

*To consider*

**Report of Working Group: Review of Standing Orders**

**Issue**

1. The GMC's Governance Handbook, including revised provisions on working arrangements and a revised Schedule of Authority.

**Recommendations**

2.
  - a. To agree that oversight of the PLA Board should be undertaken by the Registration Reference Group (paragraphs 14-17).
  - b. To approve the Governance Handbook (paragraphs 8-18 and Annex A).

**Further information**

3. If you require further information about this paper, please contact us by email: [gmc@gmc-uk.org](mailto:gmc@gmc-uk.org) or tel. 0161 923 6602

## **Background**

4. Key Aim 10 of the 2009 Business Plan indicates that we will take steps to enhance our economy, efficiency and effectiveness. The good conduct of Council and committee business, and appropriate and effective delegation, contribute to that aim.

5. Our Standing Orders are made under powers in the Medical Act 1983. They have been reviewed periodically, most recently in 2005. Since then, Council has been reconstituted, the overall governance framework has been significantly modified, and relationships between Council and the other components of the governance framework and between Council and the executive have evolved. On 26 March 2009, Council decided that a fundamental review of our Standing Orders and Schedule of Delegated Authority was required.

6. Council established a Working Group, comprising Dr Hamish Wilson (Chair), Sir Rodney Brooke and Mr Stephen Whittle and supported by staff including the legal team as required. Mrs Enid Rowlands joined the Group at a later stage. The Working Group has met, face-to-face and virtually, on a number of occasions to oversee the work programme. External advice and research into good practice was provided by PKF, who support our internal audit function.

7. In addition to discussions with, for example, Board and Committee chairs, all Council members have been invited to comment on successive drafts on two occasions. The Working Group has greatly valued members' contributions to this process and has carefully considered all of the points raised.

## **Discussion**

### *Overall approach*

8. At an early stage, the Working Group concluded – supported by advice from PKF and examples of good practice in other membership organisations – that it would be appropriate to produce not simply a piecemeal review of existing documentation but an integrated 'Governance Handbook' reflecting contemporary best practice. This means that detailed rules of procedure (where these are required) are explicitly set within the context of our role and purpose, the role and purpose of each component of the governance framework including members themselves, and the expectations placed on Council members and on the executive.

9. The Governance Handbook (Annex A) is structured as follows:

- a. Chapters setting out the role of the GMC, the principles by which we work, the roles of Council, Boards, Committees and Reference Groups, the roles of the Chair of Council and of Council members, the Code of Conduct for members, and the ways in which authorities are exercised within the GMC. These draw explicitly on the principles of better regulation and good governance in the public and third sectors in particular.

- b. Handbook Annex A, which sets out the working arrangements and rules of procedure for Council.
- c. Handbook Annex B, which sets out the working arrangements and rules of procedure for Boards, Committees and Reference Groups together with the purpose statements of these groups.
- d. Handbook Annex C, which covers a range of matters relevant to members' discharging of their responsibilities as Council members.

10. The Governance Handbook is complete except for the section in its Annex C2 relating to the arrangements for the appraisal of members and the Chair. This will be included following completion of the current review, and Council's consideration of the revised system on 9 December 2009.

#### *Schedule of Authority*

11. The approach taken to the Schedule of Authority (Handbook Chapter 9) has been to set out in an accessible format the principal functions and powers of the GMC, to whom they are assigned, and to whom (if at all) they are delegated, including authorities which relate to the ordinary operation of the organisation and are therefore not explicitly referred to in legislation. The advantage of this approach over the former Schedule of Delegated Authority is that it provides, in a single document, an overview of all of our powers and where they are exercised.

12. The Schedule of Authority is supported, in respect of financial matters, by the Financial Regulations which have been revised in tandem with the Schedule of Authority and approved by the Resources Committee following discussion on 24 September 2009. The Financial Regulations are included in the Governance Handbook.

13. In order to avoid the need to revise the Schedule of Authority in the light of any adjustments to internal structures, we have relied on the general ability of the Registrar/Chief Executive to delegate further within the organisation rather than seeking to specify which team or individuals might carry out particular functions.

#### *Specific issues*

##### Governance of the PLA Board

14. The Professional and Linguistic Assessments Board conducts tests to inform the Registrar's decision as to whether doctors who qualified overseas have the necessary knowledge and skills, and (through the international English language testing scheme or IELTS) the knowledge of English to be admitted to the medical register and thus entitled to practise medicine in the UK.

15. The Board was accountable to Council through the former Registration Committee which defined the knowledge and skills needed, developed profiles for members of the Board and the panels which administer the test, appointed members to the Board, and arranged for regular reviews of the Board's work.

16. Since the Registration Committee no longer exists, the governance arrangements for the PLA Board need to be clarified. Most of the other responsibilities of the Committee now lie with the Registration Reference Group and since the PLA Board is integral to the registration process Council is invited, in accordance with the views expressed by the Registration Reference Group on 1 October 2009, to agree that oversight of the PLA Board should be undertaken by the Registration Reference Group.

17. The proposed amendments have been made to the purpose statement for the Registration Reference Group (Handbook Annex B4j) and the Schedule of Authority (Handbook Chapter 9), and the purpose statement of the PLA Board has been included (Handbook Annex B4m).

**Recommendation:** To agree that oversight of the PLA Board should be undertaken by the Registration Reference Group.

#### Outstanding issues

18. Following members' feedback a small number of outstanding issues were highlighted for any further comments members wished to make. These were:

a. Attendance (Handbook Annex A paragraph 10). This now reflects the Working Group's view that the trigger for concern about a member's attendance should be failure, without good cause, to attend three consecutive Council meetings and failure, without good cause, to attend, in any twelve-month period, at least 75% of the meetings of Boards, Committees and Reference Groups to which the member belongs.

b. Minutes and Transcripts (Handbook Annex A1 paragraph 29): The Working Group's recommendation is that the practice of taking a verbatim transcript of Council meetings is no longer required.

c. Chairs of Boards and Committees and convenors of Reference Groups (Handbook Annex B1 paragraph 8). The Governance Handbook now reflects the Working Group's conclusion, in the light of members' feedback, that if there is more than one candidate for any such role there should be an election among the members of the group in question.

**Recommendation:** To approve the Governance Handbook.

#### *Next steps*

##### Communications and engagement

19. The Governance Handbook will be in the public domain, and this transparency is itself a mark of good governance. We do not propose any proactive external communication but will ensure that the Governance Handbook is well promoted internally, for example to secretaries of Committees, Boards, Reference Groups and working groups. It will be accessible on the intranet, with links to other relevant documents.

## Review and Evaluation

20. The Governance Handbook is intended as a 'living document' which can be changed to reflect changing circumstances. Members' feedback will be welcome in respect of any areas where further improvements may be possible.

21. Some changes will be required to reflect the governance arrangements following the PMETB merger, the development of which is reported on in paper 6b. Any changes as a result of the planned review of the overall governance framework in 2010 will of course also be reflected.

## Resource implications

22. An integrated governance handbook and the application of a consistent approach to working arrangements across our governance structure should lead to greater effectiveness and efficiency. Opportunities for savings of around £5,000 per annum, for example, would be created if the practice of transcribing Council meetings is discontinued.

## Equality

23. There are no equality and diversity implications arising directly from this paper.