

## SCHEDULE

### The Royal Pharmaceutical Society of Great Britain (Fitness to Practise and Registration Appeals Committees and their Advisers) Rules 2007

## PART 3

### Appointment and removal of committee members

#### **Eligibility of Council members for appointment to committees**

4.—(1) Council members may be appointed to the Investigating Committee but may not be appointed to the Health, Disciplinary or the Registration Appeals Committees.

(2) Former Council members may be appointed to the Disciplinary, Health and Registration Appeals Committees, provided that they have not held office as a Council member for a period of three years prior to the date of application for membership of the Committee.

#### **Appointments group**

5.—(1) The Council shall establish an appointments group for the purpose of—

- (a) appointing appropriate persons to serve—
  - (i) as members, other than the chairs and deputy chairs, of the Health and Disciplinary Committees,
  - (ii) as members (including the chairs and deputy chairs) of the Investigating and Registration Appeals Committees; and
- (b) assisting the Privy Council in the appointment of the chairs and deputy chairs of the Health and Disciplinary Committees;
- (c) assisting the Council in appointing legal, clinical and specialist advisers; and
- (d) where appropriate removing from office persons it has appointed.

(2) The appointments group shall consist of—

- (a) a lay member who is the chair;
- (b) a lay member who is the deputy chair;
- (c) two professional members who are pharmacists; and
- (d) one professional member who is a pharmacy technician.

(3) In the absence of the chair of the appointments group, the deputy chair of the group may perform the functions of the chair.

(4) No member of the Council or employee of the Society may be a member of the appointments group.

(5) The members of the appointments group shall be paid such remuneration and allowances as the Council may reasonably determine.

#### **Recruitment of committee members**

6.—(1) Except where rule 15 applies, the appointments group shall, by means of open advertisement, invite applications to fill vacancies with regard to—

- (a) membership of committees; and
- (b) posts for legal, clinical and specialist advisers.

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(2) All applications received shall be considered by the chair of the appointments group who shall draw up a shortlist of applicants to be interviewed by the appointments group.

(3) The procedure for—

- (a) sifting of applications;
- (b) interviewing of applicants;
- (c) drawing up of shortlists;
- (d) appointing members of the committees, except the chairs and deputy chairs of the Health and Disciplinary Committees;
- (e) making recommendations to the Privy Council as regards the appointment of the chairs and deputy chairs of the Health and Disciplinary Committees; and
- (f) making recommendations to the Council as regards the appointment of legal, clinical and specialist advisers,

shall be as determined by the chair of the appointments group.

(4) No person may be appointed as a member of more than one of the committees.

#### **Required competencies for members of committees**

7.—(1) Subject to rule 8, the chair of the appointments group shall determine and publish the minimum competencies required for appointment as a member of a committee, except for the chairs and deputy chairs of the Health and Disciplinary Committees, including any specific competencies required of the other chairs or deputy chairs of the committees.

(2) The chair of the appointments group may advise the Privy Council on the minimum competencies that he thinks are required for appointment as a chair or deputy chair of the Health or Disciplinary Committee.

(3) In determining the competencies referred to in paragraph (1), or in giving advice as provided for in paragraph (2), the chair of the appointments group shall have regard to best practice on competencies required for membership of quasi-judicial committees, as disseminated by the Judicial Studies Board and the CHRE (or any successor bodies).

(4) No person shall be appointed as a member of a committee, other than as chair or deputy chair of the Health or Disciplinary Committee, unless that person possesses, or has demonstrated the ability to acquire quickly, the competencies determined by the chair of the appointments group.

#### **Chairs and deputy chairs of committees**

8.—(1) The chair and deputy chair of the—

- (a) Disciplinary Committee; and
- (b) Registration Appeals Committee,

shall hold at least a ten year general qualification (within the meaning of section 71(3)(c) of the Courts and Legal Services Act 1990<sup>(1)</sup> (qualification for judicial and certain other appointments)) or be an advocate or solicitor in Scotland of at least ten years standing.

(2) In the absence of the chair of a committee, the deputy chair may perform the functions of the chair.

#### **Standards and training for committee members**

9.—(1) A member of a committee shall—

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(1) 1990 c.41.

- (a) attend all meetings and hearings at which his presence is required unless there is a good reason for him being unable to do so;
- (b) prepare for any meeting or hearing by reading any papers issued to the members of the committee beforehand;
- (c) if he is unable to attend a meeting or hearing at which his presence is required, take all reasonable steps to give advance warning of his absence to the chair or, where appropriate, the deputy chair; and
- (d) comply with the code for committee members approved by the Council and published on the Society's website<sup>(2)</sup>.

(2) Every member of a committee shall undertake periodic training provided or arranged by the Society (which may be training provided by the CHRE) in relation to human rights and regulatory law and best practice.

(3) Committee members (including chairs and deputy chairs) shall be periodically appraised, in accordance with arrangements determined by the chair of the appointments group.

#### **Terms of appointment for committee members**

10.—(1) Members of committees shall not serve more than two consecutive terms of office.

(2) Each term of office shall not be longer than four years, but shall otherwise be of the duration determined by the appointments group, on appointment.

(3) This rule does not apply to the chair or a deputy chair of the Health or Disciplinary Committee.

#### **Resignation of committee members**

11. A member of a committee may resign from that committee at any time, by notifying the chair of the appointments group (or, in the case of the chair or a deputy chair of the Health or Disciplinary Committee, the Privy Council) in writing.

#### **Reserve list**

12.—(1) The appointments group shall maintain a reserve list of appropriate persons to serve as members of each of the committees (which shall include both prospective professional members and prospective lay members).

(2) Persons may only be retained in a reserve list for a period of three years, after which time their suitability for continued inclusion in such list shall be reconsidered by the appointments group.

(3) Persons on the reserve list may be appointed as members of a committee (other than as chair or deputy chair of the Health or Disciplinary Committee) without further interview by the appointments group, in the event that a vacancy arises on a committee.

(4) Persons on the reserve list may be invited to attend training provided or arranged by the Society to maintain their suitability for continued inclusion on the reserve list.

(5) In the event that a committee member is unable to sit to consider a case for any reason, persons on the reserve list for that committee may be co-opted onto the committee, if its chair decides that it is appropriate to do so, to serve as a committee member for that particular case.

#### **Suspension and removal of committee members**

13.—(1) The appointments group shall remove from a committee any member (other than a chair or deputy chair of the Health or Disciplinary Committee), or from the reserve list any person—

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(2) The Society's website is at [www.rpsgb.org.uk](http://www.rpsgb.org.uk).

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- (a) who resigns his membership of a committee in accordance with rule 11;
- (b) whose term of appointment has expired; or
- (c) who, in the opinion of the appointments group—
  - (i) has ceased to be an appropriate person (for example, by reason of misconduct or a criminal conviction),
  - (ii) has seriously or persistently failed to meet the standards of performance, conduct or attendance required of a member of a committee in the ordinary course of his duties,
  - (iii) is unable to perform his duties because of ill health,
  - (iv) in the case of a professional member, has ceased to be registered in the practising part of the Register as regards which he is a professional member,
  - (v) has improperly disclosed confidential information obtained by him in the course of his membership of a committee,
  - (vi) has brought the Society into disrepute,
  - (vii) has failed to comply with the code for committee members approved by the Council and published on the Society’s website, or
  - (viii) should no longer continue to be a member of a committee in the public interest.

(2) The appointments group may suspend a member of a committee (other than a chair or deputy chair of the Health or Disciplinary Committee) while investigations are being undertaken into his suitability to remain as a member of that committee.

(3) The appointments group shall afford any member of a committee or person who is on the reserve list who is under investigation, the opportunity to make written and oral representations before reaching a decision on whether to remove him from the committee or the reserve list.

(4) The procedure for the suspension or dismissal of a committee member shall be as set out in writing and given to every committee member (including whenever it is amended by the chair of the appointments group).

(5) If the appointments group considers that the Privy Council may need to exercise its powers to suspend or remove a chair or deputy chair of the Health or Disciplinary Committee, it may advise the Privy Council accordingly.

### **Casual vacancies**

14. Where a vacancy occurs on a committee as a result of the resignation, removal or death of a member of that committee, the appointments group shall—

- (a) appoint a replacement from the list of reserves; or
- (b) where no suitable replacement is available from the list, appoint a replacement in accordance with rule 6.

### **Power to co-opt members**

15.—(1) Subject to paragraphs (2) to (4), the chair of a committee may (in addition to the circumstances provided for in rule 12(5)), after consulting with the legal adviser, co-opt appropriate persons to act as members of that committee, where it is necessary or desirable to do so in order for the committee to be able to dispose of a particular case.

(2) No person shall be co-opted as a member of a committee, unless that person possesses, or has demonstrated the ability to acquire quickly, the competencies determined by the chair of the appointments group.

(3) No member of the Council may be co-opted as a member of a committee.

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- (4) No member of a committee may be co-opted onto another committee.