepared for requests for help with understanding and completing forms.

## **Council and Committee Appointments Process**

The Committee will consider whether to accept applications by e-mail and agree whether an electronic signature is acceptable or whether a hard copy needs to be returned.

The Committee will also consider whether to allow late applications and whether candidates should be asked to specify on their application whether they are available to attend for interview on the published dates.

### **2.3. Monitoring Forms**

---

The Nominations Committee will ensure that information will be collected from all applicants to monitor efforts to ensure diversity and that the forms to be used will cover all nine protected characteristics i.e. age; disability; gender reassignment; race; religion or belief; sex; sexual orientation; marriage and civil partnership; pregnancy and maternity. The Committee will ensure that this information will be detached from the candidate's main application form prior to sifting, not used in the selection process and will advise applicants how this information will be used.

### **2.4. Attracting Applications**

---

To ensure fairness, transparency and openness and selection on merit, vacancies will be filled through open competition. Consideration will be given to how to identify suitable candidates and what methods should be used to ensure a diverse field of candidates apply.

As a minimum, all positions will be advertised on the GOC website and Council vacancies will be published on the Cabinet Office's public appointments vacancy website. Consideration will be given to other potential advertising methods in relation to each selection campaign, which could include:

- pre-publicity campaigns for future vacancies;
- other devolved administrations' public appointments websites;
- direct mail to key stakeholders and diversity groups;
- mailing lists of interested parties;
- relevant professional organisations and media;
- local or national media; or
- social media such as LinkedIn.

The Nominations Committee will ensure the vacancy is publicised in a proportionate and appropriate manner in order:

- to ensure that there is a strong and diverse field of suitably qualified candidates from a variety of backgrounds to choose from;
- that adverts are easily accessible for the particular vacancy/vacancies and appropriate to the nature and degree of responsibility attached to such appointment; and

## **Council and Committee Appointments Process**

- to encourage applications from any identified areas of skills, knowledge, experience or geographical area which are required to ensure the appropriate balance of skills, knowledge and experience on Council or its committees. As such the Nominations Committee will ensure that the content and format of information packs take into account the needs of potential applications from candidates with the identified areas of skills, knowledge or experience.

The location and timing of publicity will take into account the nature of the role and the skills and experience sought. Consideration will be given to taking positive action to attract applications from particular groups in society in order to promote a diverse field of candidates; however all appointments will be made on merit.

It is permissible for Council/committee members to inform individuals that there is a vacancy and encourage them to apply. However this must not be the only means of seeking candidates. Any individuals contacted directly must apply using the agreed appointments process and they must be made aware that selection is made on merit only.

### **Advertisements**

The Nominations Committee will review and approve advertisements which will include:

- brief description of the role of the GOC;
- overview of the role description;
- headline selection criteria required (including eligibility/disqualification criteria);
- expected time commitment;
- remuneration;
- tenure of office and commencement date;
- details of how to apply (including reference to alternative formats); and
- closing date and interview/assessment date(s) if known.

The Nominations Committee will agree the period for which the vacancies will be advertised (a minimum period of four weeks is recommended).

### **External Providers**

In addition consideration will be given to using selection consultants or executive search firms to identify candidates. However the use of selection consultants or executive search firms will only be in exceptional circumstances. If an external provider is to be used the Nominations Committee will assess potential providers on the following areas prior to making a decision to appoint (requesting evidence of knowledge where appropriate):

- previous experience or recommendation;
- reputation, size, number of experienced personnel assigned to the project;

## Council and Committee Appointments Process

- ability to understand and develop a good working relationship with the GOC;
- experience of similar non-executive assignments;
- knowledge of and ability to meet the GOC's obligations under the Equality Act 2010 and Public Sector Equality Duties;
- competence and experience of attracting a diverse pool of candidates;
- cost effectiveness, value for money and budgetary control; and/or
- competence in sifting applications.

The GOC's policy on Contracts and Procurements will be followed when considering whether to involve external providers and the additional time commitment that may need to be added to the recruitment process. As of August 2012 the policy requires three written quotes for contracts of £10,001 - £50,000 and a formal written tender for contracts exceeding £50,001 and up to £174,000.

It is permissible for Council/committee members to make a recommendation in relation to external providers, but this must not be the only external provider considered. Any providers recommended should be considered following the GOC Contracts and Procurements policy. Where a recommendation is made the relevant Council/committee member will inform the Governance team to ensure transparency throughout the contract and procurement process.

### 2.5. Information Packs

---

An information pack required for a particular vacancy (or set of vacancies) will be sent to all candidates and will contain:

- details on how to apply and the closing date which will also include information on whether late applications will be permitted, what will happen in the event that candidates cannot attend on the published interview dates and whether candidates have any accessibility requirements for interview;
- an application form and monitoring form or details of how to access an application form and monitoring form;
- the role description and person specification;
- the term of appointment and whether the term is renewable;
- a realistic indication of time commitment;
- the location of the appointment and any other appropriate information;
- details of remuneration relating to the appointment (including any expenses policy);
- details of the role of the GOC (for example by direction to its website);
- information on the recruitment process and timescales;
- details of where to find the GOC Council/committee member and Chair Recruitment Complaints Procedure;

## **Council and Committee Appointments Process**

- details of whether expenses are to be reimbursed in relation to the selection process (if applicable);
- GOC's Code of Conduct and information on conflicts of interest, including a named contact in case the candidate wishes to discuss any conflict of interest issue further;
- details of when during the appointments process references will be requested and the type of reference required;
- details of eligibility/disqualification where relevant; and
- details of induction arrangements.

The Nominations Committee will finalise and approve the information pack for publication.

### **2.6. Selection Process**

---

The selection process will be applied consistently to all candidates. Clear selection criteria will be agreed which will ensure that they do not discriminate unlawfully against any group or groups in society and that the criteria are relevant to the particular vacancy. The selection criteria will be included in the person specification which once published will remain unchanged.

A selection process timetable will be agreed (see Annex 1) which will include deadlines for:

- initial reference to the PSA (Advance Notice to Appoint) (for Council vacancies);
- applications;
- sifting and/or shortlisting of applications;
- interviews;
- due diligence checks and references;
- PSA scrutiny of the process (for Council vacancies); and
- Privy Council/Nominations committee appointment.

The timeline could be affected by the time taken by the PSA and the Privy Council to consider the Advance Notice to Appoint and the appointment recommendation.

If there are exceptional reasons for extending the closing date for applications (such as the field of candidates is insufficient or there is a lack of diversity in candidate backgrounds) any extension of the closing date will be agreed by the Nominations Committee. The reasons for the extension, the procedure followed and the outcome will be documented. In order to ensure openness and transparency all candidates and potential candidates who have spoken to the GOC about the position will be advised of any extension and the reasons for it.

### **2.7. Selection Panel**

---

## Council and Committee Appointments Process

The Nominations Committee will agree who will sit on the Selection Panel for a particular vacancy (or set of vacancies) following an assessment of the needs inherent in any vacancy/vacancies. The Panel will usually be comprised of four members, but can include more members in exceptional circumstances. In order to assure the selection process, the Panel will include a person who is independent of the GOC (Independent Assessor) and who can bring an impartial perspective (the Nominations Committee Independent Member unless a conflict exists). The Panel will either be Chaired by the GOC Chair in relation to member appointments, the GOC Council Chair or a Council member in relation to committee member appointments, or the Chair of another regulatory body (for a GOC Council Chair appointment) who has been involved in the approval of the selection process.

It is anticipated that Nominations Committee Members<sup>2</sup> will make up at least half of any selection panel with other members being Council members, Committee chairs/members, or external suitably qualified experts who can best assess candidates' knowledge or expertise. These may be:

- a Council/committee member with particular knowledge/expertise relating to the vacancy;
- an external suitably qualified expert able to assist the Panel in assessing any specialist knowledge or expertise required of candidates at interview; or
- a Council/committee member able to represent the needs of devolved nations/regions when candidates are sought from these areas.

As it is often not possible for the panel to include representation from all key stakeholders, panel members will need to be credible with a range of interested parties, not least the candidates. The Nominations Committee will also consider the gender and diversity mix of the panel. The selection panel will not include any Executives from the GOC.

Panel members will be available for all key stages of the selection process, such as shortlisting and interview. Where it is necessary to substitute a panel member, e.g. in the event of illness another member of the Nominations Committee, who has been involved in agreeing the process can be considered as a substitute.

### Conflicts of Interest

If one of the selection panel knows a candidate in either a professional or personal capacity, then this fact will be declared, during the sifting of applications, to the Panel and recorded. Candidates invited for interview will be advised of the composition of the selection panel and will be able to advise the GOC of any connections or concerns with panel members.

---

<sup>2</sup>

[http://www.optical.org/goc/filemanager/root/site\\_assets/governance/policies\\_procedures\\_and\\_protocols/nominations\\_committee\\_terms\\_of\\_reference\\_-\\_may\\_2013\\_-\\_for\\_the\\_website.pdf](http://www.optical.org/goc/filemanager/root/site_assets/governance/policies_procedures_and_protocols/nominations_committee_terms_of_reference_-_may_2013_-_for_the_website.pdf)

## **Council and Committee Appointments Process**

The panel Chair will consider all connections and make a decision as to how to deal with the declaration and whether the composition of the selection panel should be changed. If the panel Chair, panel member or candidate is concerned about the closeness of the connection or the connection may be perceived as constituting a conflict of interest, then it is likely that the panel member will not take an active part in any sifting process or interview of the particular candidate and a substitute panel member may be sought.

### **2.8. Sifting Process**

---

All applications, regardless of their source, will be assessed against the criteria and selection made solely on merit.

The Nominations Committee will determine who will undertake the sifting. This can be undertaken by the selection panel, Independent Assessor or it can be passed to the external provider (if appointed) or other competent individuals (as agreed by the Committee). If the selection panel does not undertake the sifting, a random sample check will be undertaken by the Independent Assessor or panel Chair (if the Independent Assessor has undertaken sifting) to ensure consistency of approach and quality.

Telephone conferencing between panel members may be used for the purpose of producing a short list and any reserve candidates provided that the discussions and decisions are fully documented and contain sufficient explanation to convey how a decision was reached. Reserve candidates are individuals the panel assess as meeting the standard required to be considered for interview but are not included in the final shortlist. Reserve candidates could be invited to interview if any of the shortlisted candidates drop out, to ensure that there are sufficient candidates to be considered for the role(s) available.

Panel members will bear in mind that candidates can ask for copies of all information held about themselves, including any documentation relating to the selection process under provisions of the Data Protection Act.

The Independent Assessor will be involved in the sifting and shortlisting process (irrespective of who undertakes these processes) to scrutinise the process.

Selection of candidates for interview will be made on the basis of information provided by them in their CV/application form. Any other unsubstantiated information about candidates will be excluded from sifting decisions. However, there may be occasions when additional information about candidates comes to light during the selection process such as at interview. This information may call into question information already provided and may be relevant to the candidate's suitability for

## **Council and Committee Appointments Process**

appointment. The selection panel will consider its significance and impact on the selection process. Any action taken will be proportionate and ensure selection on merit. In the interests of openness, transparency and fairness, the selection panel will inform the candidate that additional information has been received; what steps it intends to take in order to verify the accuracy of the information; and thereafter, what further steps will be taken.

The selection panel will be responsible for ensuring that all documentation relating to sifting, shortlisting, reserve candidates and those selected for interview provides a clear audit trail and sufficient explanation to convey how all decisions were reached. Selection panels will be reminded that candidates can ask for copies of all information held about themselves, including any information relating to the selection process under provisions of the Data Protection Act.

### **2.9. Interviews**

---

No candidate will be appointed on the basis of written evidence alone. The selection panel will consider and agree the interview questions testing all relevant areas of the criteria. The selection panel will undertake formal interviews which will:

- adopt a documented interviewing policy;
- use the same key questions (adjusted to reflect the candidates circumstances) agreed in advance which are documented by the panel using pro-forma interview record forms;
- use further probing questions where necessary;
- ask all candidates whether there is anything in their past that would have the potential to embarrass the GOC or Privy Council (if relevant) were they to be appointed; and
- re-confirm the individual's ability to meet the time commitment and explore any potential conflicts of interest.

#### **Conflicts of Interest**

Where a potential conflict of interest arises in relation to the advertised role, whether actual or perceived, then it will be fully explored with the candidate by the selection panel. The panel will agree the most appropriate course of action and discuss this with the candidate. The panel may consider the conflict sufficient to make the candidate unsuitable for appointment or make it a condition on appointment to give up the conflicted activity. Alternatively the panel may consider the conflict not relevant to the position or can be managed and poses no risk. The panel will ensure that the candidate recognises the potential impact of the issue.

The selection panel will be provided with a guide in advance of the interviews which reminds panel members of the process to be followed, agreed interview questions, forms to be used in the interview and due diligence information.

## Council and Committee Appointments Process

During the interview the selection panel members should use the interview assessment sheets to make notes to assess the candidate's responses to questions. At the end of the interview the selection panel Chair should complete an interview record for each candidate which incorporates the collective view of all panel members.

### 2.10. Recommendation Documentation

---

For the appointment of Council members and Chair, following the conclusion of interviews, the panel will approve a Notice to Appoint identifying the Panel's collective decision on the outcome of the interviews, including:

- identification of which candidates meet the threshold to make them appointable;
- the best candidate(s) and how each recommended candidate meets the agreed criteria for appointment;
- the recommended term(s) of appointment;
- the reason for the vacancy;
- the requirements of the GOC, including the need to advance equality of opportunity and promote diversity, supported by profile of full Council;
- an overview of the methods used to attract a field of diverse applicants and details of the period for which the post was open for applications;
- details of the number and diversity of applicants at key stages;
- details of the membership of the selection panel;
- evidence that the process adopted promoted equality and was free from bias, discrimination, harassment or victimisation;
- details of any conflicts of interest identified, along with the course of action taken;
- details of compliance with legislation;
- details of complaints raised about the process and how the GOC handled them; and
- if within 12 months of an earlier campaign, information about appointable candidates from previous campaigns, where they were considered.

This document will be provided to the Independent Assessor.

The Independent Assessor will draft a report which explains any variances from this Policy and Procedure and verifies that the process followed demonstrated the four principles of merit, fairness, transparency and openness and credibility at each key stage.

For the appointment of committee members and Chairs (excluding Council members), following the conclusion of interviews, a paper will be presented to the Nominations committee identifying the panel's collective decision on the outcome of the interviews, including:

## **Council and Committee Appointments Process**

- identification of which candidates meet the threshold to make them appointable;
- the best candidate(s) and how each recommended candidate meets the agreed criteria for appointment;
- the recommended term(s) of appointment
- the reason for the vacancy;
- an overview of the methods used to attract a field of diverse applicants and details of the period for which the post was open for applications;
- details of the number and diversity of applicants at key stages;
- details of the membership of the selection panel;
- details of any conflicts of interest identified, along with the course of action taken;
- details of compliance with legislation;
- details of complaints raised about the process and how the GOC handled them; and
- if within 12 months of an earlier campaign, information about appointable candidates from previous campaigns, where they were considered.

This paper will be provided to the Independent Assessor who will provide a verbal update to the Nominations Committee to verify due process was followed.

### **2.11. Candidate Management**

---

Throughout the selection process the Nominations Committee will give consideration to how the GOC should:

- keep in touch with candidates, advising them of the process and how and when they can expect to be contacted, including if there is a delay;
- communicate with candidates including the use of standardised letters or emails;
- deal sensitively with unsuccessful candidates and those not being reappointed and ensure that communication to all relevant parties is made before any public announcements; and
- give disappointed candidates some context – i.e. the number of applications received to convey the size/strength of the field.

## **Council and Committee Appointments Process**

### **2.12. Complaints**

---

The Nominations Committee will ensure that the GOC has in place a relevant procedure for dealing with applicant complaints about the recruitment process which is published on the GOC website.

### **2.13. Due Diligence**

---

The selection panel will ensure that any necessary due diligence checks, i.e. checking references, verifying qualifications etc are undertaken before preparing the recommendation to Privy Council. The selection panel will ensure that the checks made are reliable, verifiable and relevant to the role and conducted in a way that is fair to all candidates and open to scrutiny.

If information is revealed which could affect a candidate's appointability, the selection panel will share the information with the candidate and seek an explanation to be considered by the selection panel with the new information before making a decision whether to recommend the candidate for appointment.

### **2.14. Recommendation and Appointment**

---

The selection panel will make its recommendation(s) to the Privy Council in relation to Council appointments and to the Nominations Committee in relation to committee appointments. The selection panel report, which identifies the panel's collective decision and is supported by additional evidence of the appointments process undertaken and the Independent Assessor's report, will be forwarded to the PSA to allow them to assess the evidence and advise the Privy Council or presented to the Nominations committee.

Once the Privy Council in relation to Council appointments and the Nominations committee in relation to committee appointments has made a decision it will send an appointment letter to the successful candidate. The GOC will write to the new Council/committee member/Chair and clearly outline the period of appointment, rate of remuneration payable, arrangements to meet the Council/committee Chair (if relevant), any terms and conditions of appointment and refer to any additional information, such as Code of Conduct, confidentiality and declaration of interests. The GOC will obtain their written acceptance of the appointment. A public statement will be made by the GOC to confirm the appointment and placed on the GOC website.

Candidates who are unsuccessful following the initial sifting stage will not receive feedback due to the large number of applications the GOC is likely to receive. Unsuccessful candidates who are shortlisted/interviewed will be informed of the outcome of the selection process and will be provided with feedback on request. Any feedback requested will not be provided until after any appointment announcement

## **Council and Committee Appointments Process**

has been made. All feedback given will be retained by the GOC for a minimum period of two years for audit and quality monitoring purposes.

### **2.15. Reserve Lists**

---

If an unexpected vacancy arises within 12 months of a previous appointment, a review of the needs of Council/committee will be undertaken before deciding whether to run a new selection process. If Council/committee requirements have not changed and the new vacancy has the same person specification and role description as used in the previous selection process (within 12 months) the Nominations committee can decide to reconsider for appointment any of the previous candidates who were identified as appointable.

### **3. Reappointments**

---

The Nominations Committee will make recommendations to the PSA/Privy Council on the reappointment of Council members prior to the conclusion of their specified term of office, having given due regard to their performance and ability to continue to contribute to Council. The Nominations Committee will consider and approve the reappointment of committee members prior to the conclusion of their specified term of office, having given due regard to their performance and ability to continue to contribute to their committee. No Council/committee member will be involved in the assessment of their reappointment evidence.

There is no automatic right to reappointment by the Privy Council/Nominations Committee and all reappointments will be considered on merit. In order to be considered for reappointment, the Council/committee member will need to have demonstrated that they have the skills and experience Council/committee will need in the future. This is important, as the needs of Council/committee may change over time. Evidence of satisfactory performance and attendance will also be required. Any reappointments will be made in accordance with the GOC's legislation. A current serving Council/committee member is eligible for reappointment by Privy Council/Nominations Committee as long as they have not served for more than an aggregate of eight years during any period of 20 years.

Council will undertake a review of the competencies which were used in the recruitment of Council members who are eligible for reappointment to assess whether they remain relevant or whether the competencies should change taking into account Council's strategic needs. The Nominations Committee will undertake a review of the competencies which were used in the recruitment of committee members who are eligible for reappointment to assess whether they remain relevant or whether the competencies should change. Any changes to competencies will be included in the Council/committee member appraisal forms for use in member performance appraisal.

## **Council and Committee Appointments Process**

The Nominations committee will consider reappointments. Any Council/committee member eligible for reappointment will not take part in consideration of their own reappointment.

Council/committee members eligible for reappointment will:

- be asked to confirm that they wish to be considered for reappointment and that they remain able and willing to commit to the required time commitment during the term of reappointment;
- complete an annual declaration of interests, which in the year of consideration for reappointment will be completed a maximum of six months prior to the date of consideration for reappointment; and
- complete a performance appraisal, which includes third party feedback, a maximum of six months prior to the date of consideration for reappointment. The appraisal will include consideration of how members meet the desired competencies currently required of Council/committee members and a discussion of members skills and experience.

The Governance team will prepare a report which will include:

- whether/how the competencies required of Council/committee members have changed since the candidates were first appointed;
- a summary of the appraisal process which has been completed and dates on which each members appraisal was undertaken;
- confirmation of each members attendance levels at Council/committee meetings;
- details of any complaints received relating to each member throughout their term, including whether they have been upheld, and an explanation of how they have been resolved;
- a summary of any conflicts of interest involving each member that have arisen since they were appointed (or confirmation that there have been none), and how these have been resolved; and
- confirmation that all relevant legislative provisions have been complied with, including: eligibility for reappointment in terms of length of tenure and other disqualification criteria; provisions relating to membership from Scotland, Wales and Northern Ireland provisions relating to lay and registrant membership and the GOC's equality duties.

The Chair of Council/committee will prepare a report which will include:

- confirmation that each member desires reappointment and remains able and willing to commit the required time commitments during a further term of office;
- an explanation of member performance, in particular how each member has demonstrated the required competencies to an acceptable level during their term of appointment;

## Council and Committee Appointments Process

- an explanation of whether the member is expected to meet the GOC's anticipated future needs during a further term of appointment; and
- an explanation of how the Chair has taken into account feedback from third parties in deciding to recommend each member for reappointment.

The Nominations committee will consider and agree whether reappointment is considered a preferable option to open competition, taking into account factors such as:

- the balance of skills, knowledge and experience on Council/committee;
- the diversity of the current Council/committee; and
- the current and future needs of the GOC.

Provided the Nominations Committee agree that reappointment is considered a preferable option to open competition it will review the reports by the Governance team and Council/committee Chair and decide whether to recommend/agree each eligible member for reappointment. The Nominations Committee will also consider whether to recommend/agree reappointment terms to ensure that recruitment of new Council/committee members can be staggered in order to retain an appropriate level of continuity.

In respect of reappointments to Council, the Independent Assessor will draft a report which explains any variances from this Policy and Procedure.

In respect of reappointments to Council, the Chair of Council will write to the Privy Council to recommend the reappointment of Council members. The Chair of Council will write to the PSA with information about the process for reappointment including:

- an explanation as to why reappointment is considered a preferable option to open competition, taking into account factors such as the skills mix and diversity of the current Council;
- the information contained in the reports by the Governance team and Council Chair; and
- the Independent Assessor's report.

In order to ensure the PSA's impartiality in the reappointments process all information which could identify or potentially identify a candidate(s) will be redacted in the report sent to the PSA.

The PSA, having considered the information will advise the Privy Council on whether it can have confidence in the process used to select the recommended candidates. Once Privy Council has made a decision it will notify the GOC. The successful Council member(s) will have their reappointment confirmed by Privy Council.

A public statement to confirm the reappointment(s) will be made by the GOC and placed on the GOC website.

## Council and Committee Appointments Process

The process for the reappointment of Council Chair will be led by the Senior Council Member who will collate and assess evidence as per the member reappointment process.

Council/committee Chair and members will be notified when the terms of Council/committee Chair and members are subject for consideration for reappointment and advised of the process for reappointment which will be followed.

### 4. Extensions

---

The Nominations committee may consider approving an extension to a term of office of a committee member or requesting an extension to a term of office of a Council member by Privy Council in the following circumstances:

- where reappointment is not appropriate i.e. in the case where a merger is pending or a review of Council/committee membership is anticipated; and/or
- to allow a new Chair to consider the needs of Council/committee going forward before reappointing members.

An extension to a term of office will not be considered if:

- Privy Council considers that the GOC is using a request for an extension as an alternative to undertaking a full reappointment process;
- where a member has served an aggregate term of eight years during a period of 20 years; and
- if the member's term of appointment has already expired.

Extensions will not exceed 18 months and will be publicised if they are for a period of 12 months or more. An extension should not normally be followed by a reappointment without a public appointments process taking place.

If the Nominations committee consider an extension to a term of office of a Council member is required they will notify the PSA of their intention to apply for a Council member extension which will include an explanation of the circumstances. The PSA will consider the request and inform Privy Council of the likely request for an extension of appointment. Once the PSA advises that an application can be made the Nominations committee will decide whether to make a formal request for an extension.

The Nominations committee will agree any formal requests for an extension to a term of office of a Council member, which will include:

- details of the extension requested including how long the extension is required for;
- an explanation of the circumstances and why the extension is required;

## **Council and Committee Appointments Process**

- an explanation of why undertaking a full recruitment process was not appropriate; and
- how the process used meets the principles of merit, fairness, transparency and openness and credibility.

The Nominations Committee will agree any additional information provided to or requested by the PSA/Privy Council to support the extension to a term of office of a Council member request, such as:

- a rationale for extending the term of appointment rather than taking another course of action;
- details of compliance with the GOC Constitution Order around term of office;
- relevant Member(s) last full appraisal / performance assessment;
- recommendation from Council Chair in support of the extension;
- last skills audit / profile of other Council Members;
- evidence that the processes adopted promoted equality and was free from bias, discrimination, harassment or victimisation; and
- any other information which the Committee considers to be relevant and in support of the request (i.e. training record).

The PSA will then assess the evidence and advise Privy Council.

Once Privy Council has made a decision, the GOC will be notified and Privy Council will write to the successful Council member(s) confirming the extension. A public statement to confirm the extension will be made by the GOC and placed on the GOC website.

The same process will apply for the extension of appointment of Council Chair, however in addition recommendations from third parties, including key stakeholders will also be required.

## **5. Emergency Appointments**

---

Emergency appointments to Council will be considered by Privy Council when an appointment is required quickly without open competition. Emergency appointments to committees will be considered by the Nominations committee when an appointment is required quickly without open competition. Such appointments will not normally exceed 12 months to either allow for a short-term crisis to pass or for an open recruitment process to be held and completed.

The Nominations Committee will be responsible for deciding whether an emergency appointment to Council/committee is required. Before proceeding to find a suitable candidate, the committee will advise the PSA about how they intend to proceed. The

## **Council and Committee Appointments Process**

PSA will then consider the request and advise the Privy Council who in turn will confirm with the GOC whether they can proceed.

The Nominations Committee will be responsible for:

- agreeing how suitable candidates will be sought;
- the format for applying, including deadlines; and
- ensuring the principles of a good appointments process are upheld.

In respect of emergency appointments to Council, the Nominations committee will provide to the PSA:

- an explanation as to why an emergency appointment is required and details of plans for making a substantive appointment;
- proposed period of appointment and how this complies with the Constitution Order;
- details of how the candidate was identified;
- individuals CV/application form;
- diversity monitoring information; and
- individuals skills audit and how this meets the needs of the emergency appointment.

After a suitable candidate has been found the Nominations Committee will inform the PSA who will then assess the evidence and advise Privy Council. Privy Council will then notify the GOC and write to the successful applicant to confirm their appointment and term of office.

In respect of emergency appointments to committees the Nominations committee will consider the above information and report its decision to Council. The GOC will then announce the appointment and confirm, at the same time, plans for making a substantive appointment.

## **6. Disqualification, Suspension or Removal**

---

The Nominations committee will make recommendations to Council in relation to the disqualification, suspension and removal from office of the Chair and Council members. The Nominations committee will make decisions in relation to the disqualification, suspension and removal from office of committee Chairs and members. In doing so the committee will ensure that the four principles of merit (fairness; transparency; and openness and credibility) are observed during the process of disqualification, suspension, or removal of a Council/committee Chair or member.

In considering the disqualification, suspension and removal from office of committee Chairs and members the Nominations committee will follow the requirements of the GOC (Committee Constitution) Rules 2005 Part 1A (disqualification, removal and suspension).

## **Council and Committee Appointments Process**

If a member (or Chair) of Council is disqualified from appointment as a member (or Chair) on any of the grounds outlined in Part 2 section 5 of the GOC Constitution Order 2009, the Nominations Committee will inform the member and the PSA in writing of the disqualification, providing detail of the grounds for disqualification.

If a Council member (or Chair) believes they should be removed from office either because they wish to resign or because they become, or are about to become, a person to whom paragraph (1)(b) to (g) of Part 2 section 6 of the GOC Constitution Order 2009 applies; then they must notify the PSA, Privy Council and Council in writing as soon as possible.

The Chair, or if appropriate the Nominations Committee in the case of a Chair, will inform the Privy Council of any circumstances where they believe a Council member should be suspended/removed from office on any of the grounds outlined in Part 2 section 7 of the GOC Constitution Order 2009 or if they believe a Council member has not notified the Privy Council in writing of that fact and it is not satisfied that the Council member will do so immediately. The Chair, or if appropriate the Nominations Committee in the case of a Chair, will provide the PSA with details of the suspension/removal decision they want the Privy Council to take and how the process they adopted to inform this decision demonstrated the four principles of merit; fairness; transparency and openness and credibility. The Chair, or if appropriate the Nominations Committee in the case of a Chair, will collate evidence to support the decision, which will include:

- details of compliance with Constitution Order;
- the process used to recommend suspension/removal;
- evidence that the processes promoted equality and was free from bias, discrimination, harassment or victimisation; and
- the rationale for suspending/removing the Council member (or Chair).

The Privy Council may suspend a Council member (or Chair) from office by serving a notice in writing on the Council member (or Chair) on any of the grounds outlined in Part 2 section 7 of the GOC Constitution Order 2009. The notice in writing will set out the reasons for the suspension and the duration of the period of suspension, which shall (in the first instance) not be for more than six months. The Privy Council may stay its consideration of whether or not to suspend a member while the Council consider whether or not to suspend the Council member provisionally under standing orders of the Council.

If a Council member (or Chair) has been suspended provisionally under standing orders of the Council:

- Council will notify the Privy Council in writing of the provisional suspension as soon as is reasonably practicable; and

## **Council and Committee Appointments Process**

- Privy Council will consider the matter with a view to determining whether or not to suspend the member or to remove the Council member.

If after considering the matter the Privy Council decides not to suspend the Council member (or Chair), and not to remove the Council member (or Chair) from office, Council will terminate their provisional suspension of the Council member (or Chair) under its standing orders.

The Privy Council may at any time review a suspension of a Council member (or Chair); and will review any suspension of a Council member (or Chair) after three months from the start of the period of suspension, if requested to do so by the suspended Council member (or Chair). Following a review, the Privy Council may terminate the suspension or if that review is within three months of the end of a period of suspension, extend the suspension for a further period of up to six months from the date on which the suspension would otherwise come to an end.

The Privy Council will notify the suspended Council member (or Chair) in writing of the outcome of any review and that notice shall include the reasons for any decision taken.

## Council and Committee Appointments Process

### Annex 1. Appointment timeline

---

Action/Milestone	Time taken	Date
Council/Nomination Committee meet to review Council/committee requirements and agree appointment criteria, role description, person specification and agree selection panel	2 weeks	
Selection panel agree information packs, selection process and Advance Notice to Appoint	2 weeks	
PSA review of Advance Notice to Appoint (Council appointment processes only)	6 weeks	
Advertise	4 weeks	
Closing date for applications		
Sifting and/or shortlisting complete	3 weeks	
Panel interviews and due diligence checks	2 weeks	
Reports drafted	1 week	
Nominations Committee approval (committee appointment processes only)	1 week	
PSA consideration, questions and recommendation to Privy Council (Council appointment processes only)	2 weeks	
Privy Council approval (Council appointment processes only)	2 weeks	
Appointment confirmed		
Total time for Council member appointments	24 weeks	
Total time for committee member appointments	(15 weeks)	