

Council

Appointments Board annual report to Council 2018–2019

Action:	For information.
Issue:	Report to the Council on the work of the Appointments Board during 2018–2019.
Core regulatory function:	Supporting functions.
Strategic priority:	Strategic priority 4 – An effective organisation.
Decision required:	None.
Annexes:	None.
Further information:	If you require clarification about any point in the paper or would like further information please contact the author below.

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Chair of Appointments Board:
Jane Slatter

- Context:**
- 1 The Appointments Board is a committee of the Council. Its remit is to assist the Council in connection with the exercise of any function or process relating to the appointment of panel members and legal assessors to the practice committees.
 - 2 The primary focus of the Board's work is to ensure that effective arrangements are in place for the selection, appointment, training and performance of Fitness to Practise panel members and legal assessors.
 - 3 The Board's Terms of Reference require it to "report annually to the Council on the Appointments Board's activities, including an assessment of compliance with, and effectiveness of, the policies in place."
 - 4 The Board had four meetings in 2018–2019, including one by teleconference. It has had one further meeting on 17 June 2019.

Four country factors: 5 Same in all four countries.

Discussion: Board membership and effectiveness

- 6 The Board's membership is comprised entirely of non-Council members to ensure an appropriate separation of the Board's work from that of the Council.
- 7 Membership of the Board is currently at full complement (five members including the Chair) and comprises:
 - 7.1 Jane Slatter (Chair) (appointed 6 August 2018)
 - 7.2 Robert Allan (appointed 1 October 2018)
 - 7.3 Angie Loveless
 - 7.4 Frederick Psyk
 - 7.5 Clare Salters
- 8 New Board members have received induction, and ongoing training and development activities have taken place during the year.
- 9 The Board undertook its annual effectiveness review in June 2019. The Board assessed itself against a board effectiveness survey and discussed the findings. The Board concluded that it was operating effectively and that there was an appropriate range of skills and experience within its membership. There was

some discussion on how the Board's meetings and agenda might be structured to ensure sufficient time for consideration of strategic items. This will be considered further.

Terms of reference

- 10 The Board has reviewed its terms of reference and has made suggestions which will be considered as part of the governance review. These are around how the Board can assist the Council and the need for the Board to stay informed and connected to the wider work of the Council.

Integration of the Board with the wider work of Council

- 11 As indicated by the suggested changes to its terms of reference, the Board is committed to ensuring that its work is aligned with the wider strategic aims of the Council, in particular the implementation of the recommendations of the PSA's Lessons Learned Report and the requirements of the Fitness to Practise strategy.
- 12 The Chair of the Board meets quarterly with the Chair of Council and attended the Council meeting and associated events in November 2018. Members of the Board have undertaken the following additional activities:
 - 12.1 attendance at October 2018 Audit Committee meeting as observers
 - 12.2 attendance at meetings of the Panel Member Forum
 - 12.3 participation in the selection panel training webinar for the 2018 panel member appointment campaign and panel member webinar briefings on the introduction of nursing associates
 - 12.4 attendance at the Professional Standards Authority Fitness to Practise Chairs Conference.
- 13 The Board receives updates at and between meetings on corporate developments, including progress against the Fitness to Practise Strategy and the Lessons Learned Review programme. It keeps updated on key themes in the practice committees by receiving the panel member newsletter.

Panel member selection and appointment

- 14 During the year the Board oversaw an appointment campaign focused on attracting and appointing a diverse range of high quality candidates to ensure the composition of the practice

committees better reflects the diversity of the register. The appointment campaign emphasised our values – people, fairness and transparency – and used digital media to reach a wider audience. While recognising that the improvement was modest, the Board welcomed the results of this campaign which increased the proportion of fitness to practise panellists who identify as BAME, the number of women and lowered the age profile.

- 15 In light of operational forecasts and current Panel Member capacity, there is not expected to be a need to appoint panel members over the next two years. The Board is therefore taking the opportunity to review and refine the panel member selection and appointment process to ensure that it aligns with best practice.

Panel member and legal assessor appointments, reappointments and termination of appointments

- 16 The Board scrutinises appointments, reappointments and termination of appointments for panel chairs, members and legal assessors. In 2018–2019, the Council accepted the Board’s recommendations to:
 - 16.1 approve the appointment of 70 new panel members;
 - 16.2 remove a panel member from membership of the Fitness to Practise Committee on the basis that their continued membership of the Committee would be liable to undermine the public’s confidence in the regulation of nurses and midwives;
 - 16.3 remove 11 panel members who had resigned from the practice committees;
 - 16.4 remove ten legal assessors who had resigned;
 - 16.5 remove six legal assessors who had not sat as legal assessors in the last two years.
- 17 The Board has asked that learning from the investigation of a panel member referred to in paragraph 16.2 above be taken account of in the scheduled review of the Panel Member Services Agreement (which includes a code of conduct).

Disqualification period for panel member appointments

- 18 The Board has approved the adoption of a five year disqualification period for any former NMC employee being appointed as a panel member; this mirrors a similar

disqualification period for Council and Committee members set out in the Council Standing Orders.

- 19 The Board considers that this approach will address the following risks:
 - 19.1 A perception that panels and their decisions are not independent of the NMC.
 - 19.2 A loss of trust and confidence in panels from the public, registrants and those affected by our processes.
 - 19.3 An actual or perceived bias.
 - 19.4 An actual or perceived conflict of interest.

Panel member training

- 20 The Board is mindful that effective and relevant panel member training ensures panel members have the skills and knowledge to make robust, independent, consistent and proportionate decisions which protect the public and maintain confidence in the nursing and midwifery professions.
- 21 The Board was pleased to note that the 2018–2019 training programme for panel members had been well received and attended, with positive feedback from participants. While the PSA's Lessons Learned review had not been published when the programme had been designed, the training had followed a general theme of taking a more person-centred approach.
- 22 The Board approved the strategic aims and outline summary of the panel member training programme for 2019. This had been informed by the key findings of the Lessons Learned Review and a training needs analysis which is carried out annually. The Board is pleased to report that the training programme includes a module on NMC values, behaviours and leadership, focusing on the importance of soft skills and using a person-centred approach at hearings.

Panel member and legal assessor performance

- 23 During the year the Board considered and approved a new panel member performance framework.
- 24 The Board was mindful that key areas of focus for the Lessons Learned work programme are transparency and improving communication and engagement with patients, people using services and their families. The new panel member framework includes guidance to support panel members in ensuring that decision-making is transparent. It sets out expectations in terms

of their communication and engagement with all parties at fitness to practise hearings and each other and provides examples of the positive behaviours that panel members are expected to display.

- 25 The Board also approved amendments to the legal assessor performance framework. The amendments apply more stringent benchmarks in each category of the framework, to promote a high quality service from the approved list of legal assessors.

Feedback from panel members and legal assessors

- 26 During the year the Board reviewed and commented on two new surveys for panel members. The surveys are:

26.1 A survey for exiting panel members, designed to 'take the temperature' and test the effectiveness of mechanisms and processes associated with the practice committees.

26.2 An exit survey for panel members focusing on the panel member's experience of how it has felt to be a Fitness to Practise panel member, whether they felt their role was valued by the NMC, whether they had the right resources to carry out the appointment effectively and whether they would recommend the appointment to others.

Panel Member Services Agreement

- 27 Initial review work on the Panel Member Services Agreement is being progressed by the Executive and this is scheduled to be considered by the Board later in the year.

Public protection implications:

- 28 There are no public protection implications arising directly from this report.

Resource implications:

- 29 None arising directly from this report.

Equality and diversity implications:

- 30 None arising directly from this report.

Stakeholder engagement:

- 31 None.

Risk implications:

- 32 There are no risk implications arising directly from this report.

Legal implications: 33 None.