

**Minutes of the Meeting of the  
General Dental Council  
held at 09.30am on Thursday 2 December 2021  
in Open Session held via MS Teams**

**Council Members present:**

Lord Harris	Chair
Donald Burden	
Anne Heal	
Angie Heilmann MBE	
Jeyanthi John	
Sheila Kumar	
Mike Lewis	
Caroline Logan	
Simon Morrow	
Crispin Passmore	
Laura Simons	

**Executive Directors in attendance:**

Ian Brack	Chief Executive and Registrar
Gurvinder Soomal	Chief Operating Officer
John Cullinane	Executive Director, Fitness to Practise
Stefan Czerniawski	Executive Director, Strategy
Sarah Keyes	Executive Director, Organisational Development
Lisa Marie Williams	Executive Director, Legal and Governance

**Staff and Others in attendance:**

Sir Ross Cranston	Chair of the Statutory Panellists Assurance Committee
Osama Ammar	Head of Public Policy (items 11 and 12)
Samantha Bache	Head of Finance and Procurement (item 8)
Lee Bird	Interim Deputy Head of Governance
Clare Callan	Head of Case Progression (item 9)
Dave Criddle	Head of Business Intelligence, Delivery and PMO (item 8)
Colin Mackenzie	Head of Nations and Engagement (item 10)
Ravjeet Pudden	Programme and Portfolio Manager (item 9)
Joanne Rewcastle	Head of Communications and Engagement
Tyrrell Wright	Interim Head of Governance (Secretary)

**Others in Attendance:**

Members of the public attended as observers.

**Apologies:**

Terry Babbs.

**1. Welcome and apologies for absence**

- 1.1 The Chair welcomed everyone to the meeting, including members of the public who had joined to observe. Apologies had been received from Terry Babbs.
- 1.2 The Chair expressed regret that the Council was still meeting online, due to an assessment of the continuing risk posed by Covid-19. It was hoped that the next Council meeting would be in-person.
- 1.3 The Chair shared his recent stakeholder engagements, including meetings with the Chair of the Health and Care Professions Council and, separately, with a senior staff member from the Care Quality Commission. The Chair had also attended the anniversary celebrations of the British Association of Dental Nurses, as had Angie Heilmann. Upcoming engagements included meetings with the Nursing and Midwifery Council (NMC), General Medical Council (GMC), and Professional Standards Authority (PSA).

**2. Declaration of interests**

- 2.1 In relation to the substantive meeting agenda, all registrant Council Members declared an interest in Boundaries of Regulation (item 11).
- 2.2 In relation to items considered by correspondence, those present declared an interest in the following items:
  - a. Financial Delegated Authority (correspondence item 2a) - all budget holders.
  - b. Council Member and Associates Expenses Policy (correspondence item 2b) - all Council Members.
  - c. Whistleblowing Policy for Staff and Associates (correspondence item 3) - all staff.

**3. Questions Submitted by Members of the Public**

- 3.1 The Council **noted** that no questions had been received.

**4. Approval of Minutes of Previous Meeting**

- 4.1 The full minutes of the public meeting held on 21 October 2021 had been **approved via correspondence**. The Council Secretary highlighted that an omission related to Sir Ross Cranston's attendance at the meeting would be rectified. The Council **approved** the abbreviated minutes of the closed meeting held on 21 October 2021 for publication.

**ACTION: Council Secretary to amend confirmed minutes of the public meeting held on 21 October 2021, to reflect the Chair of SPC's attendance.**

**5. Matters Arising and Rolling Actions List**

- 5.1 The Council **noted** the rolling actions list.

**6. Decision Log**

- 6.1 The Council **noted** that there were no decisions taken by correspondence since the last meeting.

## 7. Assurance Reports from Committee Chairs

### Audit and Risk Committee

- 7.1 The Chair of the Audit and Risk Committee (ARC) updated the Council on the work of ARC since the last Council meeting. The Committee had met once, and it was noted that the Chief Executive had given an update in relation to fitness to practise (FtP) and regulatory reform. The Committee also considered the following key business:
- a. The Strategic Risk Register (SRR) - the Committee had discussed the updated SRR and noted the risk horizon scanning exercise being undertaken by the Executive Management Team (EMT). The SRR and Risk Assurance Map update were on the agenda for the closed meeting of the Council.
  - b. The reporting framework related to the Equality, Diversity and Inclusion (EDI) Strategy.
  - c. A deep-dive on Associates - the Committee had discussed a presentation that provided a detailed examination of the management of Associates across the GDC, with a focus on the potential implications of the *NMC-v-Somerville* court case.
  - d. Internal and external audit - the Committee had approved the Global Internal Audit Plan and noted an update on progress with the implementation of internal audit recommendations. The Committee had also considered external audit planning documents from the external auditor, Haysmacintyre, and the National Audit Office, both of which the Committee approved.
  - e. Other items - the Committee had considered the Whistleblowing Policy for Staff and Associates, which it was content to recommend to the Council for approval, and the Q3 Information Governance update report.
- 7.2 The Chair of ARC brought it to the Council's attention that the Committee had one fewer member than it had previously. Whilst this was not currently an issue, it was suggested that this may be something for the Council to revisit at the appropriate time.

### Finance and Performance Committee

- 7.3 A member of the Finance and Performance Committee (FPC) updated the Council. The Committee had met once and considered the following key business:
- a. The Q3 organisational performance report - the Committee had discussed an information governance incident and the current recruitment challenge, with some teams being particularly affected.
  - b. An update on the New Ways of Working (hybrid working) pilot - the Committee had noted good levels of staff compliance overall, with most instances of non-compliance due to annual leave and/or sick leave. A further update had been requested for early February 2022.
  - c. FtP - the Committee had considered three items directly related to FtP. These were an update on the FtP Action Plan, an in-depth review of Hearings, and consideration of proposed FtP KPIs and initial targets. In respect of the latter, the Committee had been content to recommend to Council that the FtP KPIs and initial targets be approved. The FtP KPIs item was on the agenda for this public meeting of the Council.
  - d. Other items - the Committee had considered a number of other items which were due to be considered today on either the Council's public or closed meeting

agenda. This included the review of Financial Policies and Procedures for 2022, which the Committee had been content to recommend to Council for approval.

- 7.4 The Council reflected on the recruitment challenge currently faced by many organisations and recalled efforts previously reported to Council to improve GDC staff retention. The Executive Director, Organisational Strategy, stated that retention rates continued to be monitored closely. The Council was informed that early indications from the assessment centres were encouraging.

#### Remuneration and Nomination Committee

- 7.5 The Chair of the Remuneration and Nomination Committee (RemNom) updated Council on two items considered via correspondence since the last Council meeting. These were the Council Member and Associates Expenses Policy and the Committee's Annual Report, both of which the Committee was content to recommend to the Council for approval and noting, respectively.

#### Statutory Panellists Assurance Committee

- 7.6 The Statutory Panellists Assurance Committee (SPC) had not met since the last Council meeting. The Chair of SPC took the opportunity to inform the Council that the Chair of FPC had been invited to present to the Committee at its next meeting. The Head of the Internal Legal Presentation Service (ILPS) had also been invited to present to the Committee. The Chair of SPC highlighted that he and another of the Committee Members had met and agreed to put ILPS in contact with HM Courts and Tribunals Services.

#### Chair's Group

- 7.7 The Chair informed the Council that the Chair's Group had recently met, the first under the new Chair, and would do so periodically. At the meeting it had been agreed to provide Council Members with access to all committee papers. The Chair emphasised that there was no expectation of Council Members requiring them to read papers for committees of which they were not members. The intention was to provide the option, particularly for the benefit of newly joining Council Members as part of their induction.
- 7.8 The Council **noted** the updates.

## **8. Organisational Performance**

*The Head of Finance and Procurement and the Head of Business Intelligence, Delivery and PMO joined the meeting.*

- 8.1 The Head of Business Intelligence, Delivery and PMO and the Head of Finance and Procurement presented the reports, which set out organisational performance for Q3 of 2021 and the finance forecast as at the end of the same period.
- a. Corporate Costed Plan (CCP) Performance for Q3 - key points were highlighted from the Performance Summary section of the report, with portfolio delivery reported to be as forecast overall. The Organisational Development overview reflected on the recruitment challenge being experienced and reported an increase in staff sickness levels during the quarter.
  - b. Finance Forecast - at the end of Q3 there was an operating surplus of £15.6m, which was £4.2m higher than budget. This was driven by underspend across a number of budget areas in the year-to-date. There was a forecast full-year operating surplus of £5.6m, which was £3.6m higher than budgeted. The Accounting Officer stated that whilst some of the underspend would result in actual savings, the greater proportion represented delayed expenditure which

would be incurred at a later date. He cautioned that inflationary pressures were also becoming increasingly apparent and likely to increase costs in the year ahead.

8.2 The Council **discussed** the following:

- a. In response to a request for an update on the Tone of Voice Project, the Executive Director, Strategy, advised that the project represented a collaborative effort to improve day-to-day communications with key stakeholder groups and was progressing well. As a result of work to-date it had already become apparent that relatively small changes could make a big difference.
- b. In respect of a similar request regarding the Complaints Resolutions Model, the Executive Director, Strategy, stated that work on this had recently recommenced after pausing due to Covid-19. Noting that the purpose of the project was to help the public understand the wider dentistry complaints system, the Council acknowledged the need to strike the right balance between being helpful and ensuring that the GDC remained within its statutory role and remit.
- c. The potential impact of increased sickness levels on staff performance were considered. The Executive Director, Organisational Development, stated that the increase appeared related to seasonal colds/flu and the return of office working as part of the new hybrid model of working being piloted. The Council observed that this was the case for many organisations.

8.3 The Council **noted** the reports.

*The Head of Finance and Procurement and Head of Business Intelligence, Delivery and PMO left the meeting.*

## 9. Fitness to Practise Key Performance Indicators

*The Head of Case Progression and the Programme and Portfolio Manager joined the meeting.*

9.1 The Executive Director, Fitness to Practise, presented the paper, which set out proposed Key Performance Indicators (KPIs) for FtP and related targets. The Council was **informed** that whilst the KPI definitions would be retained, related targets would change over time, particularly as performance improved.

9.2 The Council **discussed** the following:

- a. There was a distinction to be made between KPIs and targets. Council members suggested that Council should focus its efforts on agreeing the KPIs by which success were to be measured in this important area, and that targets were a matter for the Executive. The Chief Executive welcomed this distinction and stated that the proposed targets had been tested and took into consideration the current performance challenges within FtP. The intention in setting KPIs across the business was to provide Council (and the Executive) with a framework to monitor performance in key areas, with associated targets set to manage performance, primarily at the operational level.
- b. The Council queried the approach taken to developing the 'timeliness' KPIs and associated targets. The Executive Director, FtP, advised that different types of case had been grouped into three groups, based on their streams. For each timeliness KPI, the proposed targets differed at each of the key stages of case progression, and the proposed targets had been tested against historic data. This

approach to setting targets against the timeliness KPIs ensured that they reflected the 'facts on the ground' when it came to progressing different types of case.

- c. The Council sought assurance that the proposed approach would enable the identification of outliers to the timeliness KPIs and that quality would continue to be a key focus in case progression. The Executive Director, Fitness to Practise, confirmed that this was the case. Two senior casework managers were being recruited to strengthen oversight of case progression, as part of the approved business case to increase FtP resources, and changes required to the CRM System were being planned. The Quality Assurance Committee would also continue to function.

- 9.3 The Council **approved** the FtP KPIs and **noted** the initial targets.

*The Head of Case Progression and the Programme and Portfolio Manager left the meeting.*

## 10. Separation of Adjudications - Proposed Name

*The Head of Nations and Engagement joined the meeting.*

- 10.1 The Executive Director, Fitness to Practise, and the Head of Nations and Engagement presented the paper, which proposed the name for an administratively separated adjudications function. A research agency had been commissioned to test the name via consultation with a patients panel. Results found that 33% preferred use of the word 'Tribunals' in the name, 32% 'Hearings', and 33% had no preference. When advised of the proposed name, 'Dental Professionals Hearings Service', 75% agreed or strongly agreed that '*the name clearly described the function of the service*' and 69% agreed or strongly agreed that '*members of the public will understand what the service does, by its name*'.

- 10.2 The Council **discussed** the proposal and **agreed** with the recommendation that the administratively separated adjudication function be named the 'Dental Professionals Hearings Service'.

*The Head of Nations and Engagement left the meeting.*

## 11. Boundaries of Regulation

*The Head of Public Policy joined the meeting.*

- 11.1 The Executive Director, Strategy, and the Head of Public Policy introduced the paper, which set out the proposed framework intended to assist the GDC when seeking to address disparate policy questions pertaining to what was and was not within the GDC's remit. It was not intended to provide a solution in its own right but would contribute to the toolkit available to policy colleagues and senior staff in undertaking a systematic appraisal of key considerations in often complex areas.
- 11.2 The Council recognised that a key purpose of the GDC was to protect, promote, and maintain public health, safety, and wellbeing. It was important that this was reflected appropriately within the proposed framework and that consideration was given to engagement with other regulators, where appropriate, when considering policy questions.
- 11.3 The Council advocated a cautious approach to the implementation of the proposed framework. In parallel to this, in considering complex policy questions, it was agreed that there was a need to continue to explore and define the Council's appetite when it came to encouraging innovation in dentistry practice.



- 11.4 The Council was of the view that publishing the framework externally could potentially enhance stakeholder confidence, by demonstrating how the GDC approached complex policy questions. This would be given further consideration.
- 11.5 Whilst the Council welcomed the framework as an additional 'tool', it emphasised the importance of ensuring that it did not become a 'tick box' exercise when considering complex policy questions, if it was to be conducive to better outcomes. The Executive Director, Strategy, recognised this risk and stated that it would be important to take a 'step back' regularly to ensure that the process did not become overly mechanistic.
- 11.6 The Council and Executive recognised that the external environment was continuously changing, meaning that the GDC needed to continue to adapt accordingly. The framework would therefore need to be reviewed periodically to ensure that all key considerations were taken into account when considering a policy question. On a similar theme, it was suggested that further/future development of the framework may benefit from differentiating between the potential risks and benefits of a given policy question on service users, on the one hand, and the public at large on the other.
- 11.7 The Council **approved** the framework.

## 12. Regulatory Reform Update

- 12.1 The Head of Public Policy updated Council on regulatory reform, including: review of GMC draft legislation packages, which it was anticipated would form the basis of changes for all other healthcare regulators under S.60 reforms initiated by the Department of Health and Social Care (DHSC); and the KPMG's review of the number of healthcare regulators. There was no update on the DHSC review of regulated health professions. The GDC's preparation for and response to regulatory reform proposals, as they emerged, was being overseen by the Regulatory Reform Programme Board, which had been designed to scale up and scale down activity if and as needed. Given the challenging external environment, timescales in respect of the regulatory reform agenda remained uncertain.
- 12.2 The Council was informed that the PSA had recently given its public support for the establishment of a single healthcare regulator. This view had been noted by the healthcare regulators within its remit.
- 12.3 The Council **noted** the update.
- The Head of Public Policy left the meeting.*

## 13. Any Other Business

- 13.1 The Chair informed the Council that it was Crispin Passmore's final meeting, as he would be stepping down from the Council at the end of the month. The Chair placed on record Council, EMT, and wider GDC thanks to Crispin Passmore for his significant contribution to the GDC over the past four years, including his tenure as Chair of the Audit and Risk Committee. The meeting wished Crispin Passmore well in all his future endeavours.

## 14. Items considered by correspondence

- 14.1 The Council **approved via correspondence** the:
- a. Investment Principles and Strategy;
  - b. Financial Policies and Procedures;
  - c. Whistleblowing Policy (Staff and Associates); and

d. Review of Education.

14.2 The Council **noted via correspondence** the:

- a. Public Affairs, Policy and Media Update, and the Stakeholder Engagement Report;
- b. Annual Reviews of Committee Effectiveness and Forward Workplans; and
- c. Research Programme Update.

*The meeting was closed at 11.10am.*