

*To approve*

**Minutes of the Meeting on 20 May 2010<sup>1</sup>**

**Present**

Professor Peter Rubin, Chair

Professor Jane Dacre  
Dr Sam Everington  
Ms Sally Hawkins  
Dr John Jenkins  
Archy Kirkwood  
Ms Ros Levenson  
Professor Malcolm Lewis  
Mr Robin MacLeod  
Dr Johann Malawana

Mrs Suzanne McCarthy  
Professor Jim McKillop  
Mrs Ann Robinson  
Mrs Enid Rowlands  
Professor Iqbal Singh  
Professor Terence Stephenson  
Ms Anne Weyman  
Mr Stephen Whittle  
Dr Hamish Wilson

Mr Niall Dickson  
Chief Executive and Registrar

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<sup>1</sup> These Minutes should be read in conjunction with the Council papers for this meeting, which are available on our website at <http://www.gmc-uk.org>

## **Chair's Business**

1. Apologies for absence were noted from Dr Joan Martin, Professor Rajan Madhok, Professor Trudie Roberts and Dr Mairi Scott.
2. The Chair:
  - a. Confirmed that the Governance Review Working Group had been set up and that it would meet for the first time on 23 June 2010. The Group would comprise Mrs Anne Weyman (Chair), Mrs Suzanne McCarthy, Professor Jim Mckillop, Dr Johann Malawana, Mrs Enid Rowlands and Dr Hamish Wilson.
  - b. Advised that his programme of visits around the UK to meet with doctors continued, with recent meetings held in North Wales and Stirling.

## **Minutes of the Meeting held on 31 March 2010**

3. Council approved the minutes of the meeting on 31 March 2010 as a true record.

## **Chief Executive's Report**

4. Council considered the Chief Executive's report, noting:
  - a. The commentary on progress with work programmes since the Council meeting on 31 March 2010.
  - b. An exception report on progress against the 2010 Business Plan.
  - c. A summary of progress against each of the activities in the 2010 Business Plan, and including information on operational performance and volumes of activity for Registration and Fitness to Practise work in March 2010, and the financial summaries for March and April 2010.
5. Council:
  - a. Received an update on political developments, including an outline of areas of likely impact in medical regulation and the healthcare system in the UK. The Chief Executive reported that communications were ongoing with the new Secretary of State for Health, and in particular to ensure that focus on key issues, such as revalidation and testing language competency, was maintained as part of the quality and patient protection agenda.

- b. Noted ongoing discussions with the Department of Health (England) and with the European Commission about possible legislative change to enable the GMC to test the language competency of EEA doctors applying for registration. It was noted that the Coalition Government's *Programme for Government* stated an intention to seek to stop foreign healthcare professionals working in the NHS unless they have passed robust language and competence tests.
- c. Noted continuing positive feedback on the consultation on revalidation, with support from key interest groups.
- d. Noted that an expert group, including some Council members, would be set up to review and produce guidance which would bring together best practice and to set out clearly what is expected from doctors working in child protection.

6. The Chief Executive reported on progress on the development of a future fees framework to support the GMC's regulatory responsibilities following the transfer of the Postgraduate and Medical Education and Training Board's functions to the GMC. Council:

- a. Agreed to continue to engage with key interests on the basis of maintaining, in the medium term, the existing model of an annual retention fee and separate postgraduate certification fees.
- b. Noted that this agreement represented an amendment to the commitment in Key Aim 7.2 in Strategic Aim Seven of the 2010 Business Plan which states that a new fee structure will be developed and consulted on following the merger of PMETB with the GMC.

### **Guidance on *Treatment and Care towards the End of Life: Good Practice in Decision Making***

7. Council received a report on the new guidance developed by the Working Group on End of Life Decision Making following a review of *Withholding and Withdrawing Life-Prolonging Treatments* (2002), conducted to bring the guidance up to date and in line with current common and statute law and to broaden its scope to cover good practice in providing treatment and care for patients approaching the end of life.

8. Council:

- a. Approved the guidance, *Treatment and Care towards the End of Life: Good Practice in Decision Making*, for publication.

b. Noted the plans for the launch of the guidance, which would be accessible on the GMC website.

c. Noted the plans for longer term implementation of the guidance.

9. The Chair thanked all those involved in the work to develop the new guidance as part of the review.

### **Revalidation: Progress Report**

10. Council considered a report on the ongoing revalidation work programme, including progress on each of the 12 work streams.

11. Council:

a. Noted progress on the consultation on revalidation, including a continuing good response rate and early indications of a good level of support for many of the proposals. A report on the consultation would be made to Council at its next meeting on 13 July 2010.

b. Noted continuing extensive engagement activity in all four UK countries to support the consultation.

c. Noted the work of the Continued Practice Board in considering revalidation issues, including options for the accreditation of patient and colleague questionnaires, proposals on a quality assurance model, and update reports on credentialing and revalidation projects and pilots.

d. Received an update on progress on projects underway to prepare for the implementation of revalidation.

12. The Chair reported a constructive meeting with the Scottish Government, BMA Scotland, NHS Scotland and the Royal Colleges in Scotland to discuss ways of taking forward revalidation in the NHS in Scotland.

### **Publication and Disclosure of Interim Orders and Warnings**

13. Council considered the outcome of a review of the publication and disclosure policy in relation to interim orders and warnings imposed following fitness to practise investigation. It was noted that the current publication and disclosure policy stemmed from 2004 when reformed fitness to practise procedures were introduced.

14. Since the issue was deferred from the Council meeting on 31 March 2010, further consideration had been given to the issues by the Fitness to Practise Reference Group, by the Reference Community, and in discussions with the medical defence organisations. Council noted that these groups had confirmed their support for the proposal that, in relation to interim orders where the cases is subsequently closed with no fitness to practise finding, details of the interim order should not be published or disclosed once the case has been closed.

15. Council agreed to cease the publication and disclosure of interim orders after a substantive fitness to practise case has been closed with no finding against the doctor. In reaching its decision, Council noted that there has been no finding of fact against the doctor in these cases and accepted that there is a natural justice argument that this information should therefore no longer be published or disclosed as a matter of policy. Requests for disclosure of such information under the Freedom of Information Act 2000 would however continue to be considered on a case by case basis.

16. Council agreed to defer consideration of the recommendations in relation to publication and disclosure of warnings after five years have elapsed, pending consideration of legal advice on the issues.

### **Fitness to Practise Annual Statistics 2009**

17. Council considered the report on fitness to practise statistics and fact sheets for 2009.

18. Council:

a. Approved the publication of the Fitness to Practise Annual Statistics Report 2009 and fact sheets.

b. Approved the proposed publication plan for the 2010 Fitness to Practise Annual Statistics and fact sheets. Going forward, this would enable earlier consideration by Council with a view to publication of the information by the end of the first quarter of the year.

19. During the discussion, members noted that the Office would consider the further development of the report, in terms of the contents of the commentary on the statistics and in relation to how the data may be analysed to inform future research, policy and standards guidance development more generally. It was also noted that consideration was being given to the idea of producing a report on an annual basis, which would reflect on the impact of the GMC's work and the implications for the state of the profession, of medical education.

## **Office of the Health Professions Adjudicator: Governance Arrangements**

20. Council received a report on the arrangements for ensuring appropriate oversight and assurance of management of the transition programme to support the transfer of the adjudication function from the GMC to the Office of the Health Professions Adjudicator.

21. Council:

a. Noted the joint oversight arrangements for the OHPA transition programme, which consisted of groups jointly established by the GMC and OHPA in the form of a Joint Implementation Group and a Joint Co-ordination Group.

b. Endorsed the proposed terms of reference for, and GMC membership of, the Joint Co-ordination Group: namely, Mr Robin MacLeod, Dr Joan Martin, Mr Stephen Whittle, and Dr Hamish Wilson.

## **Report of the Fitness to Practise Reference Group 2009-2010**

22. Council noted the report on the activities of the Fitness to Practise Reference Group since April 2009.

## **Supporting Strategies to the Corporate Strategy 2010-2013, Research and European and International**

23. Council considered the supporting strategies for Research, and for European and International work, which would support the Corporate Strategy 2010-2013.

24. Council:

a. Noted the development of the proposed strategies since the Corporate Strategy was agreed in October 2009, including consideration of the respective strategies by the Research Reference Group and the European and International Working Group, and by Council members in informal session on 31 March 2010.

b. Agreed the Research Strategy subject to a proposed amendment to the definition of research in paragraph 3 of Annex A to reflect the fact that not all research is externally commissioned; and agreed the European and International Strategy.

c. Authorised the Chair of Council, in agreement with the Convenor of the Research Reference Group and the Chair of the European and International Working Group, to sign off the final versions of the Research and European and International Strategies.

## **2014 International Association of Medical Regulatory Authorities Conference**

25. Council considered a proposal to host the International Association of Medical Regulatory Authorities 11th International Conference on Medical Regulation in September 2014.

26. Council:

a. Agreed that hosting the Conference would provide opportunities to help contribute to IAMRA's work, shape the international regulatory environment, share the GMC's experience in medical regulation and learn from the experiences of other countries.

b. Agreed to bid to host the 11<sup>th</sup> International Conference on Medical Regulation in September 2014.

c. Agreed to establish a Programme Committee, in the event the bid was successful, to develop the programme for the 2014 IAMRA Conference.

d. Authorised the Chair of Council to sign off the GMC's proposal to host the 11<sup>th</sup> International Conference on Medical Regulation in 2014 for submission to the IAMRA Management Committee by 15 June 2010.

## **Trustees' Annual Report and Accounts for the Year Ended 31 December 2009**

27. Council considered the trustees' Annual Report and Accounts for 2009, noting that they had been reviewed by the Resources Committee and the Audit and Risk Committee, and prepared in accordance with the Charities (Accounts and Reports) Regulations 2008 and the Statement of Recommended Practice for Accounting and Reporting by Charities.

28. Council:

a. Approved the Annual Report and Accounts for 2009 and the Letter of Representation.

b. Authorised the Chair of Council and the Chair of the Resources Committee to sign the Annual Report and Accounts for 2009; and authorised the Chair of the Resources Committee to sign the Letter of Representation, on behalf of the trustees.

## **Report of the Audit and Risk Committee**

29. Council received a report of the Audit and Risk Committee's activities for the period December 2009 to April 2010, together with the 2010 Internal Audit Plan and the annual Internal Audit Report 2009.

30. Council:

- a. Received assurance on the systems of internal control and risk management in place during 2009.
- b. Endorsed the activities of the Audit and Risk Committee.

31. During the discussion, it was noted that the Committee proposed to take into consideration any implications from the evaluation of performance programme when considering the internal audit work for 2011.

### **Report of the Registration Reference Group 2009-2010**

32. Council noted the report on the activities of the Registration Reference Group since May 2009.

### **Any Other Business**

33. Council noted the date of the next meeting on 13 July 2010.