

7 June 2016

**Council**

M2

*To approve*

**Minutes of the Meeting on 19 April 2016\***

**Members present**

Terence Stephenson, Chair

Shree Datta

Christine Eames

Michael Farthing

Helene Hayman

Ajay Kakkar

Deirdre Kelly

Julian Lee

Suzi Leather

Jim McKillop

Denise Platt

Enid Rowlands

**Others present**

Niall Dickson, Chief Executive and Registrar

Susan Goldsmith, Chief Operating Officer

Paul Buckley, Director of Strategy and Communication

Judith Hulf, interim Director of Education and Standards, Senior Medical Adviser and Responsible Officer

Una Lane, Director of Registration and Revalidation

Anthony Omo, General Counsel and Director of Fitness to Practise

Christine Payne, Council Secretary

Neil Roberts, Director of Resources and Quality Assurance

\*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 no apologies for absence had been received.
- 2 The Chair noted that Dr Tim Howard would stand down as a member of the Medical Practitioners Tribunal Service (MPTS) Committee on 29 April 2016. The Chair acknowledged Dr Howard's outstanding contribution in the role since the establishment of the MPTS in 2012, and also as a panellist between 2001 and 2012. Council noted that the recruitment of a successor was underway with an appointment expected to be made in July 2016.

## Minutes of the meeting on 25 February 2016

- 3 Council approved the minutes of the meeting on 25 February 2016 as a true record.

## Chief Executive's Report

- 4 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 22 March 2016.
- 5 Council approved the proposed amendments to the Governance Handbook relating to a change to the MPTS Committee's Statement of Purpose, in that the Committee's membership comprises medical and lay members that may be external co-opted or demitted MPTS Tribunal members.
- 6 During the discussion, Council noted that:
  - a The GMC had issued further advice, on 19 April 2016, for doctors in the event of further industrial action. The guidance reminded doctors in training, those providing cover and those in leadership roles of their professional responsibilities.
  - b Further to the Government's decision to hold a public consultation on new proposals for the future of professional regulation in autumn 2016, discussions with the Department of Health had indicated that consideration to mergers between health regulators were likely to form part of the proposals for the future shape of professional regulation.
  - c A roundtable event was held on 12 April 2016 to discuss doctors' conflicts of interest and identify what additional support could be made available for doctors in dealing with conflicts. Representatives from NHS (England), the Scottish Government and Welsh Government were in attendance, with the group emphasising the need to provide training for doctors on dealing with conflicts and greater transparency in recording and publishing information about doctors' interests.

- d** The GMC would conduct a public consultation on potential changes to the information made available on the List of Registered Medical Practitioners during the summer of 2016, which would include consideration of the inclusion of information about conflicts of interest.
- e** An event was held on 7 April 2016 as part of work to support vulnerable doctors to discuss initial proposals to reduce the impact of fitness to practise processes on doctors, particularly those with health concerns, which had been developed with advice from mental health expert Professor Louis Appleby. The feedback would inform the development of an action plan which would be considered by the Strategy and Policy Board and reported to Council later in 2016.

### **Chief Operating Officer's Report**

- 7** Council considered the Chief Operating Officer's Report and agreed to introduce a fee of £2,350 for second revalidation assessments from 1 July 2016. It was noted that an equality impact assessment had been carried out as part of the development of proposals and that, in terms of protected characteristics, no groups would be disadvantaged.
- 8** Council noted:
  - a** The commentary on operational performance.
  - b** Operational performance against key performance indicators (KPI) and progress on Council's priorities, including that:
    - i** The operational KPI of '2015 deficit within budget % variance' was rated as red as at the end of January there was a surplus of £327,000 against a budget deficit of £45,000 on operational costs.
    - ii** All Council priority work was on track with a green rated status.
  - c** Income and expenditure to the end of January 2016, and that expenditure was 4% under budget at that time as headcount was less than expected.
  - d** Key outcomes of note from the Performance and Resources Board meeting on 1 March 2016.
  - e** Summary information on current judicial reviews and appeals.
  - f** That the GMC Change Programme was in its implementation phase, following the conclusion of the consultation on the proposed staff and accommodation changes. It was noted that:

- i Leaving dates had been communicated to those staff that would be made redundant as a result of the Change Programme.
- ii Following feedback received through a survey of staff, work was underway to plan the revised office layout of the GMC offices in Manchester and London.
- iii The consultation on proposed changes to the GMC's defined benefit pension scheme had concluded at the end of March 2016 and the outcome would be considered by the Board of Pension Trustees in May ahead of proposals being brought for consideration by Council at its meeting on 7 June 2016.
- iv Internal audit work would continue to provide assurance to Council through Audit and Risk Committee oversight of the Change Programme, with the Committee due to consider the outcome of a spot check of the Project Management Office at its meeting on 11 May 2016.

### **Report of the Investment Sub-Committee 2015/16**

- 9 Council considered the first annual report of the Investment Sub-Committee, which outlined its work since January 2015.
- 10 Council:
- a Considered the report on the work of the Investment Sub-Committee in 2015/16.
  - b Agreed the proposed change to the Investment Policy, to change from a fixed target rate of return objective of inflation (CPI) plus 2%, to a target rate of return objective within the range of inflation (CPI) plus 2% to 5%, over a rolling five year period.

### **Credentialing consultation: results and next steps**

- 11 Council considered a report on the outcome of the public consultation on credentialing.
- 12 Council:
- a Considered the report of the credentialing consultation *Introducing regulated credentials*.
  - b Agreed that the GMC would work with a small number of potential early adopters to evaluate and test the cost effectiveness and efficacy of the model during 2016-17.

**13** During the discussion, Council noted that:

- a** Outline principles for how credentialing proposals brought to the GMC might be approved were in the process of being developed and were expected to have standards around equality and diversity inbuilt as was already the case for the approval of postgraduate training programmes.
- b** It was expected that areas of practice would be credentialed, as opposed to individual procedures which would potentially change quickly as technology developed.
- c** Some flexibility would need to be built into the credentialing process, as it was anticipated that some areas of practice, once credentialed, would eventually form part of postgraduate training curricula which would mean the credential was no longer required in some cases.
- d** Confirmation would be sought as to what role, if any, the UK Accreditation Service might have in relation to the GMC's plans for credentialing.
- e** A clear communications exercise would need to be undertaken to make it explicit what a credential, as awarded by the GMC, was and what it meant in terms of what an individual was able to do in their medical practice.
- f** Consideration would be given as to whether it would be appropriate to establish a credentialing advisory group to provide advice to the GMC on the credentialing programme of work.

**Publication and disclosure - revised time limit proposals**

**14** Council considered a report on options for the time limits on publication and disclosure of fitness to practise sanctions, developed in response to issues raised when the outcome of the consultation on changes to the GMC's publication and disclosure policy was considered at its meeting on 25 February 2016.

**15** Council:

- a** Agreed the proposed timescales for time limits.
- b** Agreed, in cases where impairment is solely due to adverse physical or mental health, to remove a fitness to practise sanction from publication as soon as the sanction expires or is revoked.
- c** Agreed that, in relation to doctors who receive a second (or further) fitness to practise sanction, there would be no different publication periods.

**16** During the discussion, Council noted that:

- a** If required, a Fitness to Practise Tribunal was able to review a case and choose to either end a sanction early or to extend its time and that this could be informed by an independent assessment of the doctor's health.
- b** On the occasion that a sanction was removed from a doctor's record on the List of Registered Medical Practitioners due to the agreed time limits, details of that prior sanction would still be made available to a Tribunal considering a new case when considering sanction, and details of the historic case's determination would still be available to the public.

### **Revisions to the Amendment Orders implementing changes to the Medical Act 1983**

**17** Council considered a report on proposed revisions to the Fitness to Practise Rules, following the identification of typographical and other minor errors, which had previously been approved by Council and the Privy Council, and implemented on 31 December 2015.

**18** Council:

- a** Noted the corrections to be made to the Fitness to Practise Rules, by way of an Amendment Order.
- b** Agreed to delegate authority to the Chair of Council to approve the final Amendment Order making corrections to the Fitness to Practise Rules, and affix the Corporate Seal.

### **Proposed Amendments to the Governance Handbook**

**19** Council considered proposals for amendments to the Governance Handbook, including the Schedule of Authority, to strengthen the GMC's governance processes by putting in place clear provisions for the delegation of authorities in the absence of the Chair of Council and the Chief Executive.

**20** Council:

- a** Approved the proposed amendments to the Governance Handbook.
- b** Agreed that, should they be required to be used, the exercise of these powers would be reported in advance to Council.

**c** Noted that the Chair of Council and the Chief Executive intended to exercise these powers to cover planned leave of absence in 2016 on:

**i** 8 to 31 July 2016 (Chair of Council).

**ii** 11 May to 2 June 2016 (Chief Executive).

**21** During the discussion, Council agreed that the Chair of Council should delegate his or her responsibilities when nominating a member to act as deputy Chair, if required, to one of the governance committee Chairs, rather than one of the longest-serving members of Council.

### **Any other business**

**22** Council noted that the next meeting would be on 7 June 2016, in Manchester.

Confirmed:

Terence Stephenson, Chair

7 June 2016