

28 September 2017

## Council

*Draft as of: 7 August 2017*

*To approve*

## Minutes of the meeting on 7 June 2017\*

### Members present

Denise Platt, Deputy Chair

Steven Burnett  
Shree Datta  
Christine Eames  
Anthony Harnden  
Helene Hayman

Deirdre Kelly  
Paul Knight  
Suzi Leather  
Amerdeep Somal

### Others present

Charlie Massey, Chief Executive and Registrar  
Susan Goldsmith, Chief Operating Officer  
Paul Buckley, Director of Strategy and Communication  
Una Lane, Director of Registration and Revalidation  
Colin Melville, Director of Education and Standards  
Patricia Morrissey, Council Secretary  
Anthony Omo, General Counsel and Director of Fitness to Practise  
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 Terence Stephenson and Michael Farthing.
- 2 On behalf of Council, the Deputy Chair thanked GMC staff for their hard work and professionalism during the recent terrorist attacks in Manchester and London and the cyber attack. Council noted that GMC business continuity plans had worked well and that regular service had continued under difficult circumstances.
- 3 Steven Burnett, Susan Goldsmith, Deirdre Kelly and Paul Buckley, declared an interest in relation to their role as directors of GMC Services International (GMCSI).

## Minutes of the meeting on 26 April 2017

- 4 Council approved the minutes of the meeting on 26 April 2017 as a true record.

## Matters arising

- 5 With reference to paragraph 13 of the minutes, Council approved the postponement of the launch of the *Outcomes for Graduates* consultation to allow time for further consultation with key stakeholders. It was noted that the consultation would be rescheduled to take place from September to November 2017.

## Chief Executive's Report

- 6 Council considered the Chief Executive's Report, noting developments in the external environment and progress on our strategy, including updates on:
  - a The appalling case of Ian Paterson, the surgeon convicted in April on 17 counts of wounding with intent. Council noted that the enhanced system of clinical governance introduced through revalidation since 2012 provided a much more robust system to ensure that doctors are up to date and remain fit to practise and that as a result of revalidation concerns as to a doctor's clinical practise are detected at an early stage.
  - b The content of the different political party manifestos for the general election and implications for the GMC.
  - c The recruitment process for the post of Director of Strategic Communications and Engagement.

## Chief Operating Officer's Report

- 7 Council considered the Chief Operating Officer's Report and noted:
  - a The commentary on operational performance.

- b** Operational performance against key performance indicators (KPI) and progress on Council's priorities, including:
  - i** Income and expenditure to the end of April 2017, and that expenditure was overall £1,635k under budget, mainly driven by operational headcount being lower than forecast.
  - ii** That the majority of Council priority work was on track apart from the four red and amber priorities which had not changed from the previous meeting.
  - iii** That an update would be provided at the next meeting on the impact on the GMC as a result of planned staff reductions at Health Education England.
- c** Summary information on current judicial reviews and appeals.
- d** The Corporate Risk Register and risk appetite statement and that an additional risk would be added to the Risk Register regarding the establishment of a new Strategic Communications and Engagement directorate and the appointment of a new Director to lead its work.
- e** Key outcomes of note from the Performance and Resources Board meeting on 19 April 2017.
- f** An update on the political situation in Qatar. It was noted that GMC Services International's contract in Qatar had been completed and there were no staff safety issues. The situation would remain under review.

## **Report of the Medical Practitioners Tribunal Service Committee**

- 8** Council considered a report from the Medical Practitioners Tribunal Service (MPTS) Committee. The report set out the key activities of the MPTS since the last report to Council in December 2016.
- 9** Council also noted the MPTS annual report to Parliament which had been produced for the first time following the Section 60 changes to the Medical Act 1983 introduced in December 2015.
- 10** During the discussion, Council noted:
  - a** The MPTS budget for 2017 was £9.4m and this was a reduction from £10.6 million in 2016.
  - b** The ongoing work to reduce delays in tribunals. It was anticipated that the appointment of 74 new legally qualified chairs (LQC) would improve hearing effectiveness. Council was supportive of efforts to reduce delays where possible and reduce the significant impact of fitness to practise investigations and tribunal

hearings on doctors and their families. It was however, recognised that some investigations were unavoidably lengthy due to external factors beyond the GMC's control.

- c** That MPTS tribunals could take into account environmental factors during their deliberations if they were made known during the hearing including the context in which doctors work.
- d** The ongoing programme of work to further support self-represented and vulnerable doctors. It was noted that previous queries from Council on the correlation between suicide rates and self-represented or vulnerable doctors, had been superseded by this work and the implementation of the recommendations following the review by Professor Appleby.
- e** The on-going development of the MPTS vision which highlighted the importance of doctors and the general public recognising the operational separation of the MPTS from the GMC and the independence of the MPTS when making tribunal decisions.
- f** The on-going work to review the tone of correspondence sent to doctors at the completion of fitness to practise processes to make this as accessible as possible, but recognising that some legal terminology would need to be included, as required.
- g** The first successful appeal by the GMC of an MPTS tribunal decision. It was noted that successful appeals would be used as training points for MPTS tribunal members.

### **Fitness to Practise Annual Statistics Report 2016**

**11** Council considered the Fitness to Practise Annual Statistics Report 2016.

**12** Council:

- a** Noted the key figures and trends identified in fitness to practise activity in 2016.
- b** Approved the submission of the Fitness to Practise Annual Statistics Report 2016 to the Privy Council to be laid before the Houses of Parliament alongside the Trustees' Annual Report and Accounts 2016, which also included information about GMC fitness to practise work, before the summer recess.\*

**13** During discussion, Council noted:

- a** That the number of new full investigations opened investigations opened fell, from 2,306 in 2015 to 1,296 in 2016. There were a number of likely reasons for the

\* A small number of minor amendments were made to this report following Council's consideration. An updated report was submitted to the Privy Council.

reduction, including the expansion of the provisional enquiries process and the reduction in the number of referrals from employers arising from introduction of the Employer Liaison Service (ELS) and Revalidation in 2012, and better local management of doctors locally.

- b** The role of case examiners and the assurance that they understood the GMC's patient safety role and the context in which doctors practised. It was noted that two case examiners (CE) were assigned to each case, significant guidance and training were made available and CE decisions were audited extensively.

### **Trustees' Annual report and Accounts 2016 and the 2017 Impact Report**

- 14** Council considered the Trustees' Annual Report and Accounts for the year ended 31 December 2016, 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 Charities Statement of Recommended Practice (Financial Reporting Standard 102).
- 15** Council noted the statement of accounts, which represented a summary of financial activity for the year ended 31 December 2016, which 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.
- 16** Council:
  - a** Approved the Trustees' Annual Report and Accounts for 2016.
  - b** Approved the Letter of Representation.
  - c** Approved the 2017 Impact Report.
  - d** Authorised the Deputy Chair of Council to sign the Annual Report and Accounts for 2016, and the Letter of Representation, on its behalf.
- 17** During the discussion, Council noted that:
  - a** The Annual Report had been produced in a much more succinct format and included a more focussed statement on the GMC's public purpose.
  - b** A separate Impact Report had been produced for the second time and provided further qualitative insight into the work of the GMC.
  - c** The Annual Report and Accounts 2016 also covered the work of the MPTS but that the MPTS would also publish a separate Report to Parliament for the first time following its establishment as a statutory committee of Council.

- d** Overall, the GMC was in a good financial position; free reserves on 31 December 2016 had increased up to £37.3 million, with total reserves at the year end of £65.5 million.
- e** In light of these figures, further discussions around expenditure opportunities and issues would be considered as part of the 2018 budget setting process at Council's next meeting on 28 September 2017.

**18** Council:

- a** Commended all teams involved in the production of the Annual Report and Accounts 2016 and Impact Report 2017, particularly in relation to the improvements in the quality and content of the reports compared to previous years.
- b** Noted:
  - i** Suggestions for a small number of minor changes to the report which would be reviewed and incorporated, as required.
  - ii** That consideration could be given to including some self reflection in future Impact Reports; e.g. GMC learnings following the cyber attack.

**Report of the Audit and Risk Committee**

**19** Council considered the report of the Audit and Risk Committee's activities since its last report on 14 December 2016.

**20** During discussion, Council noted:

- a** The co-sourcing model with Moore Stephens continued to work well and was considered to be sufficiently objective, with further improvements noted in 2017. The contract with Moore Stephens had been extended for a further 12 months ahead of a full procurement process in 2018.
- b** The Committee's thanks to the Assistant Director of Audit and Risk Assurance for her work.

**Any other business**

- 21** It was agreed that consideration of levers to encourage take up of attendance at Welcome to UK Practice sessions should be explored at the forthcoming Council away day as part of the upstream regulation session.
- 22** Council noted that a report from the Chief Executive would be circulated to members in August 2017.

**23** Council noted the Away day would take place at Donnington Grove Country Club, Newbury on 5-6 July 2017 and the next Council meeting would be held on 28 September 2017, in London.

Confirmed:

Terence Stephenson, Chair

28 September 2017