

Action	To approve
Purpose	<p>To examine an underpinning area (devolution) to the corporate threat:</p> <p><i>Inability to respond effectively to changes in the external environment, including legislation and wider social impact changes, could lessen our influence and reduce public, profession and political confidence in our role.</i></p> <p>The deep dive will consider:</p> <ul style="list-style-type: none"> a the assurance of the effective management of an existing directorate threat. b further causes of the risk of increased devolution across the four countries that impact each directorate.
Decision trail	The Executive Board agreed to examine this risk area at their meeting on 26 July 2021.
Recommendation	<ul style="list-style-type: none"> a Consider if the underpinning devolution risk described is accurately articulated and using the framework agreed at the July Executive Board, consider whether there is appropriate assurance that the risk associated with further devolution is being effectively managed. b Identify the gaps in underpinning risks within each directorate for directorate discussion and development as appropriate.
Annexes	Annex A - Deep Dive slides
Author contacts	<p>Lindsey Mallors, Assistant Director, Audit and Risk Assurance lindsey.mallors@gmc-uk.org, 020 7189 5188</p> <p>Alicia Pearson, Risk Manager Alicia.Pearson2@gmc-uk.org, 0161 240 8223</p>
Sponsoring director	<p>Paul Reynolds, Director of Strategic Communications and Engagement paul.reynolds_roberts@gmc-uk.org, 0161 923 6230</p>

Background

- 1 The thematic nature of the corporate level risks requires the support of the more granular *underpinning* risks held at directorate level.
- 2 Reflecting SMT decision to undertake more focused 'deeper' analysis of a risk topic, this deep dive is centred on the impact of further devolution in the devolved countries – one of the concerns influencing the management of the corporate level threat encompassing changes in the external environment.
- 3 In July 2021 the SC&E directorate undertook a bowtie analysis to identify the causes, preventions, consequences and recovery of the threat of devolution in regulatory powers across the four countries specific to the SC&E directorate. The exercise was undertaken to develop an appropriate risk to support the management of the corporate threat:

Inability to respond effectively to changes in the external environment, including legislation and wider social impact changes, could lessen our influence and reduce public, profession and political confidence in our role.

- 4 The new SC&E directorate level underpinning risk is described as:

If we do not keep abreast of diverging national agendas and legislative changes, we may fail to shape our approach in the four UK nations and inform the debate on regulation with regard to devolution/independence. This may impact on our regulatory effectiveness, credibility and value as a supportive partner.

- 5 Currently on the MS Teams Risk Register, there is little recorded with respect to devolution threats or opportunities. The deep dive examines the SC&E threat by asking SMT to consider whether there is appropriate visibility of underpinning or aligned risks for their areas of responsibility to provide assurance to the accountable director that the overall risk is being managed effectively.
- 6 The discussion will be supported using the first step of the bowtie method -- identification of the risk causes associated with further devolution across the four countries.
- 7 To provide context some indicative (not exhaustive) examples are provided to help highlight potential gaps in the risk register at directorate level (para 8). Further background information is also available to support the discussion (para 15-17).

Directorate risks

- 8 The context and working environment present several risks to the GMC's achievement of strategic objectives across all directorates. These are some indicative examples to help promote discussion:
- FtP – risk of managing thresholds for FtP action across each nation as a result of divergent legal systems presenting issues such as disparity of sanctions for illegal acts. Does the GMC need to flex its approach?
 - MPTS – risk of legal diversions across each nation. How would the GMC respond to this?
 - E&S/S&P – risk of appropriately adjusting our policy approach across each nation. How much can the GMC develop a sense of what the minimum requirement is for the UK to achieve consistency whilst supporting national circumstances?
 - S&P/Corporate/Resources – risk of further devolution or total independence leading to the establishment of separate arrangements for the regulation of healthcare professionals. How would the GMC approach the scenario of different regulatory models or a total separation? How would this affect the current ARF and division of assets or would we seek to remain a four-country regulator?
 - S&P – risk of failing to get the four country aspects right leading to the derailment of policy approaches in a specific country eg Cumberlege or MAPs. If the GMC doesn't keep pace with the health landscapes of the devolved countries how can we embed our Corporate Strategy across the four countries?
 - R&R – risk of responding to challenges from one of the four nations to change our approach and the effect on the other three nations eg push from Scotland for changes to appraisal and revalidation.
 - S&P – risk of implications of signing a mutual recognition agreement with the Medical Council of Ireland post-standstill. What would be the implications for similar requests for recognition from regulators/professionals in other jurisdictions?
 - Resources – risk of recruiting and retaining specialist skills and knowledge to support engagement in the devolved countries. How do

the potential risks affect the recruitment strategy across the four nations?

- Resources – what do these concerns mean for back office functions, eg financial management of the four countries?

- 9 It is expected that any highlighted gaps would be followed up after the Executive Board meeting by the appropriate directorate/s.

Deep Dive

Risk Context

- 10 The risk developed by the SC&E directorate focuses on the remit of the directorate and the national offices. It identifies the risk of not fully understanding the diverging national agendas and legislative changes with an impact of being perceived as inflexible and not responsive to the individual needs of all four countries.

- 11 Some of the root causes of the risk are identified as:

- not being party to developing discussions in the four nations
- not being perceived as a credible regulator who is a supportive partner and sensitive to the needs of the four nations
- not being 'alive' to wider GMC threats through horizon scanning
- inconsistent understanding of devolved landscapes across the wider GMC.

Risk Assessment

- 12 The inherent risk assessment for the SC&E directorate devolution risk is significant (amber).

Mitigations and Evaluation

- 13 Several mitigations are in place to reduce the possibility of the risk occurring and lessen the impact if it should happen. These have been grouped into areas and abbreviated where appropriate:

Relationship management and engagement

- relationship plans with key stakeholders
- role of individual directors supporting country engagement at senior levels (Una Lane – NI, Anthony Omo – Scotland, Neil Roberts – Wales)
- UK Advisory Forums
- response to legislative issues that impact our standards ensuring continued consideration is given to the different circumstances in all four UK countries when developing GMC policy and guidance (including response to Welsh Language Standards)
- regular discussions with DoH (NI) and Medical Council of Ireland on all Ireland Regulatory issues

Horizon scanning and internal communication

- SC&E Directorate discussion and provision of strategic advice and communication with colleagues across the organisation
- understand and respond to the political health environment – skilled and resourced NO teams consider and manage developments in the external environment with consideration at regular four country strategic risk meeting
- regular engagement with S&P Directorate including RPT and Strategy colleagues
- regular and systematic consideration of devolved differences and implications for our work on a four-country basis by Council through bi-annual reporting.
- internal four country meetings with directors to raise awareness of political developments in this area

Expertise

- experience and expertise in responding to political change

- utilising the publication of the Devolved Legislatures reports as a tool in public affair strategies, meeting forthcoming statutory requirements following regulatory reform
- response to legislative issues that impact our standards ensuring continued consideration is given to the different circumstances in all four UK countries
- regularly monitoring capacity issues within EAE teams.

Evaluation

- 14 Whilst mitigations have been identified to reduce the likelihood and impact of the risk of further devolution from an understanding and communication perspective the residual risk remains unchanged at *amber*.

Where are we now?

- 15 The GMC provides regulation UK-wide, requiring the ability to regulate across all four countries and manage the impact of separate arrangements for the delivery of primary and secondary care, different bodies with responsibility for education and training, and different health system regulators for the three devolved countries. Within England, we are responding to increased devolution to areas such as Greater Manchester, and the establishment of new regional structures of NHSE/I.
- 16 The GMC is committed to four country regulation and has physical offices and teams in each of the four countries, covering a range of functions. This is not an approach taken by other UK-wide health regulators. The three devolved offices lead on relationships, engagement, outreach, external affairs and policy in Northern Ireland, Scotland and Wales.
- 17 Across the four countries the variations are complex and require specialist knowledge and understanding of the political, legislative and regulatory landscape. In addition, the GMC must be 'alive' to the social and cultural issues that may affect the perception of the GMC should these not be properly considered eg Welsh language standards; power-sharing in NI; the constitutional debate in Scotland etc.

Deep Dive Slides

General
Medical
Council

Deep Dive
Responding to a changing
environment - Devolution

27 September 2021

Working with doctors Working for patients

To take a deeper look at an underpinning risk area (devolution) supporting the Corporate level risk

- *Inability to respond effectively to changes in the external environment, including legislation and wider social impact changes, could lessen our influence and reduce public, profession and political confidence in our role*

To analyse the effectiveness of the underpinning risk

- *If we do not keep abreast of diverging national agendas and legislative changes, we may fail to shape our approach in the four UK nations and inform the debate on regulation with regard to devolution/independence. This may impact on our regulatory effectiveness, credibility and value as a supportive partner*

To identify gaps in underpinning risks within each directorate for directorate discussion and development as appropriate

- GMC provides UK-wide regulation with a physical presence in all four countries
- Devolution and diverging political priorities alongside differing healthcare landscapes, education and training systems, and system regulators/improvement bodies presents multiple challenges
- Further variations developing across England through regional structures and approaches to healthcare
- Requires specialist skills, knowledge and understanding to ensure that the GMC is 'alive' to the pertinent issues and can continue to respond flexibly to the varied political, legislative and regulatory environment

DEVOLUTION DEEP DIVE – CORPORATE LEVEL RISK

The management of the risk presented through changes in the external environment, such as devolution, is captured at corporate level through the risk below:

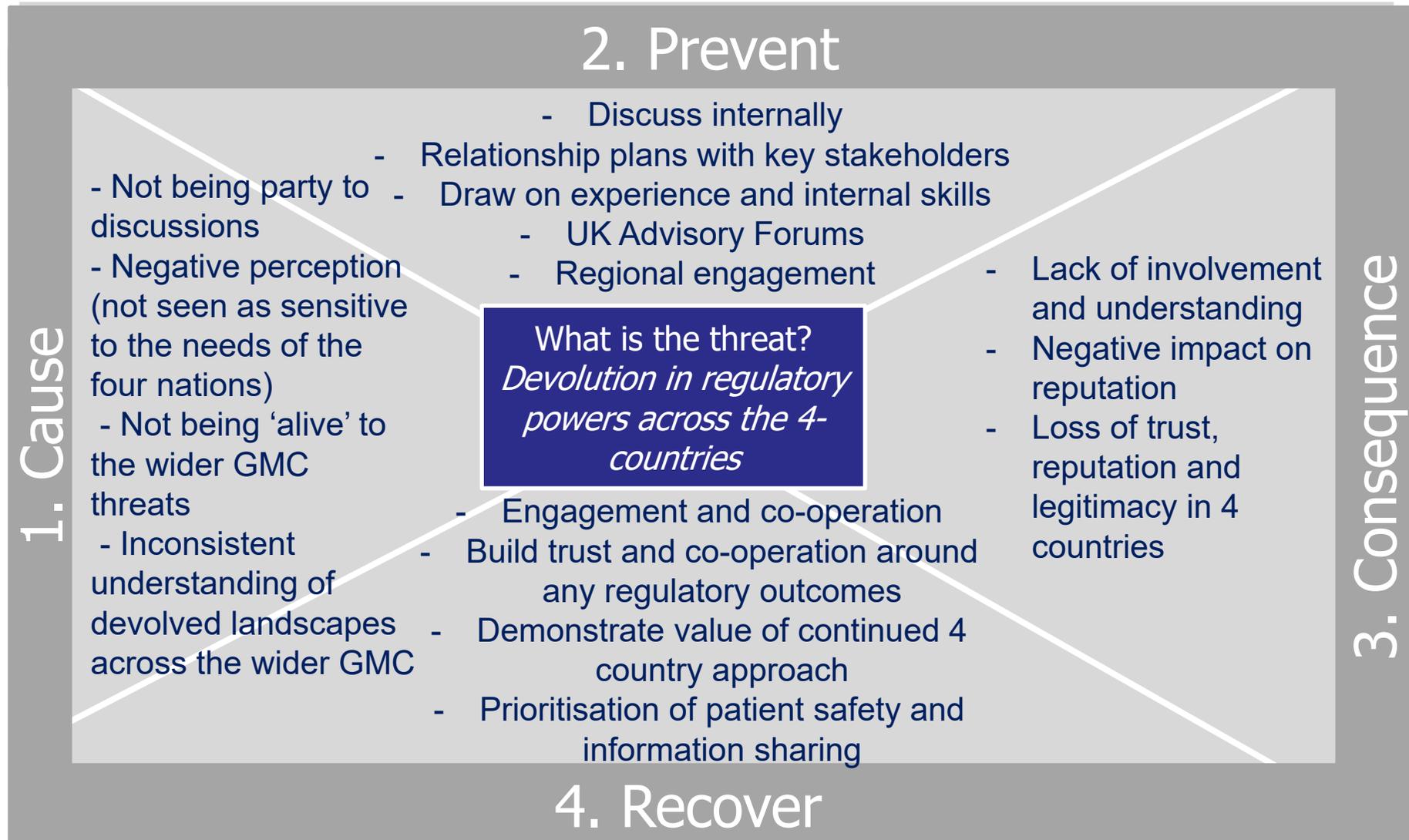
Risk Description	Inherent rating			Mitigations	Residual rating		
	L	I	A		L	I	A
Inability to respond effectively to changes in the external environment, including legislation and wider social impact changes, could lessen our influence and reduce public, profession and political confidence in our role	Quite likely	Major	Critical	MITIGATIONS IN PLACE <ul style="list-style-type: none"> • Proactive, senior-level engagement with stakeholders to understand their agendas • Outreach teams structures in place, aligned to UK countries and regions of England, to help us understand and influence national and local systems • Contribution to NHS People Plan (England) and Government initiatives across the UK • Continuous monitoring of our external environment, including longer term horizon scanning and research (eg barometer and perception surveys with the medical profession) • Contributing to meetings and networks across the UK and Europe • Internal governance in place to process, consider and make decisions on the intelligence we receive about the quality and safety of local practice and training environments (JWIG and PSIF meetings) 	Unlikely	Moderate	Low

DEVOLUTION DEEP DIVE – DIRECTORATE LEVEL RISK

An underpinning supporting risk identified to manage the threat of devolution has been captured and recorded by the SC&E directorate:

Risk Description	Inherent rating			Mitigations	Residual rating		
	L	I	A		L	I	A
<p>If we do not keep abreast of diverging national agendas and legislative changes, we may fail to shape our approach in the four UK nations and inform the debate on regulation with regard to devolution/ independence. This may impact on our regulatory effectiveness, credibility and value as a supportive partner</p>	Quite likely	Moderate	Significant	<p>MITIGATIONS IN PLACE</p> <ul style="list-style-type: none"> • Relationship plans with key stakeholders • UK Advisory Forums • Response to legislative issues that impact our standards ensuring continued consideration is given to the different circumstances in all four UK countries when developing GMC policy and guidance (including response to Welsh Language Standards) • Regular discussions with DOH (NI) Medical Council of Ireland on all Ireland Regulatory issues • Directorate discussion and provision of strategic advice and communication with colleagues across the organisation • Understand and respond to the political health environment – skilled resourced NO teams • Regular engagement with S&P directorate including RPT and Strategy colleagues • Regular and systematic consideration of devolved differences and implications for our work on a four-country basis by Council through bi-annual reporting • Internal four country meetings with Directors to raise awareness of political developments in this area • Experience and expertise in responding to political change • Utilising the publication of the Devolved Legislatures reports as a tool in public affairs strategies, meeting forthcoming statutory requirements following regulatory reform • Response to legislative issues that impact our standards ensuring continued consideration is given to the different circumstances in all four UK countries • Regularly monitoring capacity issues within EAE teams 	Quite likely	Moderate	Significant

Bowtie overview



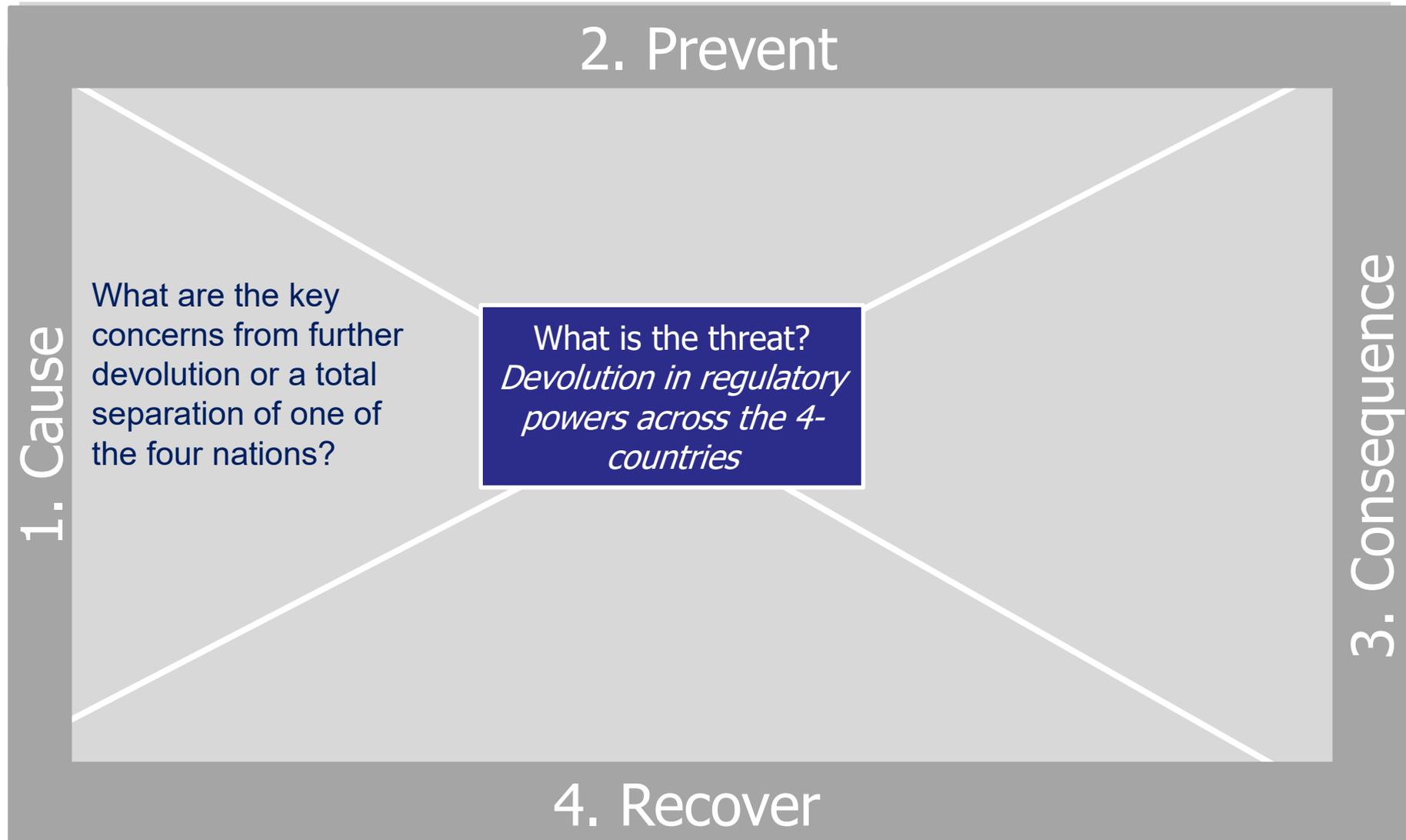
Considering the context and risk environment presented by the complexity of varying political, legislative and regulatory requirements across the four countries, what other risks does this present to the GMC's achievement of strategic objectives?

Some indicative risk areas to promote discussion:

- FtP – risk of managing thresholds for FtP action across each nation as a result of divergent legal systems presenting issues such as disparity of sanctions for illegal acts. Does the GMC need to flex its approach?
- MPTS – risk of legal diversions across each nation. How would the GMC respond to this?
- E&S/S&P – risk of appropriately adjusting our policy approach across each nation. How much can the GMC develop a sense of what the minimum requirement is for the UK to achieve consistency whilst supporting national circumstances?
- S&P/Corporate/Resources – risk of further devolution or total independence leading to the establishment of separate arrangements for the regulation of healthcare professionals. How would the GMC approach the scenario of different regulatory models or a total separation? How would this affect the current ARF and division of assets or would we seek to remain a four-country regulator?

- S&P – risk of failing to get the four country aspects right leading to the derailment of policy approaches in a specific country eg Cumberlege or MAPs. If the GMC doesn't keep pace with the health landscapes of the devolved countries how can we embed our corporate strategy across the four countries?
- R&R – risk of responding to challenges from one of the four nations to change our approach and the effect on the other three nations eg push from Scotland for changes to appraisal and revalidation.
- S&P – risk of implications of signing a mutual recognition agreement with the Medical Council of Ireland post-standstill. What would be the implications for similar requests for recognition from regulators/ professionals in other jurisdictions?
- Resources – risk of recruiting and retaining specialist skills and knowledge to support engagement in the devolved countries. How do the potential risks affect the recruitment strategy across the four nations?
- Resources – what do these concerns mean for back office functions, eg financial management of the four countries?

Bowtie overview



NEXT DEEP DIVE –EXECUTIVE BOARD NOVEMBER 2021

- The deep dive of the corporate risk 'Responding to a changing environment' is the last in the cycle of deep dives considering the corporate level risks
- The November deep dive is scheduled to consider Regulatory Reform which represents the start of the second cycle

EB Meeting	Corporate Risk	Comments
July 2021	ED&I Compliance and Strategic delivery	Completed
September 2021	Responding to a changing environment	Devolution focus and end of 1 st deep dive cycle
November 2021	Regulatory Reform	Start of 2 nd deep dive cycle
February 2022*	Statutory functions	(MPTS & FtP)
May 2022	Statutory functions	(E&S & R&R)
July 2022	Ability to work with others	
October 2022	Working with patients and the public	
December 2022	Availability of resources	
2023	Deriving insight from data	

* Dates of the Executive Board meetings for 2022 may be subject to change