

*To approve*

## **Minutes of the Meeting on 21 May 2014\***

### **Members present**

Peter Rubin, Chair

Shree Datta  
Christine Eames  
Michael Farthing  
Helene Hayman

Jim McKillop  
Denise Platt  
Hamish Wilson

### **Others present**

Niall Dickson, Chief Executive and Registrar  
Judith Hulf, interim Director of Education and Standards  
Anthony Omo, Director of Fitness to Practise

Christine Payne, Council Secretary  
Paul Buckley, Director of Strategy and Communication  
Una Lane, Director of Registration and Revalidation

\* 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** It was noted that apologies for absence had been received from Ajay Kakkar, Deirdre Kelly, Suzi Leather, Enid Rowlands, and Neil Roberts, Director of Resources and Quality Assurance.
- 2** The Chair reported that Deirdre Kelly had temporarily stood aside from Council.
- 3** The Chair congratulated Shree Datta on the award of a British Medical Association Fellowship.
- 4** Council agreed to increase the level of remuneration payable to selection panel members involved in the appointment of the new Chair and Council member(s) from £310 to £400 per day.

## **Minutes of the meeting on 25 February 2014**

- 5** Council approved the minutes of the meeting on 25 February 2014 as a true record.

## **Chief Executive's Report**

- 6** Council considered the Chief Executive's Report, noting developments in the external environment and progress on our strategy, and key outcomes of note from the Strategy and Policy Board meeting on 1 April 2014 and the Performance and Resources Board meeting on 10 April 2014. Council noted:
  - a** The commentary on significant issues potentially affecting operational performance.
  - b** A summary of progress in delivery of our operational plans.
  - c** A financial summary to 31 March 2014, and a further update to 30 April 2014, which was tabled at the meeting.
  - d** Operational performance and volumes of activity for fitness to practise, registration and certification work, Professional and Linguistic Assessments Board tests, contact centre and reception services, and revalidation.
  - e** Summary information on current judicial reviews and appeals.
- 7** Council noted a correction to page A3 of Annex A to the Chief Executive's Report to Council at its meeting on 25 February 2014, in relation to operational performance. It had been incorrectly reported that we had achieved 96% against a target to conclude 90% of fitness to practise cases within 12 months, whereas it should have been reported that we had achieved 91%.

- 8** Council noted a clarification to paragraph 61 of the Report in that there had been growth in the volume of calls to the Contact Centre in recent months but that overall the levels for 2013 and 2014 remained similar.
- 9** Council noted that the rules and regulations for implementing changes to the Medical Act 1983, related to the new category of impairment of 'not having the necessary knowledge of English', would come into force on 25 June 2014.
- 10** Council noted that we continued to work with the Department of Health (England), Health Education England and others to agree a way forward to address the issue of oversubscription of Foundation Year 1.
- 11** Council noted that recruitment for the roles of Chief Operating Officer and the Director of Education and Standards were at the short-listing stage.
- 12** Council noted that there had been a 27.5% increase in Stream 1 referrals in the fitness to practise procedures in the year to date, which had largely arisen from an increase in complaints by members of the public. Work was underway to manage the increased volume of work, and to better understand the reasons for the increase.
- 13** Council noted that early indications were that meeting the agreed budget for 2014 would be challenging, due to the increased cost pressures caused by volumes of activity in fitness to practise work. This would be kept under review, and an update would be provided to Council at its next meeting on 25 September 2014.
- 14** During the discussion, Council noted that:
  - a** There were some issues with staff retention and increased levels of internal promotions and transfers within the organisation, which caused pressures in managing the workload in some areas, particularly in the Fitness to Practise team. This would continue to be monitored and action taken to recruit additional staff where necessary and to address the wider staff retention issues.
  - b** The type of work undertaken by the Contact Centre had changed over the last two years, particularly following the start of revalidation, with calls and correspondence becoming more complex and taking more time to manage. Additional staff had been recruited and a review of the future resourcing requirements and Contact Centre service targets was underway, which would be reported to the Performance and Resources Board, and then to Council at a future meeting.
  - c** A report on the outcome of the review of the Professional and Linguistic Assessments Board (PLAB) test would be brought to Council for its consideration at a future meeting.

- d** A range of information held by the GMC about medical education and training and fitness to practise complaints had been published in recent months. Council agreed that it would be helpful to consider at a future meeting how our information and data is used and shared.
- e** The GMC's research work would be used to inform a session at the next GMC Conference, and updates on progress with the research programme would be reported to Council as required.
- f** The Welcome to the UK Practice programme had been agreed for implementation. Information about the programme and forthcoming Welcome to UK Practice events, which members were welcome to attend, would be circulated to members after the meeting.

### **Review of Indicative Sanctions Guidance, the role of apology and warnings**

- 15** Council considered the proposed arrangements for the consultation on the Indicative Sanctions Guidance, and the role of apology and warnings in the GMC's fitness to practise procedures.
- 16** Council agreed the proposals for a three month public consultation, to be launched on 1 August 2014, with the addition of:
  - a** Inclusion of the issue of whether any previous interim order should influence a decision to suspend solely to uphold public confidence in the profession.
  - b** Identifying those areas where we would prefer one option over another, indicating the reasons for this.
  - c** The option of a voluntary, mediated apology.
  - d** Consideration of whether any time a doctor had already been suspended for during the investigation of a complaint should be taken into account by a Panel in determining an appropriate sanction.
  - e** Consideration of the role of testimonials, including the potential role a Responsible Officer could play in providing a report, and an option to remove the assessment of testimonials from the process altogether.
  - f** Consideration of the practicability of conditions imposed on practice.
  - g** Ensuring that risk managers, and other staff in the health service with an interest in complaints and managing doctors subject to investigation, should be engaged with relevant issues during the consultation.
- 17** Council noted that the introduction to the revised Indicative Sanctions Guidance would set out Council's overall responsibility for the Guidance, and would note the

contribution of David Pearl, Chair of the MPTS, the MPTS, the Fitness to Practise Directorate, and GMC policy staff to its development.

- 18** Council noted that details of what pre-consultation engagement had been undertaken, as well as information on how we planned to communicate and undertake the consultation with key interests and with whom, would be included in the information circulated to members with the revised consultation document for final approval in June 2014.

### **Trustees' Annual Report and Accounts 2013**

- 19** Council considered the Trustees' Annual Report and Accounts for the year ended 31 December 2013, noting that they had been reviewed by the Performance and Resources Board and the Audit and Risk Committee, and prepared in accordance with the Charities Act 2011 and the Statement of Recommended Practice for Accounting and Reporting by Charities.

- 20** Council noted the statement of accounts, which represented a summary of financial activity for the year ended 31 December 2013. This had been reviewed by the external auditors, Crowe Clark Whitehill, who were content that the financial statements represented a true and fair view of the GMC's financial position, and that there were no matters of exception which required reporting.

- 21** Council:

**a** Approved the Trustees' Annual Report and Accounts for 2013, subject to:

- i** An amendment to the illustrations on pages 12 and 13 of the draft Report to make a colour and visual differentiation between the service targets met and those not met.
- ii** An amendment to the illustration on page 5 of the draft Report to make clear what the numbering meant.

**b** Approved the Letter of Representation.

**c** Authorised the Chair of Council to sign the Annual Report and Accounts for 2013, once the agreed amendments had been made, and to sign the Letter of Representation.

- 22** During the discussion, Council noted:

**a** That the next year's Report would include information about the GMC's remuneration policy following the introduction of a new requirement by the Charity Commission.

- b** That options would be explored for the addition of an Executive Summary to accompany future Reports.
- c** Its thanks to the Executive teams involved in producing the Report.

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

**23** Council considered the report of the Audit and Risk Committee's activities since its report to Council on 10 December 2013.

**24** Council noted:

- a** The issues considered by the Audit and Risk Committee at its meetings on 25 February and 29 April 2014.
- b** That the external auditors, Crowe Clark Whitehill, had confirmed that they were satisfied in respect of audit and accounting matters and that no significant weaknesses in financial systems and controls had been identified during their audit review.
- c** That a revised approach to the Corporate Risk Register and to risk management would be brought back to Council for its consideration at a future meeting, following an opportunity for discussion at its away day in June 2014.
- d** That following an external review of internal audit, an enhanced co-sourcing model, with additional senior in-house resources and a contract with an external organisation was considered appropriate. A tender exercise would be conducted during 2014 for the award of the contract to an internal audit supplier for services from 2015.
- e** That the Head of Internal Audit Opinion was that Substantial assurance could be given on the systems of governance, risk management and internal control in operation in 2013.
- f** That a review of the actions generated from internal audit work had been undertaken, with the majority of actions completed.
- g** The 2014 programme of internal audit work included a review in relation to fraud control measures, based on advice from the external auditors reflecting upon activities in other organisations.

### **Amendment to the GMC Registration Fees Regulations**

**25** Council considered amendments to the GMC Registration Fees Regulations to support the assessment of English language skills for doctors from the European Economic Area.

## **26 Council:**

- a** Agreed to make the revised GMC Registration Fees Regulations, effective from 21 May 2014.
- b** Authorised the Chair, and the Chief Executive, to apply the Corporate Seal to the revised Regulations.

### **Amending the List of bodies entitled to award UK Primary Medical Qualifications**

- 27** Council considered and agreed a request to remove the University of Wales from the GMC's List of bodies entitled to award UK Primary Medical Qualifications.

### **Amendments to the Governance Handbook: Section 14 of the Medical Act 1983 (as amended)**

- 28** Council considered and approved the delegation of the exercise of powers under Section 14 of the Medical Act 1983 (as amended) to the Registrar.

### **Evidence of English language skills: Guidance for European doctors**

- 29** Council noted the guidance on evidence required for European applicants to demonstrate that they have the necessary knowledge of English.

### **Report on Council Appointments**

- 30** Council noted a report on the final arrangements for the process to appoint a new Chair of Council and Council member(s), and an update on progress.

### **Any other business**

- 31** Council noted that its away day would be on 24 and 25 June 2014, and that the next meeting would be on 25 September 2014, in London.

Confirmed:

Peter Rubin, Chair

25 September 2014