

**Minutes of the Meeting of the
General Dental Council
held at 1:00pm on Thursday 13 December 2018
in Public Session
at 37 Wimpole Street, London W1G 8DQ**

Council Members present:

William Moyes	Chair
Terry Babbs	
Catherine Brady	
Geraldine Campbell	
Anne Heal	
Jeyanthi John	
Margaret Kellett	
Sheila Kumar	
Caroline Logan	
Kirstie Moons	
Simon Morrow	
Crispin Passmore	

Executive in attendance:

Ian Brack	Chief Executive and Registrar
Bobby Davis	Executive Director, Organisational Development
Matthew Hill	Executive Director, Strategy
Tom Scott	Executive Director, FtP Transition
Gurvinder Soomal	Executive Director, Registration and Corporate Resources

Staff in attendance:

Samantha Bache	Head of Finance and Procurement (Items 8, 9, 10, 11 and 13)
Lisa Cunningham	Head of Communications and Engagement
Ian Jackson	Director for Scotland
Rachel Knight	Head of Governance
Charlie Russell	Governance Administrator
Melanie Stewart	Head of Finance and Procurement (Items 8, 9, 10, 11 and 13)
Sean Usher	Interim Senior Governance Manager
Lisa Marie Williams	Principal Legal Adviser
Michelle Williams	DCS Head of Operations (Item 14 only)
Tim Wright	Interim Head of Performance Reporting and PMO (Item 12 only)

In attendance:

Rosie Varley	Chair of the Statutory Panellists Committee (item 17)
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Members of the public.

PART ONE – PRELIMINARY ITEMS

1. Opening remarks and apologies for absence

- 1.1. The Chair welcomed everyone to the meeting.
- 1.2. There were no apologies for absence.

2. Declarations of interest

- 2.1. All staff declared an interest in relation to items 7 (Estates Strategy), 9 (Financial Policies and Procedures) and 11 (Pension Scheme Funding).
- 2.2. Council members all declared an interest in item 9, the Council Member and Associates Expense Policy.

3. Questions submitted by members of the public

- 3.1. No questions had been submitted by members of the public.

4. Approval of minutes of the previous meetings

- 4.1. Council discussed comments and amendments to the minutes. It was noted that following comments made by the Remuneration Committee a review had begun to ensure a consistent minute style across Council committees.
- 4.2. Subject to the above-mentioned amendments being made, Council **approved** the minutes of the meeting held on 4 October 2018.

5. Matters arising from the Open Council meeting held on 4 October 2018 and rolling actions list

- 5.1. The Council considered the status of the actions and noted that items 316 and 340 would be completed by March 2019.
- 5.2. Council **agreed** that actions suggested as complete would be closed, subject to those dealt with on this agenda.

6. Decisions log

- 6.1. No decisions had been taken between meetings or under delegation.

PART TWO – ITEMS FOR DECISION AND DISCUSSION

7. Estates Strategy

- 7.1. The Executive Director Registration and Corporate Resources provided a progress update on the implementation of the GDC Estates Strategy programme. The new building in Birmingham (Colmore Square) had opened ahead of schedule. In relation to Strand 1 of the programme, some staff had been relocated from the London offices and 66 staff had been recruited locally. A further 110 posts would be transferred to Birmingham in 2019 as part of Strand 2. Consultations had begun in November 2018 and once complete more details on staff relocations and leavers would be available.
- 7.2. Council were informed that feedback on the new office was very positive. Lessons learned in Strand 1 would inform the implementation of Strand 2, which would improve communication, recruitment and relocation.
- 7.3. Council **noted** the paper.

8. 2019 Investment Principles and strategy review.

- 8.1. The Heads of Finance and Procurement presented the paper to Council. The Finance and Performance Committee (FPC) had reviewed the current investment principles at its meeting on 19 November 2018 and recommended that the current principles and strategy should be maintained into 2019.
- 8.2. Council discussed the risks and risk appetite associated with the recommendation and were broadly satisfied that the proposal did not expose the GDC to excess risk. It was noted that a Council workshop to consider risk and risk appetite was scheduled for March 2019.
- 8.3. Council **agreed** to maintain the current investment principles and strategy for 2019.

9. Financial Policies and Procedures 2019

- 9.1. Council were presented with the updated financial policies and procedures that had been recommended by the FPC. A summary outline of the financial policies was circulated with the paper. Where substantive changes had been made, the full policy was presented to Council with a commentary. These included the Procurement policy, updated to reflect the GDC change of status as a designated contracting authority; clarifications to the staff and associates' expenses policies to recognise that the GDC was now split across two locations; and the staff relocation policy.
- 9.2. The staff expenses policy and the council member and associates' policy had been recommended to Council by the Remuneration Committee on 8 November 2018. It was noted that first class rail tickets could be booked where it could be demonstrated that the cost of the tickets were cheaper than the same journey on a standard ticket and Council suggested that this principle should be applied to air travel. Staff, council members and associates should purchase the cheapest available ticket for their journey.
- 9.3. Subject to the amendment to the expenses policies for purchasing the cheapest available air travel tickets, Council **approved** the updated financial policies and procedures for 2019.

10. Financial Reserves Policy

- 10.1. Council received an update on the annual review of the Financial Reserves Policy from the Head of Finance and Procurement. The GDC reserves currently stood at £20.3m, which met the aspirational target agreed by Council in December 2017 to hold reserves equal to 4 to 6 months operating spend. These reserves were comparable to those held by other regulators and charities. However, no adjustment was made under the current policy for the fixed assets of over £11m which are included as general reserves on the balance sheet. This sum therefore over-states the amounts actually available to the GDC. A move to reporting free reserves was proposed.
- 10.2. This would lead to re-consideration of the way in which the reserves were expressed. During 2018 FPC and Council had considered the proposal to move from a reserves target expressed as months of operating expenditure to a costed risk target linked to the strategic risk register but decided to continue the existing approach.
- 10.3. As requested, the policy had been benchmarked against the reserves policies of six healthcare regulators, full details of which were included in the appendix to the paper. FPC had received the benchmarking results in November and had recommended that a new reserves policy should be developed to reflect the new strategic planning framework and the plan to implement the new fees policy in 2019.
- 10.4. Council **noted** that a new policy would be presented to Council for approval in quarter 1 of 2019.

11. Review of Pension Scheme Funding

- 11.1. Council received a paper which presented the result of the triennial valuation of the pension scheme and a recommendation regarding employer contributions.
- 11.2. It was noted that the proposals had been discussed and subsequently recommended by the FPC at the November meeting. The committee would continue to monitor the financial performance of the scheme.
- 11.3. Council **noted** the report and **approved**:
 - 11.3.1 the triennial valuation of the DB section of the scheme, proposed by the actuary and accepted by the Trustee. This included the approval of the principles underlying the valuation and the assumptions used by the actuary to arrive at a draft valuation surplus of £0.3m;
 - 11.3.2 the setting of employer contribution levels 20.3% of pensionable salaries from 1 April 2019 until reviewed by a subsequent valuation;
 - 11.3.3 an additional one-off employer contribution to the scheme of £2.3m.

12. Balanced Scorecards Q3 2018 Performance

- 12.1. The Interim Head of Performance Reporting and the PMO presented the key points from the balanced scorecard covering the 2018 Q3 performance period.
- 12.2. Key successes included:
 - 12.2.1. a reduction in the number of serious data security breaches from three in Q2 to zero;
 - 12.2.2. continued performance in Registration where six of the seven active processing time indicators met target;
 - 12.2.3. a significant decrease in staff turnover compared to Q2. Although the turnover indicators remained amber, natural turnover had reduced from 8.1% in Q2 to 4.3% in Q3, and overall turnover had reduced from 10% in Q2 to 5.9% in Q3.
- 12.3. Key issues included:
 - 12.3.1. an increase non-FTP expenditure from 99% of forecast in Q2 to 111%. This had been caused by the increase in provisions for strand 2 of the Estates Strategy and additional contribution to the GDC defined benefit pension scheme;
 - 12.3.2. an increase in the number of non-serious data security incidents from 11 in Q2 to 15 in Q3. 86% of these cases were either data disclosed to the wrong recipient or incorrect data disclosed to the intended recipient.
 - 12.3.3. early signs of emerging Registration performance challenges in the Q3 scorecard, which were expected to have a greater impact in Q4. The UK restoration active processing time measure was amber with time taken increasing from eight to 14 days on average.
- 12.4. The FTP end to end process scorecard presented both successes and issues which Council explored at length. Full case timeliness had decreased by over 10% and remained significantly below target, although parts of the process had maintained or improved performance, notably IAT timeliness and allocation to initial case examiners. Council requested explanations from the executive, particularly for the three indicators 50% or more below target. They were assured that there had been a renewed focus on timeliness and that Q4 performance had already shown improvement which was expected to continue into 2019.
- 12.5. Council were informed that the Information Governance Group (IGG) would draft guidance to support managers and teams in reducing the number of data security breaches to zero. Most reported cases were caused by human error, normally in pressurised situations. It was

anticipated that helping managers identify the risk factors, such as staff rushing to complete tasks before annual leave, would enable them to better support their teams to reduce the chance of a breach occurring. The Audit and Risk Committee would continue to monitor data security risk.

12.6. Council **noted** the report.

13. Finance Review Q3

- 13.1. The Head of Finance and Procurement presented the finance review to Q3 and highlighted the income & expenditure account at point 2.1 of the report which recorded a surplus over the budget and forecast for the period. The income was larger than expected largely because the 5% caution factor that had been applied to the budgeted ARF income had not fully materialised. Additionally there had been income from investments and sale of assets that were at the end of their useful life that was not originally budgeted for, generating an additional £0.2m income.
- 13.2. Expenditure was £2.1m lower than budgeted, although some costs did exceed budget. The hearings utilisation rate exceeded the 80% budget by 4% and IT development consultancy exceeded budget by £150,000. Council asked the executive team to address the higher than expected costs and to update FPC on actions to reduce costs
- 13.3. Council **noted** the paper.

14. Dental Complaints Service (DCS) Q3

- 14.1. Council received the report on the performance of the DCS for Q3, presented by the DCS Head of Operations. She confirmed that following initial assessment incoming complaints could be referred to other health organisations including the NHS. Feedback about outcomes was routinely sought from NHS referred complaints, which was being used to inform the project to develop a comprehensive complaints handling model. In Q3 1.5% of complaints were referred to FTP which was a significant reduction compared to the 2017 average caused by the implementation of the new referral principles introduced on 1 March 2018. Appendix 1 provided detail about the impact of the new principles which reassured Council that the principle of “not sufficiently serious cases” had been tested to ensure that issues that needed to be followed up were not being concealed.
- 14.2. Data was shared with Council on a survey of dental professionals that indicated that there had been a total of 40,000 complaints in 2017. Notwithstanding any double counting this indicated a very low rate of complaints per capita. It was not clear whether there were any differences in the number of complaints between the four nations.
- 14.3. Where FTP referral was not required, the DCS role was to facilitate the local resolution of complaints. Council had questions on the local resolution of complaints and were informed that this accounted for approximately 80% of complaints.
- 14.4. Council asked for some refining of the groupings, particularly dental implants which covered a range of very different procedures.

Action: DCS to modify report for future Council meetings to include more detailed data on treatment types (especially implants) and the breakdown of complaints across the four nations.

14.5. The Council **noted** the report.

15. Amendment to Council Member Agreements and Code of Conduct

- 15.1. Council received the revised recommendation from the Remuneration Committee that retiring Council members should normally not assume paid employment with the GDC within 1 year after demitting office.
- 15.2. The Remuneration Committee had considered periods of time ranging from zero to 5 years and had concluded that a 1-year restriction was appropriate. Except for decisions reserved to

Council or delegated to SPC final appointment decisions remained with the Chief Executive Officer, who could shorten the restriction period where there was a strong reason to do so.

- 15.3. Council **agreed** the revised proposal that retiring Council members should normally not assume paid employment with the GDC within 1 year after demitting office.

Action: Governance to circulate amended Council Member Agreements and Code of Conduct.

16. Non-Council Member Appointments (SPC)

16.1. The Head of Governance presented the report which recommended that the Chair of Statutory Panellists Assurance Committee (SPC) should be reappointed for a second term of four years and that two members should be reappointed for second terms of two and four years. The terms had been agreed to facilitate succession planning, but there was some concern that this had only been partially achieved given that if the recommendation was approved two of the four committee members would leave in December 2020 and two members, including the Chair, would leave in December 2022.

16.2. Council queried why this item was on the public agenda and the Chair confirmed that he was comfortable proceeding.

16.3. Council **approved**:

- The reappointment of Nigel Fisher as a member of SPC for a second term of office from 1 January 2019 to 31 December 2020;
- The reappointment of Martyn Green as a member of SPC for a second term of office from 1 January 2019 to 31 December 2022;
- The reappointment of Rosie Varley as Chair of SPC for a second term of office from 1 January 2019 to 31 December 2022.

Action: Governance to formally notify the three members of their reappointment.

17. Annual Reports of the Council's Committees

Audit and Risk Committee (ARC)

17.1. The Chair of ARC gave an overview of the work of ARC in 2018 (full details were contained in the annual report) including its focus on assurance and Council's risk appetite. Council were informed that ARC had a very full workplan for 2019.

17.2 The Council **noted** the report.

Remuneration Committee (Remco)

17.3 The Chair of Remco gave an overview of the work of Remco in 2018. It was noted that this was the first year for the committee and it had worked on the People Strategy, Associates Strategy, some work on appraisals and recruitment.

17.4 The Council **noted** the report.

Finance and Performance Committee (FPC)

17.5 The Chair of FPC gave an overview of the work of FPC in 2018. Council were informed that FPC had streamlined its workplan to be more focused. Some of the work of FPC had made its way to the Council agenda today with input on various reports. The focus in 2019 would be Business Planning and the Costed Corporate Plan as well as continued scrutiny of the Estates Strategy.

17.6 The Council **noted** the report.

Policy and Research Board (PRB)

17.7 The Chair of PRB asked Council to take the report as read. Council were informed that PRB held some very useful workshops in 2018 including some led by external stakeholders, the Department of Health and Social Care and the JCCP. Council were informed that a recent workshop on Ways of Working would shape the work of PRB in 2019.

17.8 The Council **noted** the report.

Statutory Panellists Committee (SPC)

17.9 The Chair of SPC gave an overview of the work of SPC in 2018. It was noted that 2018 had been a busy year and this was reflected in the very detailed report. Highlights included the End to End reviews and Appointments.

17.10 The Council **noted** the verbal report.

17.11 The Chair thanked all the committees for their work in 2018.

18. Horizon Scan

18.1 The Head of Communications and Engagement presented the report and reassured Council that they would be informed promptly should there be any developments from the EU Exit which would impact the GDC.

18.2 The report was **noted**.

PART THREE - ITEMS FOR NOTING

19. Review Revisions to the Scheme of Delegation and Standing Orders

19.1. Council received an oral update from the Principal Legal Adviser who confirmed that delegations in the Scheme of Delegation and Standing Orders would be reviewed by Corporate Legal and Governance in 2019 (Q1 and Q2) and a report to Council would follow.

19.2. Council **noted** the oral update.

20. Council Members' Declarations of Interest Report 2018

20.1. The report on Council members interest was received by Council in accordance with the Managing Interests Policy. Council members were reminded to inform the Governance team if there were any amendments to their declarations.

20.2. Council **noted** the paper.

PART FOUR - CONCLUSION OF BUSINESS

21. Any other Business

21.1. There were no items of any other business.

22. Review of the meeting

22.1. Council members agreed that the meeting had been quicker than planned but not rushed.

22.2. Council commented that the late circulation of papers was unhelpful and required improvements to the timeliness of the next Council meeting papers.

22.3. It was noted that the IT issues that had hindered access to papers during the meeting would be addressed before the next meeting.

Action: Governance and the CEO will seek solutions to address the IT issues.

23. Close of the meeting

23.1. There being no further business, the meeting ended at 2.43pm.

Date of next meeting: 31 January 2019

Name of Chair:

William Moyes