

Confirmed

**Minutes of the Meeting of the
General Dental Council
held at 9:30am on Thursday 16 March 2017
in Public Session
at 37 Wimpole Street, London W1G 8DQ**

Council Members present

William Moyes	Chair
Terry Babbs	
Catherine Brady	
Geraldine Campbell	
Rosemary Carter	
Margaret Kellett	
Alan MacDonald	
Kirstie Moons	
Lawrence Mudford	
David Smith	
Jayendra Patel	
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
Matthew Hill	Executive Director, Strategy
Sue Steen	Interim Director of Governance and HR
Lisa-Marie Roca	Principal Legal Adviser
Lisa Cunningham	Head of Communications

Staff members in attendance:

Clare Mitchell	Head of Governance
Ian Jackson	Director for Scotland
Helen Elderfield	Governance and Executive Support Manager
Patrick Kavanagh	Policy Manager Quality Assurance (Item 6)
Tim Wright	Head of PMO and Reporting (Item 7)
Jonathan Dillon	Head of Adjudications (Item 9)

Invited Attendees:

Rosie Varley	Chair, Statutory Panellists Assurance Committee
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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.
- 1.2. Apologies were received from Jonathan Green, Executive Director, Fitness to Practise.

1.3. There were no declarations of interest from Council members pertaining to items on the agenda. Staff members present declared an interest in the update on the terms and conditions consultation reported in paragraph 10.7 below.

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 1 February 2017

Discussion

3.1. A typographical error was noted at paragraph 12.2 and an amendment was suggested to the final sentence of paragraph 8.1.2 relating to the horizon scan report.

3.2. Subject to those changes, the draft minutes were considered and accepted as a true and accurate record of the discussions that took place on 1 February 2017.

Action

A.1 Amendments to be made to paragraphs 8.1.2, to clarify the discussion relating to the Horizon Scan report, and 12.2 to correct the typographic error.

Action: Helen Elderfield

Resolution

The Council resolved to:

R.1 **Approve** the minutes of the meeting held in public session on 01 February subject to the amendments described.

4. Matters arising from the meeting on 1 February 2017 and rolling actions list

Discussion

4.1. The Council noted progress made with actions arising from previous meetings.

4.2. Regarding the Leadership Development Programme (action 73), it was noted that the internal audit report was to be presented to the Audit and Risk Committee at their March meeting.

4.3. It was confirmed that the final report relating to actions taken as a result of the PSA investigation report, action 145, would be presented to the June Council meeting.

Action

A.2 Actions marked 'suggested complete' to be updated and marked 'complete'.

Action: Helen Elderfield

Resolution

The Council resolved to:

R.2 **Note** the progress made with regard to actions arising from previous meetings

5. Decisions Log

Discussion

- 5.1. The Council noted the decision taken by the Statutory Panellists Assurance Committee, under delegated powers, since the last Council meeting on 1 February 2017.

Resolution

The Council resolved to:

- R.3 **Note** the decisions taken under delegated powers since the Council's last meeting.

PART TWO – ITEMS FOR DECISION AND DISCUSSION

A –PATIENTS

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B – PROFESSIONALS

6. Annual review of education 2014 - 16

Discussion

- 6.1. Patrick Kavanagh joined the meeting to present the final draft of the annual review of education 2014-16. He explained the approach taken in compiling the report and the process in place. Patrick advised that consideration was being given to moving to a risk based assurance approach for future reports and this was being developed in conjunction with the Policy and Research Board. Additionally, ways to use the annual monitoring activities as a key tool in building the network of providers across the country was being explored. Patrick sought approval from the Council to publish the report.
- 6.2. Clarification was sought regarding authority for the approval of programme qualifications for the purposes of registration with the GDC. It was explained that whilst the authority sat with the Council, it was delegated to the Registrar to decide on the Council's behalf whether approval should be granted.
- 6.3. Council members requested further information regarding how the information in the report would be shared, and what plans there were for involving the education providers in the move to risk based assurance. It was recognised that the support and consensus of the providers would be required for any changes and consequently it was likely that a formal consultation would be required. Matthew Hill assured the Council that their input and approval would also be sought.
- 6.4. It was noted that higher ratings equated to higher levels of courses and there was some concern that there may be an unconscious bias towards higher level courses. Patrick gave assurance that there was significant moderation built into the inspection process to guard against that and that review of the QA work was undertaken to give additional confidence in the outcomes. Additionally, the QA activities recognised the differences between formal training and workplace based learning.
- 6.5. Patrick also advised that the QA team was alive to the different funding streams available for education providers and how that impacted on DCP education delivery. He confirmed that the GDC was involved in dialogue regarding this issue which would be reported back to Council in due course.

- 6.6. Similarly, Patrick advised that the QA team was alive to the increased regulatory pressure faced by education providers, and the need to avoid duplication, and confirmed that this was taken into account.
- 6.7. Council members considered whether the Standards were enabling engagement with students or the educational establishments. Matthew stated that every QA inspection included student engagement activity which encompassed seeking the students' views on the programme being inspected. Some consideration was being given to combining inspection visits with events for students on regulation, in particular covering the area of the student professionalism guidance that refers to the dissipation of the fear of regulation.
- 6.8. It was stated that the two key messages that it was important to relay to students were:
 - 6.8.1. Regulation is part of your status of being a professional, and
 - 6.8.2. Regulation is not only good for the public but it is also good for the profession.
- 6.9. Council members discussed the vocational training year and expressed concern that some graduates were either not able to access it or not able to access it immediately on qualification. It was also stated that although the foundation year was designed purely to educate on NHS practices and processes, there were indications that it was being used to provide remedial training.
- 6.10. Matthew reminded the Council that Shifting the Balance includes proposals to address this concern. It was suggested that there may not be adequate data to evidence this practice in order that the GDC could influence a change prompted by policy intervention. Ian Brack gave his assurance that he would not advise the Privy Council that courses were adequate where it was known that this was not the case without the additional sixth year of study. It was stated that there had been a lot of work done on this in Scotland that could be used to inform future proposals.
- 6.11. It was also noted that non UK qualifications do not include the further year and any future proposals needed to be equitable for all. A further discussion at the Policy and Research Board was planned prior to proposals being brought to the Council.
- 6.12. Council members thanked Patrick and the team for the informative report and gave approval for its publication.

Resolution

The Council resolved to:

R.4 **Approve** the Annual Review of Education for publication

C – PARTNERS

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D – PERFORMANCE

7. Balanced Scorecard

Discussion

- 7.1. Tim wright joined the meeting to present the Q4 balanced scorecard which was introduced by Gurvinder Soomal.

- 7.2. Gurvinder noted that the balanced scorecard was presented in the new format which had been introduced to Council members at their workshop the previous day the design of which enabled clearer consideration of the cross-organisational performance indicators reviewed by Council in October. He confirmed that the scorecard had been considered by the EMT at the February board meeting.
- 7.3. Tim Wright highlighted the key performance successes, key performance issues, forward look, and actions planned by EMT as shown on the executive summary page of the scorecard. The second key element of the report that Tim drew members' attention to was the key performance indicators dashboard which contained information on the escalated indicators selected by EMT as the key priority set for the period. Thirdly, section 1.3 provided risk summaries and links with the wider performance framework.
- 7.4. Terry Babbs, Chair of Finance and Performance Committee (FPC), gave the Council assurance that FPC were very comfortable with the new format of the scorecard which was much clearer to follow than the previous version. He stated that the challenge would be to ensure that the clarity was maintained and that appropriate rigour was applied to items being escalated in order to inform the more detailed review undertaken at FPC.
- 7.5. It was agreed that the format gave a good understanding of the organisation, in particular the FTP end to end process performance indicators dashboard at annex A section 2. It was understood that whilst annex A would be made available to Council members as a matter of routine, future reports to the Council would concentrate on the executive summary and key performance indicators dashboard.
- 7.6. Some concern was expressed concerning the number of indicators shown as red on the FTP end to end process dashboard. Assurance was given that this was not as a result of exposing new problems, but rather the effect of stragglers remaining in the caseload for long periods. It was explained that the heads of service in FTP were using the scorecard to target action plans and were encouraged that the results illustrated that the appropriate metrics were being measured.
- 7.7. Council members enquired whether there would be a tracker for actions requested to run alongside the scorecard. It was explained that these would be captured and reported on in the action log for the meeting in the usual way and that any key issues would be highlighted in the covering paper to the scorecard. Where appropriate, actions would be reviewed in the more detailed considerations undertaken by FPC and raised as specific agenda items as necessary.

Resolution

The Council resolved to:

- R.5 **Approve** the adoption of the new format of the report as its standard quarterly performance report for future meetings.
- R.6 **Approve** the retirement of the old version of the report with immediate effect.
- R.7 **Note** the contents of the Q4 balanced scorecard.

8. Finance Review Q4 2016

Discussion

- 8.1. Graham Masters presented the finance outturn for the final quarter of 2016 which resulted in an operating surplus of £1.3m compared to a budgeted surplus of £2.2m; the £0.9m negative variance being primarily due to an overspend of £1.6m on FTP legal fees.
- 8.2. Graham presented an overview covering the period 2011 to 2019 and advised that with improvements to the model, this would be extended to five years back and five

years forward. This chart showed the impact that the increase in case numbers in 2013 and 2014 had on the expenditure from 2014 and the impact that had on the reserves. It also illustrated the fact that reserves are slow to recover.

- 8.3. Ian Brack endorsed Graham's comments on the impact of 2014 on the GDC's financial position. He also referred to the unbudgeted expenditure that occurred in 2016, noting that it was in part inevitable because of structural issues, but pointing out that the budget set had been insufficient to fund the necessary levels of activity and stressing that this should not be repeated.
- 8.4. Terry Babbs gave the Council assurance that the Finance and Performance Committee would continue to pursue rigour around cost control and savings and highlight emerging trends. He reiterated the need to build the reserves to the policy position by reducing the cost base to build resilience and ensure that the organisation is fit for the future. Terry pointed out that the savings made need to be permanent reductions to the cost base and not one-offs.
- 8.5. The Council nevertheless recognised the considerable staff effort in 2016 to in respect of delivering improved performance against the PSA Standards whilst achieving significant costs savings in year.

Resolution

The Council resolved to:

- R.8**Note** the report on the Q4 financial outturn.

9. Quality Assurance Group Report

Discussion

- 9.1. Jonathan Dillon joined the meeting and presented the Quality Assurance Group's report summarising its work in Q4 2016. It was noted that of the 45 decisions reviewed in the period, 32 received full assurance, eight received partial assurance and five decisions were deemed to have a poor level of assurance. Jonathan explained that cases for review were self-referred where there was a view that the rationale for the decision or the decision itself was questionable and would benefit from additional scrutiny. He pointed out that this methodology naturally skewed the results but nevertheless the number of decisions with full assurance increased from 66% to 71%. Jonathan explained that as a result of these findings a range of actions had been taken which included the delivery of mandatory training, changes to process, and the provision of updated information and guidance in an internal newsletter.
- 9.2. Jonathan went on to explain that the internal audit report had contained an adequate assurance rating and had given some guidance for further improvements. These included: a review of how the QAG is chaired given the potential conflict of interests for the Executive Director, FTP since the introduction of the Rule 9 power of review, and consideration of a lower level framework to provide an across the board level of assurance for QAG. A further paper examining these areas was to be brought forward to the Council's May meeting.
- 9.3. Council members discussed the assertion that orders granted on the basis of public interest alone should be the exception rather than the rule. It was noted that this area was addressed in the GDC's discussion document Shifting the Balance under the heading of 'seriousness' and was to be further considered at a Council workshop.

Resolution

The Council resolved to:

R.9 Consider and discuss the Q4 2016 report of the Quality Assurance Group.

10. Committee Reports

Discussion

Audit and Risk Committee – January Update

10.1. No questions were raised in relation to matters discussed at the committee's January meeting.

Finance and Performance Committee – February Update

10.2. There were no queries in connection with the committee's February discussions.

Policy and Research Board – February Update

10.3. Rosemary Carter, PRB Chair, noted that the discussions with the defence organisations at the February meeting had been very useful and would lead to further joint working.

10.4. It was agreed that the horizon scan report, which was presented as an appendix to the PRB update, continued to provide Council members with a useful oversight of the external environment.

10.5. Concerning the research digest prototype proposal, it was explained that it would be used at least initially to build an evidence base for policy guidance and would be developed in-house.

Remuneration Committee – February Update

10.6. Some clarification was given on the committee's discussion regarding the pension scheme to give assurance that any formal proposals would be considered by the Council following scrutiny from the committee.

10.7. Ian Brack gave a short update on the staff consultation regarding terms and conditions; all staff present declared an interest. He explained the process and timetable and advised that an FAQ section for the intranet was being compiled from matters raised during the process. He explained that the changes were timetabled for implementation on 1 May 2017 assuming that there were no significant representations made during the consultation period. An update was to be presented at the next Council meeting.

Statutory Panellists' Assurance Committee – 2016 Annual Report

10.8. Rosie Varley, Chair of the Statutory Panellists' Assurance Committee (SPC) presented the annual report for 2016. The committee had been very involved in the changes brought by the introduction of Case Examiners and the reduction in the number of Investigating Committee panellists. Other significant pieces of work in the year included the appointment of FTP panel chairs and the appointment of new legal advisers.

Statutory Panellists' Assurance Committee – February Update

10.9. Rosie updated Council members on the PSA conference for FTP Chairs which covered a range of topics including the treatment of dishonesty, domestic violence and the public's varying expectations of behaviour by dental and health worker professionals. The Council discussed in particular the guidance available to

Panels on how to treat allegations of domestic violence and it was agreed that the definitions in the Standards were key.

10.10. The Chair thanked Rosie for the good work completed by the SPC.

Resolution

The Council resolved to:

R.10 **Note** the update reports from the Committees.

R.11 **Note** the 2016 annual report from the Statutory Panellists' Assurance Committee.

PART THREE – ITEMS FOR NOTING

11. HR Annual Report

Discussion

11.1. Sue Steen presented the annual report of HR indicators for 2016. It included workforce data and information relating to pay and benefits, employee relations, recruitment and retention, and learning and development. All staff present declared an interest in this item.

11.2. Members noted that the staff sickness and turnover figures had increased since the previous year and sought more information on these areas. Sue explained that they were being closely monitored and were reported on the balanced scorecard to ensure visibility at executive level. Sue also advised that a programme of training for line managers was being delivered over the coming three months which included information on how to manage these issues. She gave assurance that a further breakdown of the data enabling better management of short and long term sickness and data gathering from leavers at exit interviews was being used to inform process improvements.

11.3. In response to a question regarding gender pay gap reporting, Sue advised that preliminary work had begun to investigate how best to gather and present the necessary data and that the work was on track to meet the deadline for reporting to the Council by April 2018. It was noted that the development of this report would be discussed with the Remuneration Committee. Council members expressed their assurance that Sue was adequately managing the risk in this area.

11.4. The Council was informed that the final interviews for the Executive Director, Organisational Development role were scheduled for 20 April.

11.5. Council members noted that the whistleblowing training had been added to the induction training programme for all new staff. It was suggested and agreed that annual refresher training should also be conducted.

11.6. It was agreed that the report was useful and informative and Council members expressed their thanks to Sue.

Action

A.3A programme of annual refresher training of whistleblowing be devised for all staff, council members and associates.

Action: Sue Steen

Resolution

The Council resolved to:

- R.12 **Note** the annual report on HR indicators for 2016 and the priorities for 2017.

PART FOUR – CONCLUSION OF BUSINESS

12. Any Other Business

- 12.1. Clare Mitchell gave an update on the Council member recruitment campaign. She outlined the various channels that had been used to advertise the roles which included direct mail to all DCPs on the Register. This had generated significant interest for the seminar which was to be conducted on 17 March aimed specifically at DCPs interested in applying. All 60 places had been reserved and a further 45 would be following a livestream of the event. It was explained that the seminar could only be streamed and not recorded for the website or later viewing but this capability was being explored for the future. Clare confirmed that the deadline for receipt of applications was noon on 5th April.
- 12.2. The Chair advised Council members that it was Graham Masters' final Council meeting. He expressed his thanks, on behalf of the Council, together with their appreciation of his hard work for the GDC.

13. Close of the meeting

- 13.1. There being no further business the meeting was closed at 11:50.

Date of next meeting: 11 May 2017

Name of Chair:
William Moyes