

Draft

**Minutes of the Meeting of the
General Dental Council
held at 10:30am on Wednesday 01 February 2017
in Public Session
at 37 Wimpole Street, London W1G 8DQ**

Council Members present

William Moyes	Chair
Terry Babbs	
Catherine Brady	
Rosemary Carter	
Margaret Kellett	
Kirstie Moons	
David Smith	
Neil Stevenson	

Executive in attendance:

Ian Brack	Chief Executive and Registrar
Graham Masters	Director of Finance and Corporate Services
Gurvinder Soomal	Executive Director, Registration and Corporate Services
Jonathan Green	Executive Director, Fitness to Practise (FTP)
Matthew Hill	Executive Director, Strategy
Sue Steen	Interim Director of Governance and HR
Lisa-Marie Roca	Principal Legal Adviser

Staff members in attendance:

Clare Mitchell	Head of Governance
Ian Jackson	Director for Scotland
Jonathan Dillon	Head of Adjudications (Item 7)
Helen Elderfield	Governance and Executive Support Manager

Invited Attendees:

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PART ONE – PRELIMINARY ITEMS

1. Opening remarks, apologies for absence and declarations of interest

- 1.1. The Chair welcomed everyone to the meeting, in particular Sue Steen who had joined the GDC as Interim Director of Governance and HR.
- 1.2. Apologies for absence were received from Council members Geraldine Campbell, Alan MacDonald, Lawrence Mudford and Jayendra Patel. Apologies were also received from Rosie Varley, Chair of the Statutory Panelists Assurance Committee.
- 1.3. All Council members declared an interest in item 10 on the agenda.

2. Questions submitted by members of the public

- 2.1. The Chair advised that no questions had been received from the public in response to the agenda and papers being posted on the GDC's website.

3. Minutes of meeting on 01 December 2016

Discussion

- 3.1. A typographical error was noted at paragraph 16.4 relating to the finance policies.
- 3.2. Subject to that amendment, the draft minutes were considered and accepted as a true and accurate record of the discussions that took place at the meeting.

Action

- A.1 Amend the wording of paragraph 16.4 of the minutes to accurately reflect the amendment to the finance policy in relation to the Modern Slavery Act.

Action: Helen Elderfield

Resolution

The Council resolved to:

- R.1 **Approve** the minutes of the meeting held in public session on 1 December 2016 subject to amendment as noted.

4. Matters arising from the meeting on 01 December 2016 and rolling actions list

Discussion

- 4.1. The minutes of the December meeting indicated that, in respect of the actions arising from the PSA Action Plan, two actions that were rated as amber were due to have been completed by 31 December 2016. Members enquired as to whether that deadline had been met.
- 4.2. The Council noted that none of the actions arising from previous meetings were yet due for completion.

Action

- A.2 An update whether the 31 December deadline had been met for two amber rated PSA Action Plan items to be sent to Council members.

Action: Helen Elderfield

Resolution

The Council resolved to:

- R.2 **Note** the progress made regarding actions arising from previous meetings

5. Decisions Log

Discussion

- 5.1. The Council noted the decision taken under delegated authority since the meeting on 1 December 2016.

Resolution

The Council resolved to:

- R.3 **Note** the decision taken since the last meeting.

PART TWO – ITEMS FOR DECISION AND DISCUSSION

A –PATIENTS

6. Regulatory Reform – *Shifting the Balance*

Discussion

- 6.1. Matthew Hill acknowledged the work done by the Policy and Communications teams in preparing and launching the GDC's discussion document *Shifting the Balance*. The launch event at Wimpole Street had been generally well received and positive feedback had been received following an event in Edinburgh where Matthew had been speaking.
- 6.2. There had been balanced media coverage of the launch event and it was noted that the BDA had indicated that they will prepare a response to the document following further consideration. It was hoped that the profession would capitalise on the opportunities that the consultation presents and that meaningful engagement would lead to further strengthening of stakeholder relationships. Matthew advised that the defence unions were attending the next Policy and Research Board meeting.
- 6.3. Those members who had been present at the launch agreed that Sara Hurley's remarks had been very good and commented that in conversation with other attendees the tone of the document had been very well received. Council members had also taken the opportunity to network with other attendees and offer further information for example to address questions that had been raised regarding the ARF.
- 6.4. Ian Brack informed the meeting that feedback on the initiatives referred to in the document would be taken into account in shaping work programmes to enable to reform initiatives to proceed. He confirmed that the GDC's existing programme and project management procedures would be used to monitor and report on progress. Additionally, the continued challenge from PRB was welcomed.
- 6.5. It was confirmed that the next stage was a series of stakeholder meetings at which the proposals would be discussed in more detail. Council members requested that the conclusion of the consultation a further event be held to present the conclusions and proposed actions to all those who have contributed and Matthew confirmed that such a meeting was included in the plan as well as regular updates to the Council.
- 6.6. Matthew informed the Council that the proposed Department of Health consultation had not yet been published. Bill Moyes stated that he and Ian had recently met Philip Dunne who had showed understanding of the GDC's business and sought input for potential new legislation. Ian confirmed that at the Chief Executives' Legislative Group the consensus was that imminent legislation was not probable.

Resolution

The Council resolved to:

- R.4 **Note** the launch of *Shifting the Balance* and the proposed next steps.

B – PROFESSIONALS

7. Case Examiner Team – progress update

Discussion

- 7.1. Jonathan Dillon, Head of Adjudications, joined the meeting to advise the Council on the progress made since the introduction of the case examiner team.
- 7.2. Jonathan confirmed that 14 Case Examiners had graduated from an intensive two month training programme and that there were currently no delays or backlogs in the caseload. He explained that all the decisions taken to date had been double checked and that a robust quality assurance process was in place. In total 157 reviewable decisions had been taken, of which only one had been referred under Rule 9.
- 7.3. He advised that 74% of cases were closed within the seven day target and 34% were referred to a Practice Committee, compared to 48% in the same period last year. Undertakings were below target at 12% and the Compliance Team were undertaking a profiling exercise on the caseload to inform reforecasting. Jonathan pointed out that the number of warnings given was higher than anticipated and this should also be taken into account when considering the impact on projected savings. He reiterated that the overall objective was to reduce the number of cases referred to a Practice Committee and this was being met.
- 7.4. Council members agreed that although the team was still settling in to the role, the start was very positive. Noting the time that was being spent on developing the sensitivity of the forecasting model, it was explained that there would be confidence in the robustness of the model following three to six months of steady performance. It was anticipated therefore that the assumptions would be fixed by July. It was suggested that the rigour with which savings were estimated and pursued should be debated by the Finance and Performance Committee.
- 7.5. Council members were reassured by the slow build on the numbers of undertakings and welcomed the intention to continue a dialogue with the defence unions to improve the Case Examiners' training and knowledge.
- 7.6. It was suggested that the reporting structure described in paragraph 17 of the paper was complex and should be simplified.
- 7.7. Concerning the list of key points identified by the QA team set out at paragraph 12 of the paper, Council members sought clarification on the priority. Jonathan Green stated that there was strong encouragement to apply each test in order and to consider what is in the public interest when reaching a determination. Although it was too soon to have any customer service feedback, there was a focus on reducing the delay between assessment and decision and to seek feedback on this aspect of the process.

Action

- A.3 The performance reporting structure to be simplified.

Action: Oliver Carr

Resolution

The Council resolved to:

- R.5 **Discuss** the progress of the Case Examiner Team since its inception.

C – PARTNERS

8. Horizon Scan

Discussion

- 8.1. Matthew Hill highlighted two items from the paper:
 - 8.1.1. The announcement by the Faculty of General Dental Practitioners that they are seeking to become an independent body from the Royal College of Surgeons. It was noted that this applied to England only and that the Faculty of Dental Surgery had not given any indication that it was likely to pursue the same course. Matthew undertook to keep the Council up to date with developments.
 - 8.1.2. Elections were taking place for the BDA Executive Committee. It was noted that there was no restrictive covenant in the GDC Council member agreement and that former Council members were standing for election. There was potential for this to give rise to a public perception issue for the GDC.
- 8.2. Council members noted that there was no mention in the paper of developments in dental education, particularly in relation to the closure of the dental technician course at Manchester Metropolitan University and the introduction of apprenticeships, or how the GDC was engaged with this area. It was agreed that some thought would be given to how to present this information in future which would be initially discussed at the PRB meeting.
- 8.3. Council members confirmed that they wished to continue receiving the Horizon Scan paper and agreed that it provided a useful summary.

Action

- A.4 Information concerning developments in dental education, and the GDC's engagement, to be discussed at PRB prior to presentation at Council.

Action: Matthew Hill

Resolution

The Council resolved to:

- R.6 **Discuss** the horizon scan report.

D – PERFORMANCE

9. PSA Standards of Good Regulation

Discussion

- 9.1. Jonathan Green introduced the report on the actions being taken to address issues identified in the PSA's annual review for 2015/16 against the Standards of Good Regulation.
- 9.2. He advised that in Fitness to Practise, the improvement programme was continuing with three heads of service leading the projects to secure Standards 4, 8 and 10 and close monitoring of performance against the other Standards continuing to ensure that they are retained. Regular performance reports were due to be submitted to committee and Council leading up to the next review in July 2017.
- 9.3. Gurvinder Soomal advised that an improvement programme had also been implemented in the Registration area, with the launch of the on-line application

process for European and overseas applicants due following benchmarking against best practice in the sector.

- 9.4. Lisa-Marie Roca informed the Council members that securing Standard 10 was one of three workstreams relating to data management and information governance including work arising from the recent internal audit. One of the key aims of this work was to ensure that sustainable processes were embedded across the organisation.
- 9.5. Jonathan confirmed that the improvements in witness support processes referred to in paragraph 21b of the paper would have resource implications for the organisation. They would not however require any increase in headcount as a training programme had been undertaken to widen the remit of existing staff members, broadening their skills and enabling more flexible and agile workforce deployment.
- 9.6. It was noted that concerning the PSA's review of the Standards, the direction of travel appeared to be towards greater change and moving the focus of their scrutiny work upstream towards education and standards.
- 9.7. Matthew informed the Council that the data analysis work arising from the Peninsula Report was due to be submitted to the next PRB meeting and the March Council meeting prior to publication.

Resolution

The Council resolved to:

R.7 **Note** and **Discuss** the report.

10. Council Members' Remuneration

Discussion

- 10.1. Clare Mitchell began by giving a general update on the recruitment process for new Council members. She explained that although the appointments are made by the Privy Council, the PSA are responsible for scrutinising the appointments process. The Remuneration Committee had reviewed the draft documentation for submission to the PSA and would sign off the final version, the 'Advance Notice', on 8 February. The process would then be:
 - 10.1.1. We will be advertising for up to two registrant Council members and four lay Council members. Saxton Bampfylde have been appointed to assist with the recruitment campaign.
 - 10.1.2. The advert will be published on 9 March in a variety of media, mainly online, designed to reach both lay and registrant audiences. A specific registrant engagement campaign has also been developed.
 - 10.1.3. The closing date for applications is 5 April with final panel interviews in the first two weeks of June. The recommendations will be sent to the Privy Council following the 22 June Council meeting, the final documentation supporting the process will be sent to the PSA at the same time. The expectation is that the Privy Council will make the Council member appointments by mid-July.
- 10.2. Clare also advised that the Remuneration Committee had also approved the membership of the selection panel which would be: Philippa Hird (Chair), Bill Moyes, Kirstie Moons and Cindy Butts (independent member).
- 10.3. Bill Moyes advised that the process for establishing membership of the committees and identifying new committee chairs would begin in July. This would enable some handover and induction during September with formal appointments taking effect from October.

- 10.4. Turning to the paper on Council members' remuneration, all members declared an interest in the matter. Neil Stevenson, Chair of the Remuneration Committee advised that the committee had considered the paper and the underlying benchmarking data and concluded that although the current rate of remuneration was generally on the high side, no alterations were recommended. He added that the recommendation of an independent review in two years' time with an increase dependent on an improved PSA performance review was supported by the committee.
- 10.5. Concerning the uplift for committee chairs, it was suggested that although this was initially stated as being in recognition of additional time commitment, this should also be in recognition of the additional responsibility and accountability of the chairs. This was supported by the fact that some Council members serve on more than one committee and consequently have an increased time commitment which is not recognised financially. It was felt that the additional skills and experience required by committee chairs should be acknowledged by continuing the uplift which would also send a positive message regarding the GDC's approach in the forthcoming recruitment campaign.
- 10.6. The particular responsibilities for the chair of the Audit Committee and the Senior Independent Director were taken into consideration and it was agreed that this acknowledgement was very important. Speaking from the point of view of the Accounting Officer, Ian Brack stated that it was appropriate that there was appropriate recognition of the significant input from Council in recent years which would need to continue.
- 10.7. Noting that the new Council members would take up their roles on 1 October, Graham Masters raised the question of payment for any training sessions prior to that date. It was agreed that the Chair and Chair of the Remuneration Committee would confer and reach a decision on the matter.

Action

- A.5 Decision to be taken on whether any training days prior to 1 October for new Council members would be paid.

Action: Bill Moyes and Neil Stevenson

Resolution

The Council resolved to:

- R.8 **Approve** the recommendation from the RemCo that there should be no changes to the annual remuneration for the Chair of Council and Council members;
- R.9 **Agree** that Committee Chairs should continue to receive a remuneration supplement and that level should be unchanged;
- R.10 **Agree** that these rates should be reviewed in two years' time following an independent benchmarking exercise.

11. Council Members' Role Description/Person Specification

Discussion

- 11.1. Clare Mitchell advised that the role description and person specification had been updated for the current recruitment campaign and had been further amended with input from the Remuneration Committee. The selection panel had proposed a further amendment to the first bullet point under 'essential criteria' to: *A commitment to patient protection and a proven understanding and experience of supporting confidence in public services.* She noted that the person specification was made up of generic criteria which will apply to all applicants, registrant or lay.

11.2. Clare explained that several the desirable criteria had been include to support the selection of the right mix of skills to replace those members leaving the Council. In particular two criteria have been identified for candidates who have the potential to be considered as Chairs of the Finance an Performance and Audit and Risk committees.

11.3. Council members expressed their satisfaction with the draft stating that it gave a good framework against which to test candidates. They noted that there was a need for openness and transparency about what it means to be a Council member and the specific challenges facing the organisation.

11.4. Several amendments were suggested to the document:

11.4.1. Desirable Criteria 5 should state Dental Care Professional, not Practitioner;

11.4.2. Essential Criteria 2 to be redrafted to state ‘...operating under statute in a political context.’

Action

A.6 Amendments to be made to the person specification.

Action: Clare Mitchell

Resolution

The Council resolved to:

R.11 **Approve** the revised Council member role description and person specification subject to the amendments discussed.

12. Committee Reports: Remuneration Committee Annual Report 2016

Discussion

12.1. Neil Stevenson, Chair of the Remuneration Committee, introduced the annual report for 2016 and noted that in addition to the matters included in the report, the committee had considered a number of confidential matters during the year.

12.2. Neil expressed his thanks, on behalf of the committee, the Clare Mitchell and Nick Preece for their support of the committee during the year.

Resolution

The Council resolved to:

R.12 Note the annual report of the Remuneration Committee for 2016.

PART THREE – ITEMS FOR NOTING

13. -

PART FOUR – CONCLUSION OF BUSINESS

14. Any Other Business

14.1. No additional items were raised for discussion.

15. Review of the meeting

- 15.1. It was agreed that the lighter agenda had allowed for more focussed discussions.

16. Close of the meeting

- 16.1. There being no further business the meeting was closed at 12:00.

Date of next meeting: 16 March 2017.

Name of Chair:

William Moyes