

Supplementary Pack Open 27 January 2021

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Council

Selection process: Chair of the Council

- Action:** For decision.
- Issue:** Seeks Council's approval for the proposed approach to the selection of a new Chair of Council.
- Core regulatory function:** All regulatory functions.
- Strategic priority:** Strategic aim 6: Fit for the future organisation.
- Decision required:** The Council is invited to approve the overall approach to the selection of a new Chair.
- Annexes:** The following annexe is attached to this paper:
- Annexe 1: Outline selection process and indicative timeline.
- Further information:** If you require clarification about any point in the paper or would like further information please contact the author or the director named below.

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Context:

- 1 Sadly, Philip Graf stepped down as the Chair of the Council at the end of December 2020 due to ill-health. We therefore need to run an open, inclusive, competitive and robust process to appoint a new Chair.

Roles and Responsibilities

- 2 The Privy Council is responsible for appointment of the Chair, on the recommendation of the Council.
- 3 The Professional Standards Authority (PSA) is responsible for scrutinising the selection process we run and for providing assurance to the Privy Council that it is fair and robust.
- 4 The Council has delegated responsibility to the Remuneration Committee for approving and overseeing the process for the recruitment of the Chair and Council members (Scheme of Delegation, Appendix 2b, paragraph 15).
- 5 The Remuneration Committee discussed the proposed approach in detail on 11 December 2020, with further discussion on 20 January 2021 (which is why this paper is later than normal). The approach proposed by the Committee takes into account the PSA guidance '*Good practice in making council appointments*' to ensure it meets the four key principles: merit; fairness; transparency and openness; and inspiring confidence.
- 6 This paper sets out the proposed approach including:
 - 6.1 Chair role, time commitment (and allowance) and initial term of appointment.
 - 6.2 Selection process and timeline.
 - 6.3 Next steps.

Four country factors:

- 7 The Nursing and Midwifery Order 2001 (the Order) requires that the Council must include at least one member (lay or registrant) who lives or works, wholly or mainly, in each of England, Northern Ireland, Scotland and Wales.
- 8 As the Council's composition currently complies with this requirement, the Chair role will be open to applicants from all four countries. Our selection process will seek to ensure through advertising and search that candidates from all four countries are encouraged to apply.

Discussion Eligibility

- 9 Under the Nursing and Midwifery Order 2001 ('the Order') the maximum number of Council members, including the Chair, is twelve of whom six must be lay people and six must be professionals on our register.
- 10 The Council's Standing Orders provide that in setting any selection criteria for new Council members, the Council will seek to ensure that at any given time: (i) the membership of the Council reflects a mix of background, knowledge and skills; (ii) the membership of the Council reflects the diversity of the public that it serves; and (iii) registrant membership of the Council includes both persons a) with nursing expertise and b) with midwifery expertise.
- 11 The former Chair was a lay member. As there are no other vacancies on the Council, the role will be open to lay applicants (people who are not and never have been, a registered nurse, midwife, or nursing associate); and the current five registrant Council members and the designate member for Scotland.

Chair role, time commitment (and allowance) and initial term

- 12 The current Chair role/person specification was approved by the Council in 2017 and reflected the particular circumstances at that time.
- 13 Given the importance of this appointment for the NMC, those we serve and the wider health and social care sector, it is important we are clear about what we are looking for in a new Chair, and that this aligns with the NMC's values, behaviours and the ambitions in our 2020-2025 Strategy.
- 14 The Remuneration Committee is reviewing the role and competencies and has been assisted through helpful discussion sessions with all Council members, the Chief Executive and Registrar and wider Executive team. Views to help shape the role specification and competencies are also being sought from key external stakeholders including the four Chief Nursing Officers, representative bodies, counterparts in other regulators and public/patient voices.
- 15 The Remuneration Committee will finalise the role specification and competencies which will be used to assess candidates, taking into account the input received.

Time commitment (and related allowance)

- 16 In 2017, the Council decided to increase the time commitment expected of the Chair from two to three days a week which it considered a more honest and realistic expectation, given the known challenges at that time.
- 17 The Remuneration Committee has reviewed this, taking into account feedback from the wider discussions mentioned above. The Committee's view is that this should be left flexible at this stage, mindful that this may impact on the potential pool of candidates. Accordingly, it is proposed that the role should be '*at least two days, with an understanding that additional time may be required according to the needs of the organisation*'.
- 18 The current annual allowance for the Chair (£78,000 pa) is based on a commitment of three days a week and was agreed by the Council in July 2017 on the recommendation of our Independent Panel on Council Allowances. This would be applied pro rata, depending on the final time commitment.

Initial term of appointment

- 19 The Remuneration Committee's view is that this should also be kept flexible and the role advertised on the basis that the initial term may be for '*up to four years*'. This is in line with the agreed Council member appointments policy which provides discretion to appoint for a first term of three or four years. The Privy Council is normally content to adopt the term which we recommend.

Search, selection process and timeline

- 20 The proposed selection process and indicative timeline, at **annexe 1**, is modelled on those used successfully for previous Chair and Council member appointments which have both satisfied the PSA and secured Privy Council approval.
- 21 Following a fully compliant tender process, Hunter Healthcare has been appointed to support the search and selection process.
- 22 As with all our Council selection processes, we have undertaken a comprehensive equality impact assessment to help ensure that the process is inclusive, fair and attracts a diverse pool of candidates. Selection Panel members will receive refresher unconscious bias training.
- 23 The process will be as inclusive as possible and will include informal discussions with those Council members not on the Selection Panel, the Chief Executive and Registrar, Executive team and the Chairs of the various staff networks. These discussions will not form part of the formal assessment process but will feed into the Selection Panel.

- 24 The timeline takes account of the likelihood of continuing restrictions due to the Covid-19 pandemic and will be finalised in due course.

Selection Panel

- 25 The Selection Panel's role is to conduct the selection process; assess candidates against the published competencies; and make a recommendation to the Privy Council for appointment, on behalf of the Council.
- 26 The Remuneration Committee has approved the membership of the Selection Panel and ensured that this is in line with PSA guidance. The Panel provides an appropriate balance in terms of a mix of lay/registant members, the four country perspective and diversity.
- 27 The Selection Panel members will be Ruth Walker (Chair and Chair of the Remuneration Committee); Karen Cox, Deputy Chair of Council; Marta Phillips; and Derek Pretty. The Independent Selection Panel member will be Olivia Grant, providing continuity and expertise from the previous Chair appointment. The Independent Selection Panel member is required to report to the PSA directly on the robustness and fairness of the selection process.

Advertising, search and communications

- 28 Development of appropriate search, advertising and communications plans are underway. This will include engagement with a wide range of stakeholders and partners as well as a wide ranging search.

Next Steps

- 29 Subject to the Council's views, the proposed approach will be set out in the Advance Notice to the PSA.
- 30 We will continue to firm up the timetable and to develop candidate materials and will launch the process once we have been advised by the PSA that we can do so.

Midwifery implications:

- 31 The Council's Standing Orders require that in setting any selection criteria for new Council members, it will seek to ensure that the registant membership of the Council includes people a) with nursing expertise and b) with midwifery expertise.
- 32 The Council has recently taken steps to ensure these requirements are met in its selection exercise for a Council member for Scotland.

Public protection implications:

- 33 A clear focus on public protection is an integral part of the role of the Chair.

- Resource implications:** 34 There is provision within the Governance budget for this year and the draft budget for 2021-2022 to meet the costs of running a selection process for the Chair of Council role.
- Equality diversity and inclusion implications:** 35 In accordance with the Council's Standing Orders, paragraph 3.2.2 (ii), the Council must seek to ensure that the membership of the Council reflects the diversity of the public it serves.
- 36 As we do at the start of every Council selection process, we have undertaken an equality impact assessment to ensure that the proposed process complies with the Equality Act 2010 and does not prejudice any 'protected characteristic groups'.
- 37 Our previous selection processes have been judged by the PSA as compliant with its requirements as regards fairness.
- Stakeholder engagement:** 38 The search consultants are engaging with stakeholders as described in this paper and will engage more widely as part of the search process to ensure that the vacancy is well publicised.
- Risk implications:** 39 Any recruitment of a new Chair presents risks in terms of the stability, cohesion and continuity of the Council and the NMC as a whole. An assessment of the Council's current and future needs will ensure that this risk is mitigated. More immediate mitigations include: confirmation of interim chairing arrangements; and a comprehensive induction for the new Chair.
- 40 There is a risk of not securing a strong, diverse, pool of candidates of the calibre sought. The key mitigation is ensuring that the search consultants have a good understanding of our requirements and expectations and are willing to work in close partnership with us at every stage of the process. In addition, we will monitor progress closely at every stage.
- 41 There is a risk that the process does not meet PSA requirements. This is not considered a significant risk as the proposed process is modelled on previous Council Chair and member selection processes which have met with PSA satisfaction. The risk will be mitigated by ongoing liaison with the PSA throughout the process.
- 42 There is a risk of not meeting the challenging timeline. Fixing all key dates at the earliest opportunity, so that candidates are clear as to when they need to be available and making it a critical success factor for the search consultants are the key mitigations.

Legal implications:

- 43 Our selection processes are compliant with the requirements of the Nursing and Midwifery Order 2001 and the Nursing and Midwifery Constitution Order 2008.

Outline process and indicative timeline

January 2021	<p>What we want from a new Chair: review and finalisation of role specification</p> <ul style="list-style-type: none"> • Council and Executive discussions on chair role and competencies. • Conversations with key stakeholders including Chief Nursing Officers' representative bodies, counterparts in other regulators and public/patient voices.
27 January 2021	Council considers proposed approach for appointment of a new Chair.
By 29 January 2021	<p>Remuneration Committee finalise role specification.</p> <p>Scrutiny by PSA – Stage 1 Advance notice to PSA including:</p> <ul style="list-style-type: none"> • Advert, draft candidate information pack. • Advertising, search, and communications plan. • EQIA. • Selection process, assessment approach and timetable.
Mid-February 2021 to Early/Mid-March 2021 (4 weeks)	Advertising and candidate search, including discussions with stakeholders and partners.
Early March 2021	Selection Panel Unconscious Bias Training refresher
Late March 2021	Longlisting: Selection Panel meeting to approve candidates to progress to next stage (subject to initial due diligence checks).
Late March/early April 2021	Preliminary interviews by search consultants. Search consultants advise unsuccessful applicants.
Mid-April 2021	<p>Shortlisting: Selection Panel meeting to approve those candidates (subject to due diligence checks) for final stages.</p> <p>Selection Panel reviews the outcomes of preliminary interviews for all longlisted candidates and determines a shortlist of candidates to be invited to final interview.</p>
Mid-Late April 2021	<p>Shortlisted candidate discussions with:</p> <ul style="list-style-type: none"> • Council members not on the Selection Panel. • Chief Executive and Registrar. • Executive team. • Chairs of Staff Networks.

Mid-Late April 2021	Candidate formal assessments. Due diligence and checks undertaken. References taken and written up.
Early to Mid-May 2021	Selection Panel - Final interviews Decision on recommendation for appointment.
Mid to Late May 2021	Scrutiny by PSA – Stage 2 NMC Notice submitted to the PSA. Independent Selection Panel member report to the PSA. PSA advises the Privy Council whether it considers the process was fair and robust. <i>Note: if the PSA has any substantive concerns, it may be necessary to rerun the process.</i>
Mid to Late May 2021	Recommendation for appointment to Privy Council Secretary to the Council submits recommendation for appointment including length of term to the Privy Council. The Privy Council decides whether to appoint the recommended candidate taking account of: <ul style="list-style-type: none"> • the advice received from the PSA on the process; and • information about the recommended candidate put forward by the Selection Panel.
Early June 2021	Appointee takes office, induction.