

10 December 2015

Council

M2

To approve

Minutes of the Meeting on 30 September 2015*

Members present

Terence Stephenson, Chair

Shree Datta
Christine Eames
Helene Hayman
Ajay Kakkar
Deirdre Kelly

Suzi Leather
Julian Lee
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, Senior Medical Adviser and Responsible Officer
Una Lane, Director of Registration and Revalidation

Anthony Omo, General Counsel and Director of Fitness to Practise
Vicky Osgood, Director of Education and Standards
Christine Payne, Council Secretary
David Pearl, Chair of the Medical Practitioners Tribunal Service (item 6)
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 apologies for absence had been received from Michael Farthing.
- 2 The Chair reported that Lord Robert Kilpatrick, former President of Council between 1989-1995, had passed away. The Chair paid tribute to the outstanding contribution he had made to the work of the GMC during that time.
- 3 The Chair noted declarations of interest from all Council members in relation to the agenda items on the *Review of Council members' expenses policy* and *Proposals for Council member appointments and reappointments process*, and from Ajay Kakkar in relation to the agenda item on the *Development of GMC Services* given his role as UK Business Ambassador for Healthcare and Life Sciences.

Minutes of the meeting on 2 June 2015

- 4 Council approved the minutes of the meeting on 2 June 2015 as a true record.

Chief Executive's Report

- 5 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 14 July 2015.
- 6 During the discussion, Council noted that:
 - a The Department of Health had started discussions with Ministers about opportunities for a slimmed-down version of the Professional Accountability Bill.
 - b Work was ongoing on the development of a UK Medical Licensing Assessment and on-track to report to Council on progress in June 2016.
 - c In relation to moving the point of full registration, the GMC's position remained that it did not object in principle but that it could not support any change that would adversely impact on patient safety.
 - d The Chief Executive had attended a summit meeting hosted jointly by NHS England and the Professional Standards Authority on Sir Bruce Keogh's review of professional codes of practice. The review had concluded that the codes were fit for purpose and that within the context of a time of change for the NHS the challenge was about how to change culture.
 - e Weston Area Health NHS Trust remained under review as part of the GMC's enhanced monitoring process. Despite signs of progress, some concerns remained about the clinical supervision of foundation doctors, and a further visit to the Trust

would take place before the end of October 2015. The withdrawal of approval for all foundation training remained an option.

- f** Beatson West of Scotland Cancer Centre remained under review as part of the GMC's enhanced monitoring process following concerns about patient safety at the Centre related to the reconfiguration of services. Work continued with other agencies to ensure that action was being taken to address the issues and a further visit to the Centre was planned in November 2015 to assess progress.
- g** While the GMC did not rank medical schools, consideration would be given as to whether the ranking of medical schools in the Good University Guide had any correlation to information from education quality visits and the National Training Survey.
- h** Significant challenges and risks remained around the implementation of the Directive on the Recognition of Professional Qualifications. In particular the impact of the European Professional Card and related changes would limit the powers of the GMC to decide who is registered when the Card is extended to the medical profession in 2018. Council noted the importance of ensuring that the GMC's concerns about the potential risks to patient safety continued to be raised with the UK Government.

Chief Operating Officer's Report

7 Council considered the Chief Operating Officer's Report, noting:

- a** The commentary on operational performance, including the addition of two new key performance indicators.
- b** Operational performance against key performance indicators and progress on Council's priorities.
- c** That the target of responding to 90% of ethical/standards enquiries within 21 days had been missed in July 2015. This was due to staff resourcing issues and action had since been taken to ensure sufficient resources were in place.
- d** Key outcomes of note from the Performance and Resources Board meeting on 18 June 2015.
- e** Summary information on current judicial reviews and appeals.
- f** Income and expenditure to the end of July 2015, and that expenditure was 4% under budget at that time.

- 8** Council agreed to appoint Crowe Clark Whitehill as the GMC's external auditor for a term of three years, with the option to extend for a further year.

Review of Professional Standards Authority Performance Review Report 2014/15

- 9** Council considered the Professional Standard Authority's (PSA's) Annual Performance Review Report and noted the positive conclusions on the GMC's performance during 2014/15 and the areas of good practice that had been highlighted.
- 10** During the discussion, Council noted:
- a** That the PSA had decided against the introduction of a risk standard or an agreed statement of risk as part of the revised annual performance review which was under consideration.
 - b** That not all the health regulators would be required to undergo a full annual performance review for 2015/16. Whether this included the GMC would be dependent upon results from the data that the GMC would provide to the PSA in November/December 2015.
 - c** Its thanks to the Chief Executive, Chief Operating Officer and staff at the GMC for the work reflected in the PSA's positive review.

Proposed Amendment Orders to implement changes to the Medical Act 1983

- 11** Council considered the amended draft Rules to implement changes to the Medical Act 1983 (as amended) to establish the Medical Practitioners Tribunal Service in law and modernise the investigation and adjudication of fitness to practise cases, and proposed changes to the governance arrangements required as a result of the changes.
- 12** Council:
- a** Noted the consultation outcome report and response, and the equality analysis.
 - b** Considered the draft Amendment Orders, and agreed to delegate authority to the Chair of Council to approve the final Orders and affix the Corporate Seal.
 - c** Approved the proposed changes and consequential amendments to the Governance Handbook.
 - d** Approved the proposed approach to the transitional arrangements for membership of the Medical Practitioners Tribunal Service Committee.

13 During the discussion, Council noted that:

- a** There had been some delays in finalising the Amendment Orders which were understood to be due to the availability of appropriate resource at the Department of Health (England).
- b** The Department of Health had consulted on changes to the Medical Act 1983 (as amended) in 2014, which were approved by Parliament in March 2015. The subsequent consultation by the GMC had been to consider how those changes should be implemented. It was noted that a number of changes had been made to the proposals following consideration of consultation responses.
- c** One of the most significant areas of the reform programme was to make case management more effective.

Proposals for Council member appointments and reappointments process**14** Council considered proposed arrangements for the approach to the appointments and reappointments process for Council members which would begin in 2016.**15** Council:

- a** Agreed the proposed approach to the appointment and reappointment of Council members. This would include an open competition for the two known vacancies that would arise, and a reappointments process in which current Council members could be considered for reappointment to help ensure a degree of continuity and utilise the experience built over the first four year term.
- b** Agreed the arrangements for the use of a non-executive recruitment agency to support the appointments process.
- c** Approved the proposed amendments to the Governance Handbook to reflect the role of the Chair in the appointments and reappointments process.

16 During the discussion, Council noted that:

- a** It would be helpful to undertake a skills audit of members at an early stage so as to assess Council's future needs and identify what skills and experience may be required in making the new appointments. A private session was scheduled for this purpose in December 2015, to inform the proposals for requirements which Council would be asked to consider for approval at its meeting on 25 February 2016.

- b** During the 2015 member appraisal process, the Chair would seek an early indication of whether members wished to be considered for reappointment, including for what term. The issue of staggering members terms would be included for discussion at the private session in December 2015.
- c** The list of potential selection panel members would be reviewed, and the Chair of Council would then review who should be invited to form the panel based on the agreed criteria and PSA's requirements.

Development of GMC Services

- 17** Council considered proposals to offer GMC services in the UK or internationally on a cost-recovery or for-profit basis. The aim of GMC services would be to help raise standards of medical practice, generate additional revenue to support the GMC's work in the UK and enable staff to acquire new skills and experience of other regulatory systems.
- 18** Council agreed that a business plan for GMC Services should be developed and brought back to Council for further consideration, setting out the reasons behind the proposal and the objectives to be achieved.
- 19** During the discussion, Council noted that:
 - a** It would be important to make sure that anyone appointed to oversee the development of the work had the appropriate skills and experience required for a commercial project. The Executive should consider how best to proceed with any decision on the proposed appointment.
 - b** It was expected that there might be situations where the GMC would offer some services at cost recovery or without making a charge, and a model for how this could be determined against the provision of for-profit would be included in the business plan.
 - c** Charging for some GMC services which had previously been provided for free would enable the GMC to expand its capacity without drawing upon its existing resources.
 - d** The provision of GMC services could provide an additional income stream that would initially be modest, but if successful there might be potential to scale-up.
 - e** The development of GMC services should not adversely impact on the GMC's ability to deliver its statutory functions and existing activities within the UK, nor should it interfere with the organisation's existing programme of work. It would need clear governance and lines of accountability.

Income generation – non-Annual Retention Fee fees

- 20** Council considered proposals to increase the GMC's income through changes to the non-Annual Retention Fee fees.
- 21** Council approved the proposed changes to:
- a** Professional and Linguistic Assessments Board test fees.
 - b** Revalidation annual returns and periodic assessments fees.
 - c** Credit card transaction charges.
 - d** Charging for payment by instalments.
 - e** Registration status changes charges.
 - f** Scrutiny fees on closed registration applications.

Review of Investment Policy

- 22** Council considered an update on the review of the Investment Policy which had been undertaken by the Investment Sub-Committee, and proposed amendments to the Investment Policy and the Investment Sub-Committee's Statement of Purpose.
- 23** Council:
- a** Approved the revised Investment Policy.
 - b** Agreed the proposed amendments to the Investment Sub-Committee's Statement of Purpose.
- 24** During the discussion, Council noted that:
- a** It would receive the first annual report on the work of the Sub-Committee in February or April 2016, but given that funds would not be under management until December 2015 the first annual report that would include an annual fund management report and outcome of the independent review would be February or April 2017.
 - b** Regular reports on investment performance would be included as part of the Chief Operating Officer's Report.
 - c** The Sub-Committee would be undertaking a review to determine whether making provision within the Investment Policy for funds to be held in UK banks only was necessary and prudent. Should the outcome of the review determine that a further

change to the Investment Policy was required it would be brought back to Council for consideration.

Review of Council members expenses policy

- 25** Council considered proposals to revise the Council members' expenses policy, which had been updated following a review by the Remuneration Committee.
- 26** Council approved the revised members' expenses policy, effective from 1 October 2015.

Update on response to independent review of whistleblowing

- 27** Council noted an update on the GMC's response to Sir Anthony Hooper's independent review of whistleblowing, and the GMC's action plan.

The scope of medical regulation: physician associates

- 28** Council noted developments surrounding the regulation of physician associates and the possible future role of the GMC.

Any other business

- 29** Council noted that the next meeting would be on 10 December 2015, in London.

Confirmed:

Terence Stephenson, Chair

10 December 2015