

## Council

### Appointments Board annual report to Council 2022–2023

<b>Action:</b>	For noting.
<b>Issue:</b>	Report to the Council on the work of the Appointments Board during 2022–2023.
<b>Core regulatory function:</b>	Supporting functions.
<b>Strategic priority:</b>	Strategic aim 6: Fit for the future organisation
<b>Decision required:</b>	None.
<b>Annexes:</b>	None.
<b>Further information:</b>	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 and the appointment of Panel Members to the Registration Appeals Panel.
- 2 The primary focus of the Board's work is to ensure that effective arrangements are in place for the selection and appointment, training and performance management of Practice Committee members (Panel Members), Legal Assessors and Registration Appeal Panel Members.
- 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 met four times in 2022-2023. The Board also considered draft interview materials for use in the Panel Chair selection process 2022 by correspondence in April 2022.
- 5 The Board held alternate meetings in person; with two meetings being held in person and two by videoconference. The Board was pleased to welcome the Chair of Council to its meeting on 26 October 2022.

**Key issues covered in this report**

- 6 The Board's anticipated key areas of focus for 2022-2023 were set out in its 2021-2022 Annual report to Council. Progress against these areas is reported as follows:
  - 6.1 Continuing to ensure sufficient Panel Chairs and Panel Members are in place to support the reduction of the fitness to practise caseload (paragraphs 26 to 28).
  - 6.2 Reviewing progress against the three year strategy for delivering high quality panels (paragraphs 16 and 17).
  - 6.3 Reviewing the 2022 external Panel Chair selection and appointment campaign and identification of learning for future campaigns (paragraphs 18 to 21).
  - 6.4 Induction and training of new Panel Chairs (paragraphs 22 and 23).
  - 6.5 Oversight of the selection and appointment of new Legal Assessors to improve the diversity of the Legal Assessor pool (paragraphs 26 to 28).

- 6.6 Approval of the annual Panel Member training programme for 2023 (paragraph 25).
- 6.7 Regulatory Reform and the potential impact on Panel Members and Legal Assessors (paragraphs 15 and 41).

**Four country factors:** 7 The Board is mindful that the NMC is a four country regulator and seeks to reflect this in its programme of work.

**Discussion: Board membership and effectiveness**

- 8 The Board's membership is made up entirely of non-Council (partner) members to ensure an appropriate separation of the Board's work from that of the Council.
- 9 Frederick Psyk's final term as a Board member came to an end on 31 August 2022. The Remuneration Committee oversaw an open, competitive selection exercise, resulting in the appointment of a new member, Surinder Birdi, from 1 July 2023. The Board is able to operate with up to five members so carrying a vacancy did not affect its ability to take forward its work programme.
- 10 Current membership comprises:
  - 10.1 Jane Slatter (Chair) (appointed 6 August 2018, reappointed 6 August 2021)
  - 10.2 Robert Allan (appointed 1 October 2018, reappointed 1 October 2021)
  - 10.3 Angie Loveless (appointed 1 March 2018, reappointed 1 March 2021)
  - 10.4 Clare Salters (appointed 1 March 2018, reappointed 1 March 2021)
  - 10.5 Surinder Birdi (appointed 1 July 2023).
- 11 Actions identified from the 2022-2023 Board effectiveness were agreed in July 2023. These included a continued focus on strategic oversight rather than operational detail; actions relating to continuity of Board membership including exploring opportunities which may be provided by regulatory reform; a more flexible approach to in person/remote meetings depending on the agenda; and the need for more reliable delivery of the work programme to enable decisions on the type of meeting to be made in advance.

## **Integration with the wider work of Council**

- 12 The Board remains committed to ensuring that its work is aligned with the Council's strategic aims, including the corporate plan 2023-2025 and the corporate priority to reduce swiftly and safely the number of fitness to practise cases we have open.
- 13 The Chair of the Board has continued to attend Open Council meetings when possible and has met regularly with the Chair of Council. The Chair has also met with the Executive Director, Professional Regulation and one of the Executive Directors, People and Organisational Effectiveness.
- 14 The Chair of the Council chaired the selection panel for a new member of the Appointments Board. At the Chair's invitation, the Chair of the Board sat on the selection panel.
- 15 The Board continues to receive updates on organisational developments, including the indicative timetable and preparation for Regulatory Reform.

## **Strategy for developing high quality panels**

- 16 The Board reviewed its three year strategy, agreed in December 2019, for delivering high quality panels. The Board was pleased that some success measures had been met, including a reduction in the number of complaints from candidates involved in selection processes (there were zero complaints in the Panel Chair selection process); and meeting targets for Panel Member participation in training and new appointees performing their role to the required standard.
- 17 Work against the Board's current strategy will continue throughout 2023-2024, while a new plan is developed by the Executive for consideration by the Board in 2024.

## **Panel Chairs appointment process 2022**

- 18 The Board oversaw an open and competitive selection exercise in 2022, culminating in the appointment by the Council of 48 Panel Chairs in July 2022. Of those appointed, 22.9 percent of candidates are from Black and minority ethnic backgrounds.

- 19 Regrettably one of the appointed Panel Chairs was found to be ineligible (having already served two terms as an NMC Panel Member). The Board reported the erroneous appointment to the Council in September 2023 and the Council revoked the appointment.
- 20 The Board carried out a review to identify any learning for future campaigns. As a result of the erroneous appointment referred to above, a Serious Event Review was carried out and the Executive is implementing recommendations to strengthen the systems, processes and checks at key stages of the selection process.
- 21 Other key learning included actions to encourage a broader range of bids from search consultants to support future campaigns; ensuring that advertising strategies are aimed at attracting a diverse range of suitable candidates; and building in sufficient time for the review of process/materials by the Appointments Board.

### **Induction and training**

- 22 The Board is mindful of the importance of effective training for all Panel Chairs and Members to ensure they have the knowledge and skills to make robust, consistent and proportionate decisions which protect the public and maintain confidence in the nursing and midwifery professions. The Board is committed to ensuring that this encompasses the NMC's values and behaviours and reflects the organisation's commitment to tackling discrimination and inequality and to promoting diversity and inclusion.
- 23 The Board maintained strategic oversight of the induction training programme for the 47 Panel Chairs appointed in July 2022. The Board was pleased to note 100 percent attendance at induction training in September 2022.
- 24 The Board continues to monitor training uptake and seeks to understand drivers in relation to completion/non-completion of training and to implement any learning. The Board was pleased to note that in line with commitments in the NMC's Equality, Diversity and Inclusion Action Plan, enhanced EDI training was delivered to 285 Panel Members (99 percent) in 2022.
- 25 The Board approved the Panel Member training programme for 2023 which has a continuing emphasis on equality, diversity and inclusion as well as a focus on improving understanding of environments where care is delivered and guidance updates/sharing learning from recent case law.

## **Preparation for the appointment of new Panel Members and Legal Assessors**

- 26 The Board is overseeing a combined selection process in 2023 for new Panel Members and Legal Assessors to join the existing pools. In line with the NMC's commitment to being a diverse and inclusive regulator, preparation included a diversity analysis of the current pool of Legal Assessors and an assessment of the challenges and barriers to increasing diversity.
- 27 The Board was pleased to note actions taken by the Executive to address its concerns about the limited supplier market for an external partner to support previous campaigns. The Executive's focus on attracting more bids from suppliers resulted in four bids. An external partner was appointed following a rigorous and fully compliant process.
- 28 The selection process continues to be a major focus for the Board, including updating role profiles and the Panel Member and Legal Assessor agreements.

## **Panel Member appointments, re-appointments, transfers and removals**

- 29 The Board has made recommendations to Council on the appointment of Panel Members to hear Registration Appeals; transfers between the Practice Committees; and the reappointment of Panel Members and Legal Assessors.
- 30 Before making any recommendations, the Board ensures that Panel Members are meeting performance requirements, undertaking the necessary training, and have no outstanding complaints against them. The Board has also put forward removals from the Practice Committee lists and informed Council of removals from Legal Assessor lists.

## **Complaints against Panel Members and Legal Assessors**

- 31 The Board has a standing item on its agenda at each meeting to ensure that it maintains high level oversight of all open complaints against Panel Members and Legal Assessors. This allows the Board to monitor the number of Panel Members not being allocated to hearings and the effect on Committee capacity. Learning from complaints is used to inform other areas of the Board's work programme including the oversight of induction and training.

## **Whistleblowing concern**

- 32 In May 2023, the Board received a final report on progress against the action plan developed by the Executive to address whistleblowing concerns raised by a Panel Member. The Board has been monitoring progress against the action plan since September 2021. This has helped inform a range of work to strengthen our approach to equality, diversity and inclusion, including enhancing induction and ongoing training of Panel Members and Legal Assessors.
- 33 The Board received a presentation on the findings of the second Panel Member EDI survey, which was implemented as part of the action plan. The survey received a high response rate and indicated that a high number of respondents were positive about the EDI training they received. The results also demonstrated that respondents felt confident that the NMC would take any reported incident seriously. The Board agreed that it would be valuable to undertake follow-up interviews with a percentage of those respondents who had indicated they were willing to discuss their responses in more detail, to gain further insight.

## **Future focus**

- 34 The Board's focus for 2023-2024 is:
- 34.1 Continuing to ensure sufficient Panel Chairs, Panel Members and Legal Assessors are in place to support the reduction of the fitness to practise caseload, making high quality decisions that protect the public.
  - 34.2 Continued oversight of the 2023 campaign to appoint new Panel Members and Legal Assessors.
  - 34.3 Review of Panel Member and Legal Assessor Services Agreements and our ongoing relationship with Panel Members and Legal Assessors.
  - 34.4 Ensuring that any new Panel Members and Legal Assessors are properly inducted and trained to perform their role to a satisfactory standard under the performance monitoring framework.
  - 34.5 Review of the 2023 Panel Member and Legal Assessor appointment campaign and identification of learning for future campaigns.

	34.6	Approval of the annual Panel Member training programme for 2024.
	34.7	A new five year plan for delivering high quality Panel Members, which takes account of regulatory reform and the potential impact on Panel Members and Legal Assessors.
<b>Midwifery implications</b>	35	The Panel Member pool includes registered midwives. The 2023 Panel Member campaign has targeted midwifery networks to maintain sufficient numbers of midwife Panel Members to allow cases to be heard in a timely manner.
<b>Public protection implications:</b>	36	Implementation of the three year strategy for delivering high quality Panel Members aims to ensure that Panel Members make high quality decisions that protect the public and maintain public confidence in the NMC.
<b>Resource implications:</b>	37	Panel Members are required to make decisions that protect the public. The Board must ensure that we have sufficient Panel Chairs and Members to undertake planned hearings activity.
<b>Equality and diversity implications:</b>	38	The approved three year strategy for delivering high quality Panel Members includes the following objectives in relation to equality, diversity and inclusion: <ul style="list-style-type: none"> <li>38.1 Ensuring the membership of the practice committees reflects the professions we regulate and the wider UK population.</li> <li>38.2 Ensuring Panel Members are equipped with the necessary knowledge and training to ensure equality, diversity and inclusion matters are understood, supported and well managed.</li> </ul>
<b>Stakeholder engagement:</b>	39	None arising directly from this paper.
<b>Risk implications:</b>	40	If we do not have high quality panels there is a risk that panels will not make decisions which protect the public and maintain public confidence in the effective regulation of the NMC. The Board has approved a strategic approach to delivering high quality panels which mitigates this risk.



**Regulatory reform** 41 The Board continues to be sighted on developments in relation to Regulatory Reform, receiving an update from the Director of Strategy and Insight in July 2022 and March 2023.

**Legal implications:** 42 None.