

**Minutes of the Meeting of the
General Dental Council
held at 09:30am on Thursday 24 June 2021
in Open Session held on MS Teams**

Council Members present:

William Moyes	Chair
Terry Babbs	
Catherine Brady	
Donald Burden	
Anne Heal	
Jeyanthi John	
Sheila Kumar	
Mike Lewis	
Caroline Logan	
Simon Morrow	
Crispin Passmore	
Laura Simons	

Executive Directors in attendance:

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

Staff in attendance:

Joanne Rewcastle	Head of Communications and Engagement
Osama Ammar	Head of Public Policy (item 8 only)
Samantha Bache	Head of Finance and Procurement (item 11 only)
Dave Criddle	Head of Business Intelligence, Delivery and PMO (items 11 and 12)
Rebecca Cooper	Head of GDC Policy and Research Programme (item 12 only)
Lucy Chatwin	Head of People Services (item 13 only)
Alex Bishop	Head of OD and Inclusion (item 13 only)
Katie Spears	Head of Governance
Rebecca Ledwidge	Secretariat Manager
Lee Bird	Senior Governance Manager

Others in Attendance:

Sir Ross Cranston	Chair of the SPC (items 1 to 7)
Elizabeth Butler	Incoming Independent Member of the Audit and Risk Committee

Members of the public and staff attended as observers.

Apologies:

None.

1. Welcome and apologies for absence

1.1 The Chair welcomed everyone to the meeting and noted that there were no apologies.

2. Declaration of interests

2.1 In relation to the substantive agenda, those present declared an interest in the following items:

- a. Regulatory Reform – all Council Members and all EMT members.
- b. Payment of the Annual Retention Fee by instalments – all registrant Council Members.
- c. Board effectiveness and Board development – all Council Members and all EMT members.

2.2 In relation to items considered via correspondence, the Chair, all Council Members and the Chief Executive declared an interest in their respective appraisal processes.

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 Council **noted** that the full minutes of the public meeting held on 18 March 2021 had been approved by correspondence, and published shortly thereafter, alongside abbreviated minutes of the closed meetings held on 18 March and 5 May 2021.

5. Matters Arising and Rolling Actions List

5.1 The Council **noted** the actions list and agreed that all items labelled 'suggest complete' should be marked as completed. The Council was content with the progress of the other live actions. The Council noted that the Committee Chairs had considered alternative methods of assurance reporting following the last Council meeting and decided that the current approach was currently the most effective one.

6. Decision Log

6.1 The Council **noted** that it had considered eight matters via correspondence:

- a. Fees Regulations – were made on 30 April 2021, to enable the implementation of the Council decision to approve payment of the Annual Retention Fee (ARF) by instalments. These regulations were The General Dental Council (Dentists) (Fees) Regulations 2021 and the General Dental Council (Professions Complementary to Dentistry) (Fees) Regulations 2021.
- b. Appointment of a new Independent Member of the Audit and Risk Committee (ARC) – Elizabeth Butler was appointed on 11 June 2021 and her four-year term commenced on 21 June 2021.
- c. Approval of the organisation's response to the DHSC consultation on regulatory reform – had been approved on 14 June 2021.

- d. Appraisal Process – Chair, Council Members, Independent Governance Associates and Chief Executive – the process was approved.
- e. Public Affairs, Policy and Media Update and Stakeholder Engagement Report – the reports were noted.
- f. Extension of Chair’s Strategy Group – the Group was extended until 30 September 2021.
- g. Corporate Complaints – Annual Report – the report was noted.
- h. Procurement Policy – the policy and future approval pathway (EMT only) was approved.

7. Assurance Reports from Committee Chairs

- 7.1 The Chair of the Audit and Risk Committee (ARC) updated the Council on the work of the ARC since the last Council meeting. The Committee had met once and had considered the latest iteration of the Annual Report and Accounts for 2020. The Council noted that the assurance from the external auditors, Haysmac, and from the National Audit Office (NAO) provided good evidence of the GDC having a strong control environment and robust systems in place. The Committee had reviewed the Strategic Risk Register and the continuing stability of the organisation during the ongoing pandemic. The deep dive into risks around remote hearings revealed an agility within the organisation which had been commendable, and an appetite to learn from wider organisations. The Committee had also received an annual report on the quality of decision making in Fitness to Practise (FtP) from Bates Wells and Braithwaite LLP, which had been positive, and the Council noted this assurance. The Chair of ARC highlighted that the Council’s risk appetite may have shifted in a targeted and measured way and asked that the Council consider this when revisiting its strategic risk appetite in discussions later in the year.
- 7.2 The Chair of the Finance and Performance Committee (FPC) updated Council on the work of the FPC since the last Council meeting. The Committee had met once and had considered organisational performance, via the new suite of performance reporting information, which had been well received. The Committee was able to provide full assurance on the monitoring of organisational performance and noted that issues had been raised around staffing - recruitment and retention - and would be scrutinised further in an in-depth review in July. The FPC had also scrutinised the latest iteration of the Costed Corporate Plan (CCP) and Budget and had agreed an additional touchpoint review in September 2021. The Committee was able to provide assurance on the budgeting principles and the budget planning assumptions - and also that the work to develop the CCP was on track. It had asked the Executive to conduct further benchmarking in relation to inflation and noted budget risks around the Overseas Registration Exam and payment of the Annual Retention Fee (ARF) by instalments. The Committee had also noted that the current forecast indicated that the organisation may end the year with a level of reserves that was above the target level in the Reserves Policy, so it had asked for a discussion at its next meeting around investment from reserves to de-risk the pension position, with a move towards an insurance buy out.
- 7.3 Additionally, the Committee had reviewed projects that were on hold – and would continue to do so – and scrutinised iterations of the work that featured on the Council’s agenda at this meeting, including on developing a new suite of Strategy Key Performance Indicators (KPIs) and the Fitness to Practise action plan. The Committee had suggested a root and branch review into FtP leadership, pay and conditions to help improve resilience within the function and the Executive had this work in hand.

- 7.4 The Chair of the Remuneration and Nomination Committee (RemNom) updated the Council on the work of the RemNom since the last meeting. The Committee had met once and had considered the process for setting the remuneration for the Executive Management Team in 2021 and noted the changes in the remuneration of the Executive Directors. The Council noted the assurance provided that these were all within the agreed policy framework. The Committee also discussed the remuneration of the Chief Executive and an organisational review of salary benchmarking. This work would come back to the Committee later in the year. The Council heard that the Committee had also reviewed and provided input into the induction process for the incoming Chair and Council Member and the appraisal processes for the Chair, Chief Executive and Council Members that was on the Council's agenda at this meeting via correspondence. The Committee would hear a review of the process for recruitment of the incoming new Chair and Council Member in September and had approved the Chair and Chief Executive expenses policies. The Committee had also heard updates on the Effective Associates projects and noted that the ARC was monitoring the risk around the recent NMC litigation, whilst the RemNom would discuss any impacts that this judgment might have on the organisation's reward and remuneration frameworks.
- 7.5 The Chair of Council updated the Council on the work of the Chair's Strategy Group (CSG) since the last meeting. The Group had met once and had considered the organisation's response to the DHSC's consultation on regulatory reform, which had been approved by the Council via correspondence, and had discussed the potential for the use of Alternative Dispute Resolution (ADR) in complaints handling. Whilst there was very limited scope for its use in the primary Fitness to Practise process, the Group had heard that there was work underway to address complaints handling more widely – led by the Policy team – and that there were potential applications for the Dental Complaints Service. This work would likely to return to the Group in the Autumn, pending the views of the incoming Chair.
- 7.6 The new Chair of the Statutory Panellists Assurance Committee (SPC) updated the Council on the work of the SPC since the last meeting. The Committee had met once and had considered mechanisms to increase the efficiency of hearings panels and the use of more robust case management to shorten the length of hearings. The Committee had attended the Council workshop the previous day around the work to separate the Adjudications function from the investigations function and on the future role of the SPC. There were numerous improvement initiatives – led by the Executive – that the Committee was keen to support, and the Chair noted the commitment to ensuring the Committee could provide effective assurance for the Council within its remit.
- 7.7 The Council **noted** the updates.
- The Chair of the SPC left the meeting and the Head of Public Policy joined the meeting.*

8. Regulatory Reform

- 8.1 The Executive Director, Strategy and the Head of Public Policy presented the paper providing an update on the regulatory reform landscape and the Council was asked to note the final organisational response to the Department of Health and Social Care (DHSC) consultation on regulatory reform. The Council heard that, alongside the general proposals for regulatory reform from the DHSC, there were complex and interacting efforts to make amendments to the Health regulatory landscape. These included: a review of the number of regulators and the professions that were currently regulated, a standalone section 60 order in relation to international registration, a Professional

Qualifications Bill and proposals within a White Paper, which would be implemented via the Health and Care Act in 2022.

8.2 The Council **discussed** the following:

- a. The response had struck the appropriate tone, but the Council noted that there was significant work still to do within the current landscape for reform. Timetables were uncertain and there were complex interactions to manage.
- b. The potential for delay in the consultation on the international registration section 60 order was concerning – as this would have a significant impact on the organisation’s ability to ready for the end of the standstill period. The Council noted that the Executive were pressing this message firmly with the relevant Government departments, but it remained a risk to be monitored closely.
- c. It would be important to continue to liaise closely with the DHSC around the legislation targeted for changes to the framework of the GMC, as this would likely form the basis of GDC legislation thereafter.
- d. The team were conducting a review of the responses of other regulators and key stakeholders to the DHSC consultation and mapping the overlap. This work would feed into discussions at the Chair’s Strategy Group in July.
- e. There was a potential risk for divergence across the four nations in relation to registration of dental professionals – this was being monitored, and would be brought to the attention of the Council if there were indications that this risk might crystallise.
- f. There would need to be careful scrutiny of the resource needed to deliver any changes that arose as a result of reform and the Council would be sighted on opportunity costs alongside resource needs.

8.3 The Council thanked the team for their significant work in the delivery of the organisational response to the consultation. The Council asked to remain sighted on this work and have a clear idea as to when decisions on key issues would be likely to be needed.

8.4 The Council **noted** the update.

The Head of Public Policy left the meeting.

9. Annual Retention Fee – Payment by Instalments – Implementation Update

9.1 The Executive Director, Registration and Corporate Resources presented the paper providing the Council with an update on the implementation of the system of collecting the ARF by instalments. The Council heard that the system had opened smoothly and noted the uptake details in the paper. The Chair of FPC noted that the Committee would continue to monitor the uptake data, as compared to the assumptions set out in the PwC report, and ensure that any financial risks would be incorporated into the CCP.

9.2 The Council **noted** the update.

10. Board Effectiveness and Board Development

10.1 The Head of Governance presented the paper outlining the proposed plans for the next iteration of the external review into Board effectiveness. The Council was asked to approve the proposed approach and to note the update on Board development.

- 10.2 The Council agreed that the questions posed were the correct areas of focus for the next iteration of the external review into effectiveness and noted that the primary areas of focus should be:
- a. The context questions: What does high performance look like in terms of the Council as a whole, as a Council Committee and as individual contributions? How can the organisation manage this most effectively?
 - b. The questions around Council performance and effectiveness – including skills mix, external and internal engagement and clarity of messaging to the Executive.
 - c. The Council culture questions – with an enhanced focus on equality, diversity and inclusion within question 13.
 - d. Certain Governance questions, such as:
 - Question 20 – the proportion of time spent on stewardship versus oversight, referring back to the Deloitte review.
 - Question 21 – quality of information provided to enable decision making.
 - Question 22 – with a focus on whether the Council was being asked to take the right strategic decisions.
- 10.3 The Council **approved** the proposed approach to the next iteration of the external review into Board effectiveness.

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

11. Organisational Performance – Q1 of 2021

Part A: CCP Quarterly Performance Report – Q1 of 2021

- 11.1 The Executive Director, Registration and Corporate Resources, the Head of Business Intelligence, Delivery and PMO and the Head of Finance and Procurement presented the paper outlining the organisational performance reporting information for Q1 of 2021.
- 11.2 The Council heard that the organisation's operating surplus for this period was £26.4m (£1m higher than budgeted). Overall delivery of the CCP was on track, with planned mitigation actions in place for the exceptions. The total establishment was 22.6 FTE below budget, across a variety of teams, and there were plans in place to recruit to 21 of those posts. Sickness levels had dropped, and quarterly staff survey responses had improved by 7%.
- 11.3 The FPC had scrutinised the performance data and had reviewed the MoSCoW rating of the project portfolio. Seven projects had been reinstated. The Committee's view was that there remained room for improvement around sickness levels and there were plans for an in-depth review into the staffing issues, including how to ensure the organisation remained an attractive employment prospect in both of its local markets. The Council heard that the FPC had noted that planning and budgeting was more difficult through the pandemic period and the Council heard that, whilst it was likely the organisation had overbudgeted slightly, this would be rectified in the planning process for this year. There were opportunities to manage future liabilities and volatility, including by de-risking the pensions portfolio, and the Council was assured that the FPC was scrutinising these issues carefully on its behalf.

Part B: Finance Forecast

11.4 The Head of Finance and Procurement outlined the key financial performance information for the Council for Q1 of 2021 as contained within the paper and the Council noted that some of the savings were related to work that would not happen (in-person meetings or hearings or ORE dates for the first part of the year) but other elements related to delayed spend that would be factored into the planning cycle.

11.5 The Council **noted** the reports.

The Head of Finance and Procurement left the meeting and the Head of GDC Policy and Research Programme joined the meeting.

12. Strategy – Key Performance Indicators

12.1 The Executive Director, Strategy and Head of GDC Policy and Research Programme presented the paper which outlined the proposed approach to the development of a new suite of Key Performance Indicators (KPIs) for the Strategy directorate. The Council heard that the FPC had considered and scrutinised the proposals and recommended more frequent reporting than on annual basis.

12.2 The Council **discussed** the following:

- a. There was a need to ensure a qualitative measure of whether the Policy and Research teams were focusing their efforts in the right places and whether those efforts translated to the impact that the Council wished to have. There was also a need to add a layer of objectivity to the subjective measures of quality – either by talking to stakeholders, or by benchmarking with other regulators, or some other measure of external independent assessment, such as peer review
- b. One measure of whether the work of the team was meeting the Council's expectations was to ascertain how many times work needed to be presented to Council to secure a decision and an objective measure of whether it was clear to the Council that a decision was sought, with recommendations as to the approach to take, appropriate risk analysis and analysis of stakeholder views. Another element that was measurable was whether the team were cognisant of when work could be progressed in-house, and whether it needed external involvement at appropriate points.
- c. The Council would be keen to see the KPIs interaction with the organisation's strategic aims and operational delivery, and where the work of the teams was driving improvement elsewhere. It would also be important to measure whether the Senior Management Team in the Directorate were spending their time on the key organisational priorities, whether the Council was getting the information and analysis it needed to take key decisions and whether the organisation was exercising its levers of influence over key stakeholders appropriately.
- d. The Council recognised that the KPIs would need to be appropriate to various audiences; the EMT, the FPC and the Council. The team should focus on whether it was doing the right things, doing them well and doing them efficiently. The quality and impact measures would be the most important for the Council to monitor.

12.3 The Council requested that the team bring this work back to a workshop later in the year to discuss the proposals in more detail once this feedback had been incorporated.

The Head of Business Intelligence, Delivery and PMO and Head of GDC Policy and Research Programme left the meeting and the Head of People Services and Head of OD and Inclusion joined the meeting.

13. People and Organisational Development (POD) – Annual Report

- 13.1 The Executive Director, Organisational Development, Head of People Services and Head of OD and Inclusion presented the paper which outlined the annual report on the performance of the Organisational Development directorate. The Council noted an amendment to paragraph 2.2 of the paper – that there had been 1% increase in permanent staff rather a decrease.
- 13.2 The Council noted the progress of the various workstreams across the year and asked the team to focus on how to improve the perception of staff that their views were listened to by senior leadership. The Council heard that there were plans for work in this area with the internal communications team. The Council also noted, for the next iteration of the report, that it was sighted on more granular detail on the Associates part of the GDC workforce.
- 13.3 The Council noted that there were several areas of policy review that had fallen behind, due to the pressures of managing the Covid-19 pandemic, but that these were being prioritised this year given the risk created by them being outdated, and the attendant work that this created across the organisation.
- 13.4 The Council **noted** the report.

The Head of People Services and Head of OD and Inclusion left the meeting.

14. Any Other Business

- 14.1 There was no other business.

15. Review of the Meeting

- 15.1 The Council noted that it would review both the public and closed sessions of Council at the end of the working day.

The meeting was closed at 11:55am