

Minutes of the General Chiropractic Council meeting on 26 March 2019 held at Park House, 186 Kennington Park Road, London SE11 4BT

Members present	Mary Chapman (Chair of Council) Roger Dunshea Tom Greenway Steven Gould Gareth Lloyd Sharon Oliver	Ralph Pottie Liz Qua Julia Sayers Carl Stychin Gay Swait Phil Yalden
Apologies	Keith Richards	
In attendance	Nick Jones, Chief Executive and Registrar Jamie Button, Registrations Manager	Rui Domingues, Director of Finance Richard Kavanagh, Business and Project Manager

CO-1903-1	<p>Apologies and declarations of interest</p> <p>The Chair opened the meeting by welcoming both Council members and the observers to the first meeting of 2019.</p> <p>Apologies were received from Keith Richards.</p> <p>No declarations of interest were made.</p>
CO-1903-2	<p>Draft minutes of the meeting of 11 December 2018 and matters arising.</p> <p><u>Minutes</u> The minutes were agreed as an accurate record of the meeting.</p> <p><u>Matters arising</u> C-1812-4: Regarding the General Chiropractic Council (GCC) staff member responsible for whistleblowing to be included on the website, the Chief Executive and Registrar said this would be actioned within the next few days. The Chief Executive and Registrar would also ensure that prescribed person was accessible.</p> <p>C-1812/7: Regarding identifying baseline data on the range of chiropractors currently involved in work for the GCC and to consider if further action was necessary, the Chair noted that there was a lot of work to be done and recognised some of the resourcing issues and asked that a date be set for concluding this work.</p> <p>C-1812-5: The Finance Director had provided Fitness to Practise baseline costs per each meeting of the Investigating Committee and Professional Conduct</p>

	<p>Committee, as requested at the December 2018 meeting of the Council (at CO-1903-2Bi).</p> <p>In answer to a query about cumulative costs of the Committees, the Director of Finance said that extra costs may be incurred at the level of the Professional Conduct Committee..</p> <p>It was suggested that it would be worth benchmarking of costs against other regulators, particularly those with Human Rights Act obligations.</p> <p>Action: the Finance Director to undertake benchmarking to inform the GCC review of its Fitness to Practise processes.</p>
CO-1903-3	<p>Chair's report</p> <p>The Chair presented her report, on activities since the December 2018 meeting of the Council. It covered the handover of executive leadership, governance matters and the Council effectiveness review, engagement with the profession and other stakeholders.</p> <p>A query was raised about the GCC sharing services with the Health and Care Professions Council (HCPC) - as landlord to the GCC. The Chair confirmed that this was unlikely at present as this is not a current focus of the HCPC. The Finance Director noted the GCC is discussing procurement arrangements with HCPC to see if the GCC could benefit from its 'framework' agreements.</p> <p>The Chair formally welcomed Nick Jones as Chief Executive and Registrar of the GCC.</p>
CO-1903-4	<p>GCC Governance Arrangements</p> <p>The Chair presented this paper setting out proposed changes, with effect from April 2019 addressing succession planning as regards to membership of Committees of the GCC. The changes proposed were:</p> <ul style="list-style-type: none"> • That Ralph Pottie be appointed as a registrant member of the Education Committee, following the ending of Liz Qua's term of office; • In order for Council to fulfil its duties in respect of its responsibilities to all four nations, Ralph Pottie to take on representation of Northern Ireland, in addition to his current role as representative of Scotland; • That Council approve not recruiting to the vacancy in the Council and in doing so, leave one lay and one registrant position vacant, retaining a Council membership of 12. <p>The Chair noted that the Privy Council had indicated that the GCC need not recruit to vacancies to the Council, in line with general developments in governance arrangements of other professional regulatory bodies consistent with reform proposals. The Council raised some concerns as to home country representation obligations within the Act.</p> <p>Action: The Chair to seek advice from the Privy Council, concerning the requirement to recruit a Council Member who lives or works in Northern Ireland.</p> <p>The Council agreed:</p> <ul style="list-style-type: none"> • The appointment of Ralph Pottie to the Education Committee, and this be reviewed once the outcome of the DHSC consultation on regulatory reform

	<p>was known and, in any event, within 18 months;</p> <ul style="list-style-type: none"> • To maintain Council membership at 12 members, and to keep this under regular review; • The appointment of Ralph Pottie as representative of Northern Ireland, in principle, pending advice from the Privy Council as to home country representation <p>The Council also noted the appointment of Keith Richards to the Audit Committee.</p>
CO-1903-5	<p>Chief Executive and Registrar report</p> <p>The Chief Executive and Registrar introduced this report summarising key developments since the December 2018 meeting of Council, covering: the Professional Standards Authority (PSA) annual performance review and its pilot scheme in advance of introducing new Standards of Good Regulation (SGR) in 2020; <i>Duty of Candour</i> and other PSA business; developments in the Department of Health and Social Care including regulatory reform and information on clinical negligence requirements, following a consultation undertaken by it last year.</p> <p>The Chief Executive and Registrar thanked the Chair, Members and staff for the warm welcome and acknowledged the hard work by the interim Chief Executive and Registrar, Tricia McGregor, by way of handover. He noted that Council had agreed an ambitious business plan and he looked forward to working with staff and Council on the achievement of that plan.</p> <p>As well as becoming familiar with the work of the GCC, his other priorities had been to meet with stakeholders, and reported he had:</p> <ul style="list-style-type: none"> • Visited the McTimoney College of Chiropractic in order to understand the services and issues from an Education provider’s perspective • Attended conferences in March – the International Regulatory Chiropractic Society annual meeting and World Federation of Chiropractic/European Chiropractic Union Biennial Congress in Berlin, and the United Chiropractic Association Spring conference • Attended the PSA Academic and Research Conference, which offered an opportunity to deepen relationships with other professional regulatory partners. The Chief Executive and Registrar undertook to provide Members with more information on the presentations and reports. <p>Action: A link to papers and presentations from the PSA conference to enable downloading of presentations to be shared with Council.</p> <p>The Chief Executive and Registrar highlighted in particular, the following:</p> <p><i>PSA annual performance review of the GCC</i></p> <p>It was noted that the PSA annual review of GCC performance had commenced with the timing of its report dependent on the progress and assessments made in the review. The Chief Executive and Registrar highlighted the good progress made on the action plan from the last review (appended to the report). The Chief Executive and Registrar also highlighted the lacuna identified by the PSA in relation to the maximum suspension period of two months that can be applied by the GCC Investigating Committee such that registrants could return to practise after the suspension period. This gap in the legislation underpinning the GCC’s work had been drawn to the attention of the Department of Health and Social Care (DHSC) by letter and a reply is awaited.</p>

	<p>Action: Outcome of the exchange with DHSC to be reported at next meeting.</p> <p><i>Duty of Candour - the PSA publication "Telling patients the truth when something goes wrong"</i></p> <p>The Chief Executive and Registrar drew attention to the report, noting that the obligation on registrants to be candid is set out in <i>The Code</i> but said he looked forward to having discussions with stakeholders and registrants to consider ways in which the lessons could be embedded in practice.</p> <p>The Council discussed how the report findings might be disseminated. The Chief Executive and Registrar noted it could usefully be communicated through engagement with the profession at conferences and through the emerging and improving communication methods such as the GCC newsletter and social media.</p> <p><i>Regulatory reform</i></p> <p>The Chief Executive and Registrar noted that government had yet to respond to the consultation in 2017 regarding its proposals to reform the regulatory system but that officials were working hard on a range of operational aspects, notably governance and arrangements relating to fitness to practice.</p> <p>The Chair noted it was clear from the Chief Executive and Registrar's written and oral reports that he had worked hard to understand the number of challenges and issues affecting the GCC and the landscape in which it operates.</p> <p>A query was raised about the GCC's involvement in the PSA pilot on its new standards. The Chief Executive and Registrar noted it was important for the GCC to be involved, that it was not onerous and it would be balanced against other priorities.</p> <p>A query was raised about the PSA action plan at point 6.5 in regards to the information sharing arrangements with the Care Quality Commission (CQC). The Chief Executive and Registrar stated he had been in contact with the CQC and that he hoped to have that resolved soon and would provide feedback to Council as soon as the information was available. He also noted that the number of chiropractors registered with the CQC was low, alongside the risk.</p>
CO-1903-6	<p>Performance Report</p> <p><i>Business Performance report</i></p> <p>The Business and Project Manager introduced the report and highlighted that the GCC had not met its key performance indicator of determining cases within a median (the benchmark utilised by the PSA) of 28 weeks from receipt of complaint to determination by the IC, although it was hoped that this was a temporary aberration. He noted an increase in the number of complaints and that this might have financial implications if complaints continued to rise. The Business and Project Manager also noted that the volume of cases considered by the Professional Conduct Committee was more stable, with one case being closed and one referred.</p> <p>The Business and Project Manager noted that 'advertising cases' were progressing with 225 cases considered by the Investigating Committee to date, and none subject to referral to the PCC, and further, that a "lessons learned" document will be prepared following completion.</p>

	<p>In discussion it was suggested that potential improvements to the data presented to Council be considered - for example more information on serious cases as opposed to the general median and information on the length of time an interim suspension order took might be useful. The Business and Project Manager responded that much data is captured, and further consideration be given to the most useful way of presenting the data.</p> <p>Council noted that proposed revisions to fitness to practise processes are to be presented at the June 2019 meeting of the Council, and suggested that performance measurement and reporting be included as an element then.</p> <p>Action: The Chief Executive and Registrar and Business and Project Manager to agree performance measures to be included in proposals on fitness to practise processes presented to the June 2019 meeting of Council .</p> <p>In discussing the costs of Investigating Committee cases, the Director of Finance noted these were partially a function of the structuring of some cases, with changes expected following the review.</p> <p>Action: The lessons learned report on advertising cases to be presented to Council at its meeting in June 2019.</p> <p><i>Business Plan 2019 update</i></p> <p>The Business and Project Manager introduced the report providing Council with an update on progress with delivery of the GCC's 2019 Business Plan. The ambition of the plan was noted, with 27 separate business activities for 2019 covering the four strategic aims, contained within the GCC five-year strategy. The larger projects underway were noted - the new GCC website, a revised approach and database relating to CPD and registrations, and changes to fitness to practise processes.</p> <p>The Business and Project Manager noted that Members' engagement and input on areas of work within the business plan would be welcomed, for example, on the new website or other projects that were either of interest or where Council members had skills and experience.</p> <p>Council recognised the plan as an ambitious one and noted that the plan and associated timescales would be reviewed as the year progressed.</p> <p><i>Finance report</i></p> <p>The Director of Finance updated Council on activities underway supporting the GCC's 2019 financial strategy, and reported</p> <ul style="list-style-type: none"> • The surplus position on 2019 expenditure to date, that it was positive but that it was early in the year and that the position could change. • Investment Portfolio performance – a negative net return for 2018 and noted the change to the portfolio parameters (covered elsewhere on the agenda). • The introduction of two system changes – <i>Moorepay</i>, the extant payroll system and the new HR system were now integrated, and Click Travel self-service online travel and accommodation booking system, was now live with positive early feedback.
CO-1903-7	Policies for approval

	<p>The Director of Finance introduced this paper setting out changes to the Investment Policy and the Reserves Policy, as part of the GCC financial strategy approved in December 2018.</p> <p>The principal changes noted to the Investment policy were:</p> <ul style="list-style-type: none"> • The primary objective: ‘to cover budgeted income[to meet budgeted expenditure] from [investment] income and/or capital’ • Long term objective return to be CPI + 3.0% • Attitude to risk revised to ‘medium to high’ from ‘high’ • Reduce UK equities by 5% and introduce 5% cash to asset allocations • Update the short-term benchmarks <p>Change ‘Absolute Return’ to ‘Alternatives’ to include infrastructure and other assets</p> <p>Agreed: Council approved the Investment policy.</p> <p>The principal changes noted to the Reserves policy were:</p> <ul style="list-style-type: none"> • Risk based approach to set reserves levels • Rather than an absolute general reserve figure of £2.9m being used, a proxy of six months’ expenditure will be used to set and monitor the level of general reserve • Excess reserves above the general reserve figure will be placed in a designated reserve and will be earmarked for particular use(s) by Council <p>Agreed: Council approved the Reserves policy.</p>
CO-1903-8	<p>Annual reports</p> <p><i>Annual Fitness to Practise report 2018</i></p> <p>The Business and Project Manager introduced this draft report drawing Council’s attention to the following key points:</p> <ul style="list-style-type: none"> • Fewer complaints were received in 2018 than 2017 • The most common allegation made by patients related to inappropriate/excessive treatment or concerns about the treatment provided • Cases were closed more quickly in 2018 than in 2017 • Fewer cases were referred to the PCC from the IC than in previous years • At the end of 2018 there was the lowest amount of open PCC cases in the last five years • Five chiropractors were found guilty of unacceptable professional conduct <p>The Business and Project Manager noted it would be important to understand complaint types and source and nature of the complaint, to aid understanding and which, when disseminated, could assist with the reduction of complaints.</p> <p>Council asked that the word “deals” on page two of the report under the first section “Duties and objectives” be changed.</p> <p>Action: ‘Deal(s)’ be replaced with a suitable alternative.</p> <p>Agreed: Subject to this, Council approved the report of the annual review of Fitness to Practise for publication,</p> <p>The Chair thanked the Business and Project Manager for a thorough and</p>

comprehensive report.

Annual report from the Professional Conduct Committee (PCC)

The Chair welcomed David Clark, 'Chair of Chairs' of the PCC, to the meeting. Mr. Clark presented the report, providing background to his role as an important bridge between the GCC and the PCC, and information on cases heard by the PCC in 2018. He also reported on training of members of the Committee, the co-option process and issues and difficulties that arose in the course of the year.

Mr. Clark noted the PCC sought to increase its registrant pool, given the small number of such members (four, currently) and to broaden the diversity of membership. He also reported that a recruitment process was planned for 2019 ideally to be concluded by autumn 2019, depending on whether there would be a co-option process or full recruitment drive.

The Chair thanked Mr. Clarke for his helpful and thorough report on the activities of the PCC.

Annual report on Registration

The Registration Manager introduced the draft annual report on registration activity, and drew attention to the small increase in registrant numbers in 2018, currently 3,239 registrants - 19 more registrations than the previous year (a 0.6% increase).

The Registration Manager noted a reduction in the number of UK graduates applying for registration and a drop in the number of graduates taking the GCC Test of Competence. As regards the test, he noted the overall pass rate was 67%.

In response to a query about the numbers of registrants removed for 'non-compliance with CPD requirements' the Registrations Manager confirmed this related to those who had not submitted their CPD summary by the deadline and following an effort by the office to reach out to determine if they wished to remain registered..

The Registrations Manager also noted that while the number of chiropractic students would increase it would take several years to filter through to be reflected in registration numbers. It was also noted that UK exit from the European Union (EU) may have an impact on registrant numbers in the future if students from the EU could not remain and work in the UK.

A question was raised about whether there was any follow up of those removed from the register to ensure they were not referring to themselves as chiropractors. The Registrations Manager said the GCC did not currently investigate those matters and the Chief Executive and Registrar noted this was work that needed reviewing and that he would revert to Council on that question.

Agreed: Council approved the 2018 Annual report on Registration.

Annual report on Equality, Diversity and Inclusion

The Business and Project Manager presented the draft annual Equality, Diversity and Inclusion (EDI) report updating Council on activities in 2018 relating to the GCC's agreed objectives: Governance; Policies and Processes; Data; Employment; Communications and Engagement; and Access (accessibility of information for all).

	<p>Council discussed the relatively high number of registrants who did not disclose information to support monitoring of equality and diversity. The Business and Project Manager noted this would be considered as part of the current review of registration processes, and that greater engagement with the profession may have the effect of registrants wanting to provide more information to the GCC.</p> <p>The BPM also said it would be important to update the EDI strategy so that it was in alignment with the new GCC five-year strategy.</p> <p>Agreed: Council approved publication of the report on Equality, Diversity and Inclusion</p>
CO-1903-9	<p>Updates from Committees</p> <p>The Chair of the Audit and Risk Committee (ARC) updated Council on the Committee's work, noting it met on 25 February 2019, with a main focus on reviewing the annual report and accounts. The Chair of ARC:</p> <ul style="list-style-type: none"> • Expressed gratitude to the GCC team for their hard work in completing the report and accounts swiftly and carefully. • Noted the presence of representatives from GCC external auditors haysmacintyre and that, as expected, some minor fine tuning around the notes for the accounts were made but no major concerns were reported and that the audit had gone very smoothly. <p>The Chair of the Audit and Risk Committee also noted that the Committee:</p> <ul style="list-style-type: none"> • Approved three policies: anti-bribery and corruption policy; the procurement policy; and financial regulations policy. • Discussed the Strategic Risk Register, adding it had agreed that once the Register had been considered by the Executive, proposals relating to a programme of internal audit be made to the Committee. • Discussed the insurance renewal report in order to be assured it was fit-for-purpose. • Noted three breaches relating to data governance in 2018, none of which had been considered serious enough to be referred to the Information Commissioner's Office; and seven Freedom of Information requests had been received and administered.
CO-1903-11	<p>Any other business</p> <p>The Chair noted the recently undertaken effectiveness review of the performance of the Council that had been completed and wanted to place on record her thanks to the stakeholders of the Council who had contributed thoughtfully to the review.</p> <p>The Chair, speaking on behalf of Council, conveyed her gratitude to Liz Qua at her final meeting of the Council before retiring, for the insights and contributions she had brought to Council over the eight years that she had served on both the Council and on other Committees. The Council had much appreciated Liz's commitment and collegiality during her period of office and offered their very best wishes for the future.</p>
	<p>Date of next meeting: 27 June 2019</p>