Confirmed

Minutes of the Meeting of the
General Dental Council
held at 1:15pm on Thursday 22 June 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
Alan MacDonald
Kirstie Moons
Lawrence Mudford
Jayendra Patel
Neil Stevenson

Executive in attendance:
Ian Brack                    Chief Executive and Registrar
Gurvinder Soomal            Executive Director, Registration and Corporate Services
Jonathan Green             Executive Director, Fitness to Practise (FTP)
Matthew Hill                Executive Director, Strategy
Bobby Davis                 Executive Director, Organisational Development
Lisa-Marie Roca             Principal Legal Adviser

Staff members in attendance:
Clare Mitchell              Head of Governance
Ian Jackson                 Director for Scotland
Helen Elderfield            Governance and Executive Support Manager
Michael Huntley             Head of PMO and Reporting (Items 7-9)
Melanie Stewart             Head of Finance (Items 6-8)
Hazel Adams                 Head of Dental Complaints Service (Item 11)
Nyree Connell               Corporate Policy Manager (Item 12)
Patrick Kavanagh            Policy Manager (Item 12)
Janet Collins               Head of Standards (Items 13 and 14)

Invited Attendees:
Rosie Varley Chair, Statutory Panellists Assurance Committee
Adam Halsey, haysmacintyre (Item 6)
Vince Bissell, Chair, ORE Advisory Group (Item 13)
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 for absence were received from David Smith, Margaret Kellett and Lisa Cunningham.
   1.3. There were no additional declarations of interest pertaining to items 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 11 May 2017
   Discussion
   3.1. The draft minutes were considered and accepted as a true record of the discussions that took place on 11 May 2017.

   Resolution
   The Council resolved to:
   R.1 Approve the minutes of the meeting held in public session on 11 May 2017 without amendment

4. Matters arising from the meeting on 11 May 2017 and rolling actions list
   Discussion
   4.1. The Council noted progress made with actions arising from previous meetings.
   4.2. Concerning Action 170 regarding enhanced CPD, information for Council members had been provided in the most recent Council Bulletin rather than producing the slides as originally suggested.
   4.3. In relation to paragraph 7.5 of the minutes of the conversation on the Shifting the Balance consultation responses, and specifically the low response rate from patients groups, Matthew Hill advised that a meeting with the patients’ association had not yet been arranged.

   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 decisions taken under delegated powers since the meeting on 11 May 2017.

   Resolution
   The Council resolved to:
   R.3 Note the decisions taken since the last meeting.
PART TWO – ITEMS FOR DECISION AND DISCUSSION


Discussion

6.1. Gurvinder Soomal introduced the paper which presented the final draft of the Annual Report and Accounts 2016 for approval by the Council. He confirmed that the Annual Report had been considered by the Audit and Risk Committee at their meeting on 7 June.

6.2. Gurvinder advised that the Executive Directors had signed their letter of representation at the EMT Board meeting on 15 May and Ian Brack confirmed that no matters of concern had arisen between then and the Council meeting.

6.3. Alan MacDonald, Chair of the Audit and Risk Committee, reiterated the committee’s recommendation that the Council approve the Annual Report and Accounts and reported the committee’s view that the process of producing the Report and been better organised and smoother than in previous years.

6.4. This was echoed by Adam Halsey of haysmacintyre who stated that the audit had been completed according to plan despite the restructure. He confirmed that as there were no matters of concern, the Audit and Risk Committee had appropriately challenged the report and there were no post balance sheet events, he was able to give an unqualified audit opinion.

6.5. It was noted that the Audit and Risk Committee had asked the executive to bring the 2017 Report and Accounts to Council earlier in the year.

Resolution

The Council resolved to:

R.4 Approve the Annual Report and Accounts 2016
R.5 Authorise the signing of the Annual Report and Accounts 2016 and letters of representation by the Chief Executive and Registrar and Accounting Officer and the Chair of the Council.

7. Balanced Scorecard Q1 2017

Discussion

7.1. Gurvinder Soomal introduced the report, presenting the balanced scorecard for Q1 which had been reviewed by the EMT Board at their meeting on 3 May and the Finance and Performance Committee at their meeting on 23 May.

7.2. Michael Huntley informed the Council that since presentation of the 2016 Q4 scorecard, the report had been amended to reflect the revised organisational structure, placeholders in Communications and QA had gone live, several EMT approved indicators had been incorporated and an additional section to track progress of previous EMT actions had been added. In highlighting key successes in the quarter, Michael stated that the number of ELPS referrals continued to be significantly below the budgeted level, the financial outlook was positive and timeliness in Registration had improved across all seven routes. Key issues were that FTP timeliness continued to be rated as red in several areas although the 6 and 15-month targets showed some improvement, one serious data breach had been self-referred to the ICO and staff turnover and sickness continued to be higher than desirable.
7.3. Looking forward, Michael stated that Q2 was expected to be a busy period for several areas of the organisation, as the 2018 business plan and budget process commenced, the seasonal peak of UK dentist graduates applying for registration arrived and the DCP annual renewal period began. Michael also highlighted the actions planned by EMT for the quarter, which were to approach the Department of Health to open discussions on possible amendments to the GDC’s Rules to improve FTP timeliness in the early stages; and to expedite specific types of cases by taking a risk-based approach. Michael also confirmed that of the EMT actions for Q4 2016, one was complete and two would remain live throughout 2017.

7.4. Ian Brack expanded on the point made that the ARF collection level had been significantly higher than expected by reminding the Council that following the referendum decision to leave the EU, a risk had been identified that the number of registrants would be lower than anticipated when the budget was put together and accordingly a caution was applied. In fact, the risk did not crystallise for the GDC, (although it did for other regulators) and consequently the ARF collection was higher than budget.

7.5. Council members agreed that the balanced scorecard, in its revised format, was a very good tool which gave a good picture of the organisation’s performance overall.

Resolution
The Council resolved to:

R.6 Discuss and Note the Q1 scorecard report

8. Financial Performance Q1 2017
Discussion

8.1. Melanie Stewart presented the GDC’s financial performance in the three months to 31 March and the Q1 actual performance.

8.2. Melanie informed the Council that at the end of Q1, the GDC’s operating surplus was £26.5m, £2.1m higher than budgeted due to:

8.2.1. Higher than budgeted income from the dentist ARF collection;

8.2.2. Lower than budgeted meeting fees and expenses, largely due to the change in the Hearings transcription service from stenographers to loggers;

8.2.3. Lower than budgeted legal and professional fees, largely due to fewer cases allocated to ELPS in Q4 2016 and Q1 2017 and the overstatement of the 2017 budget estimate;

8.2.4. Lower than budgeted staffing costs, due to delays in recruitment processes, posts budgeted but not approved for recruitment and a delay in initiating learning and development activity;

8.2.5. Lower than budgeted publications and communication costs due to the delayed start of research projects.

8.3. Melanie explained that of the £875k underspend in the quarter, £365k was identified as permanent savings, £394k as one-off savings and £125k as savings arising from timing differences. Council members agreed that the analysis of savings at a more granular level than previous reports was very useful.

Resolution
The Council resolved to:

R.7 Discuss the report on the GDC’s financial performance for the three months to 31 March 2017.
9. Customer Service - Registration

Discussion


9.2. He advised that an automatic feedback request on the application process is sent to all applicants 24 hours after their application has been completed and is designed to assess the directorate's performance in four areas: information provided by the GDC, communication with the GDC, customer satisfaction and the method by which the application was submitted. He explained that respondents can also provide additional comments and contact details should they want any aspect followed up.

9.3. It was stated that the response rate is generally around 10% and that responses across each of the registration routes were positive with between 82% (DCP assessment applicants) and 96% (ORE applicants) stating that they either agreed or strongly agreed with each of the statements.

9.4. The report included an action plan which was informed by the comments received in survey responses. The Council welcomed the report and the action plan and although they were pleased with the high satisfaction levels, were somewhat disappointed with the response rate. Gurvinder advised that alternative options were being considered for gathering feedback in support of the surveys.

Resolution

The Council resolved to:


10. Customer Service – Fitness to Practise

Discussion

10.1. Jonathan Green presented the customer feedback report for the Fitness to Practise directorate covering the period from 1 April 2016 to 31 March 2017.

10.2. Jonathan advised that 1,562 survey links were sent to Registrants and 82 responses were received (5.2%). Of those who responded, 47.6% strongly agreed or agreed that they were satisfied with overall customer service received from the GDC, 20.7% were neutral and 31.7% strongly disagreed or disagreed. This was compared to the previous year’s results when 55.3% strongly agreed or agreed that they were satisfied with overall customer service received, 7.8% were neutral and 36.8% strongly disagreed or disagreed.

10.3. 2,573 survey links were sent to informants during the period and 55 responses were received (2.1%). Of those who responded, 52.7% strongly agreed or agreed that they were satisfied with overall customer service received, 12.7% were neutral and 34.5% strongly disagreed or disagreed.

10.4. 471 survey links were sent to witnesses and 12 responses were received (2.5%). Of those who responded, 50% stated that they felt adequately supported by the GDC witness support service and 50% stated that they did not feel adequately supported. Council members expressed some concern regarding this feedback and the low response rate from this cohort. Jonathan advised that whilst the FtP directorate maintained a customer service charter, and 'fact packs' were produced for unsupported Registrants, it was possible that witnesses and Registrants may not be explicitly informed what level of support they could expect and there may not be clarity on a 'good' level of support would involve. It was agreed that as part of the action plan further information on the expectations of Registrants and particularly witnesses should be sought.
Action

A.1 Progress for both the Registration and FTP Action Plans to be monitored by the Finance and Performance Committee.

Action: Helen Elderfield

Resolution

The Council resolved to:

R.9 Discuss the 2016 FTP Customer Service results and action plan.

11. Dental Complaints Service Report

Discussion

11.1. Jonathan Green presented the report on the performance of the Dental Complaints Service (DCS) for Q1 2017. It was noted that during the period the DCS was included within the Strategy directorate but since 1 April 2017 had been managed within the FtP directorate.

11.2. In addition to reporting on performance in the quarter, the report provided Council members with information concerning the current challenges and the plans to develop the service. Council members were reminded that the review of DCS falls within the Shifting the balance portfolio.

11.3. It was noted that the reduction in complaint numbers seen in FtP was not mirrored in DCS, where forecast number of enquiries was 3,068 in comparison with 3,054 received in 2016.

11.4. In terms of performance, there were timeliness issues at stages 1 and 2 of the process although performance had been within target at stage 3. This was largely due to staffing issues with a number of staff on long term sick leave and two posts vacant. Hazel Adams advised that a recent recruitment exercise had resulted in one of the posts being filled.

11.5. It was noted that no panel meetings had taken place in the quarter, but one had taken place and two more were planned for Q2. It was anticipated that three or four more panel meetings would take place in the second half of the year.

11.6. Jonathan advised that the criteria used to refer cases to FtP were being reviewed as most of cases were closed at early stages in the process. In 2016, of the 300 cases referred by DCS to FtP, 80% were closed at either triage or case review stage.

Resolution

The Council resolved to:

R.10 Discuss the performance of DCS in Q1 2017.

12. Review of English Language Controls

Discussion

12.1. Nyree Connell joined the meeting and presented the results of the ongoing review of language controls since their extension to all applicants in April 2016. She reminded Council members that in approving the revision to the guidance in 2016, they had requested a review of the impact of the controls and the new levels after 12 months and that this had duly been scoped through the Policy and Research Board.
12.2. Nyree advised the Council that the impact on patient safety had been considered and a review of FtP data had shown that there had been no suspensions or erasures for reasons relating to fluency in written or spoken English since the policy was put into place.

12.3. She noted also that research commissioned by the ORE had considered communications skills for applicants qualified outside the UK, and advised that this and other studies would be included in the ongoing review of language controls.

12.4. The current review had considered the impact of the controls on numbers applying to the register and, unlike other regulators where a significant increase in numbers prior to implementation had been followed by a decline following implementation, the GDC’s application rate had remained relatively static. There was a slight decrease in the number of DCP applicants following the introduction of increased IELTs levels but the number of DCPs registered remained constant. Lastly the review considered whether there was any evidence for increasing the IELTs levels. Benchmarking with other regulators within and outside the healthcare sector showed that the levels set by the GDC were broadly in line with others and that there were no plans for their levels to be raised. It was concluded that there were no negative impacts on patient safety or registration numbers arising from the IELTs levels set and no evidence to recommend a change. Nyree assured the Council that the levels and the acceptable evidence of competency would be kept under review.

Resolution
The Council resolved to:
R.11 Consider and approve the updated guidance on English Language controls.

13. ORE Advisory Group Research
Discussion

13.1. Janet Collins joined the meeting and together with Vince Bissell, Chair, ORE Advisory Group, presented the summary of two research studies into the Overseas Registration Examination. These were: a survey of ORE-qualified dentists to find out about their search for employment and where they are working, and qualitative research carried out by the Work Psychology Group into the experiences of those working with and supervising ORE graduates.

13.2. The survey found that over 70% of successful ORE candidate were employed as dentists but many had struggled to find a vocational training equivalence (VTE) place with 64% taking over six months to find a place and 21% taking over a year. In the qualitative research, stakeholders working with ORE qualified dentists were interviewed to ascertain their perceptions of the ORE qualified dentists’ performance. The research indicated that the clinical and professional skills of ORE qualified dentists were strong but there were some development needs in communications skills including listening, challenges in gaining consent and explaining complex treatment plans and associated risks.

13.3. Following consideration of the research by the Policy and Research Board (PRB), an action plan had been compiled to address the issues raised where the action was solely for the GDC or where input would be required from other bodies. Some concern was expressed at the amount of time that had elapsed between the completion of the research studies and the presentation of the findings to PRB.

13.4. There was a discussion regarding the accessibility of VTE places and a suggestion that there may not be sufficient numbers of places in foundation training for UK graduates whose applications may consequently be more favourably
It was suggested that the perceived inequality in access to training may be due to poor understanding of the process and one possible solution could be a mentoring scheme.

13.5. It was agreed that the research and action plan be published on the GDC’s website and noted that the ORE Advisory Group would submit the findings to peer review journals and circulate to the Deaneries. It was also agreed that whilst it was not within the remit of the GDC or the ORE Advisory Group to act, it was essential to follow up the research and encourage action to be taken by others.

Resolution
The Council resolved to:
R.12 **Note** the research and action plan and **Agree** that they should be published on the GDC website and used to raise awareness of the issues.


Discussion
14.1. Janet Collins reminded the Council that it had approved The General Dental Council (Continuing Professional Development) (Dentists and Dental Care Professionals) Rules Order of Council at its meeting on 11 May 2017 but that for technical reasons it was not possible to sign and seal the Rules on that date. She advised that the final version of the enhanced CPD rules had now been received and approval for them to be signed and sealed was sought. Assurance was given that there had been no changes made since approval.

Resolution
The Council resolved to:
R.13 **Approve** the sealing of General Dental Council (Continuing Professional Development) (Dentists and Dental Care Professionals) Rules Order of Council.

15. Committee Updates

Discussion
15.1. **Audit and Risk Committee**
15.1.1. Alan MacDonald gave an oral report on the work of the Audit and Risk Committee and advised that at their most recent meeting on 7 June, the committee had reviewed the Annual Report and Accounts for recommendation to the Council for approval and had considered the most recent strategic risk register.

15.2. **Finance and Performance Committee**
15.2.1. Terry Babbs advised that at its June meeting the Finance and Performance Committee (FPC) had, in addition to reviewing the standard finance monitoring reports, received the first in a series of in-depth review reports. The purpose of these reports is to provide FPC with a focused review of the performance of one specific part of the GDC, with the area of focus to be rotated for each FPC meeting, presented as a supplement to the balanced scorecard report. Having now received the first such report the committee’s feedback will be used to refine the approach.

15.2.2. In response to a query, it was confirmed that the finance system had been upgraded and appropriate training was being rolled out across the organisation.
15.3. **Statutory Panellists’ Committee**

15.3.1. Rosie Varley updated the Council on matters discussed at the Committee’s 18 May meeting. In particular, two matters under debate were the direct recruitment to Chair option for FIP panels as used by some other regulators and the appointment of legally qualified chairs.

15.3.2. The Committee also considered the criteria and process for reappointment of panellists given that a high number would be reaching the end of their term over the next two years.

15.3.3. Additionally, the Committee had discussed the requirement for committee members to be appraised and that the process required approval by Council. It was envisaged that a similar process to that used for Council would be used.

15.4. **Horizon Scan**

15.5. Matthew Hill advised that the PSA had commenced consultation on the Standards for Good Regulation and advised that the GDC would be submitting a response prior to the September deadline.

15.6. Matthew stated that the Queen’s Speech had not contained any proposals for changes to healthcare regulation but pointed out that the proposals put forward by the GDC in Shifting the Balance were not dependent on legislative changes.

**Resolution**

The Council resolved to:

R.14 **Note** the updates from the most recent committee meetings.

**PART THREE – ITEMS FOR NOTING**

No items were presented for noting.

**PART FOUR – CONCLUSION OF BUSINESS**

16. **Any Other Business**

16.1. No additional matters were raised for discussion.

17. **Review of the meeting**

17.1. Council members agreed that the meeting had been a good one with clear papers and sufficient time on the agenda for discussion. Having both the FTP and Registration directorate’s customer service reports on the same agenda was welcomed.

18. **Close of the meeting**

18.1. There being no further business the meeting was closed at 3.10pm.

**Date of next meeting:** 26 July 2017

**Name of Chair:**

William Moyes